societies. In these places, citizens use a "medieval jurisprudential" logic—and not constitutional law and its embedded colonial legacies—to fight for stability and moral order (177). The ideals of constitutionalism and religion are, however, layered with tradition and modernity, and both of these ideals may ultimately serve a "masculinist [and reductionist] account of" the state, law, and religion (16).

* * *

China and Islam: The Prophet, the Party, and the Law. By Matthew S. Erie. Cambridge: Cambridge University Press, 2016.

Reviewed by Arzoo Osanloo, Department of Law, Societies, and Justice, University of Washington.

Among the many qualities and contributions of Matthew Erie's rich monograph on Islam, law, and legal practice in China, one of the most significant is the breadth and depth of the ethnographic account. The book's portrayal of an Islam that is dynamic, and yet not totalizing, is a difficult feat to render, one that requires sustained access, deep commitment, and enduring relationships.

China and Islam: The Prophet, the Party, and the Law shows the dynamism of Islam by providing a level of particularity about formal and informal institutions and mechanisms, along with myriad actors, animating and giving meaning to Islam and law in China. Through seven substantive chapters that examine history, rituals, morals, and lawfare, Erie offers nuanced contextualization of how Hui Chinese Muslims practice Islamic law. It should not go without saying that nuance, context, and detail are *de rigueur* in sociolegal studies of civil and common law societies, but have not been exactly standard fare in analyses where *shari'a* is a component of legal praxis. Ultimately, the work succeeds in providing a rich example of what we might call Islam in practice.

By crafting vivid narratives around a range of subjects, including the relationship and accommodations between the Hui Chinese Muslims and the Party-State, localized Islamic orthodoxy, marriage, dispute resolution, adoption of the *hijab*, and much more, Erie fashions an ethnographic account of the complexity of Islam. Both by presenting the details of what constitutes its practice and by highlighting the forces, including individuals, that animate and give it shape, Erie evokes Islam though a broader world of networks and

https://doi.org/10.1111/lasr.12356 Published online by Cambridge University Press

circuits of meaning in the post-socialist state. For example, from Erie's attunement to the workings of Chinese bureaucrats, we see Islam in China given meaning and substance through and sometimes against the forces and politics of the state.

Through this degree of specificity, we glean three important points about Islam in practice from *China and Islam*. First is the range and scope of what it means when Muslims say that Islam provides all the answers for how to live a principled life. The numerous dimensions of this book show many of the different ways in which a believer can turn to the *shari'a* for guidance, both in terms of *ibaadat* (ritual worship) and *mu'ammalat* (interpersonal relationships). Second, the ethnographic detail provides the reader with an Islam that is malleable, even practical, at times, and certainly adaptable to specific social and political conditions. We see this in the chapters on education, marriage and divorce, and informal adjudication. The third important dimension of this work's particularity is that we have an important contribution to the study of Islam beyond the Sunni Arab Middle East. While Erie shows how the Hui are deeply connected to Middle Eastern Muslims, their own practices are authentic, and yet, notably distinct. Observing this dynamism of Islam without totalizing it also gives readers a sense that Islam can be pure, changing, and different—all at the same time. This is because, as *China and Islam* demonstrates, Islam should never be imagined independent of the local conditions that give it shape, meaning, and legibility.

In offering a reading of Islam in relation to its social conditions, Erie engages with the work of Asad (2003), Mahmood (2005), and others on embodiment, ritual, virtue, and piety. One of the important contributions of that work is to have advanced scholarly inquiries into gender and piety and to offer critiques of liberal feminism, particularly of those for whom agency in Muslim societies could only be perceived as resistance to patriarchy. Mahmood, in particular, showed that agency could rather be directed towards interior and exterior practices of cultivating virtue. That is all well and good, but there are distinctions to be made, of the sort that Asad criticized Geertz (1973) for. That is, the relations of power that cannot be wished away or, as the case may be, prayed away. My question for the embodiment camp has always been, what happens when the pious Muslim woman is in an unhappy marriage and wants out? Sure, she might pray, but at some point, if things do not improve with prayer or familial advice and mediation, she goes to court; she employs the state's legal apparatus and appeals for relief. This is what I found in my research in Iran (Osanloo 2009) and Erie shows us this as well.

Women's engagement with the state's legal apparatus, where they seek the advice of counsel and make a case for themselves

https://doi.org/10.1111/lasr.12356 Published online by Cambridge University Press

because they do not have *prima facie* standing to obtain divorce as the men do, is a space in which women's subjectivity is shaped, independent of, but also not in conflict with, their own notions of piety. It is partly in the act of proving they have standing that they individuate, and through the exigencies of the civil laws and procedures that they further cultivate an autonomous sense of self. My thinking draws of course on studies of legal consciousness in courts in liberal societies. It is also informed by what I saw in Iran's family courts. This autonomous rights-bearing self may differ greatly from the relational wife/mother/daughter, but one cannot seek a right if one does not see oneself as an individual endowed with rights. In this sense, I argued, civil laws and court procedures inflected the individuated subjectivities of the women litigants.

At the end of Chapter 5, "Wedding laws," we get a sense of how difficult it is to rely on the Asad/Mahmood embodiment logics, which suggest that the cultivation of docility and timidity is a unique means to actualization. While this may very well be true for *ibaadat*, for ritual or devotional life, the cultivation of a legal consciousness also occurs, as Erie shows, for practical social problems that of course entail in the meaning of *mu'ammalat*. One of the finer points of Chapter 5 is that women's legal consciousness develops as much through engagement with Islamic law as through their use of the state civil legal system. What Erie shows in this work, then, is that this is not an either—or proposition (agentive docility or legal consciousness) and that is itself a contribution to the study of Islamic law and society. The point is that the adversarial hearing presupposes an individuated plaintiff. The legal form and process necessitate individuation, so it is important to examine the process of adjudication as well.

Finally, Erie's use of the term "Islamic law" is worth noting. He defines it as a term that includes ethics, morals, customs, as well as the positive law. Early on in the book, Erie defines law as including "law plus ethics, plus morals, plus customs" (18), and although he examines the fraught nature of the term "Islamic law" and the breadth of its meaning, he notes that for descriptive purposes, he employs "Islamic law" throughout the book to refer to *shari'a* and *fiqh* (jurisprudence) (19 n37). As a reader, I agree with and appreciate the spirit of understanding *shari'a* beyond mere legalism. *Shari'a*, as we know, and as Erie notes, is a set of principles guiding Muslims on their proverbial path to the well. *Shari'a*, literally meaning, "the path," provides believers with a roadmap, of sorts, to enlightenment. *Shari'a*, we also know, provides guidance to Muslims on *all* matters, dividing them between *ibaadat* and *mu'ammalat*, the former regulating a person's individual and independent relationship with the higher power and the

https://doi.org/10.1111/lasr.12356 Published online by Cambridge University Press

latter serving as a set of principles between people, communities, and so on. Very few of these guidelines are prescriptive in nature. Those that are often make up the basis for the coercive rules codified in a Muslim-majority state's legal codes.

Indeed the limiting Austinian definition of law, or the "command theory," has been greatly criticized. In the context of Islamic law, however, it is important to consider the political and social consequences of naming a set of guidelines, as *shari'a* is, as "law" and to think about the epistemological work that the word "law" does in a postcolonial world. That is, we might think about what elements turn the *shari'a* into law and what the consequences are for readers. (I am not trying to revisit the Gluckman [1955] and Bohannan [1957) debate here, of which Erie also makes note [17 n34]). Granting that I study a state in which the sovereign has a monopoly on both legitimate violence *and* exegesis (Iran), my concern is that if law includes ethics, morals, and customs, and Islamic law includes *shari'a* and *fiqh*, then how are readers to distinguish coercive force from non? How are we to distinguish between Islamic law and any of the following: Islam, *shari'a* (principles), *qanun* (law), *orf* (custom). Erie notes that in China, like the United State, Islamic law "derives from the authority of religion and not that of the state, yet this authority is no less palpable" (19). But I wonder, in a non-religious state, such as China, can the palpability really compare with the state's law? Also, could we make such a claim, for instance, in a state that does not accept the religious sanction of death, say, for apostasy or adultery?

If we hew to Hart's (1961) examination of law, in which he mounts a critique of Austin's too-narrow definition, by referring to the *shari'a* as Islamic law, I fear we are engaging in an act of reductionism. By reinforcing the coercive forces of the *shari'a*, exactly what Hart was objecting to in Austin's definition, we neglect the *shari'a*'s very breadth, malleability, and adaptability—the kinds of qualities that Hart also tried to highlight in his broader definition of law. Ironically, this is the kind of openness that Erie's attention to Islam also succeeds in depicting.

I say this because I think what it is important for scholars of law and society to consider, as they look beyond North America, Europe and Australia, and beyond laws-on-the books to laws-in-action, is the work of translation that is happening in every act of *showing*—in every ethnographic monograph. Those acts are attempts at translating, to be sure, but words are often insufficient to translate; instead, at best, they are approximations. Scholars use words very deliberately, aiming for precision. Given this need for rigor, what I see as problematic is that scholars of law and society who work in Muslim-majority contexts need to have a way to distinguish between *shari'a* as a sort of "canon law" or spiritual and moral guidelines and where

https://doi.org/10.1111/lasr.12356 Published online by Cambridge University Press

those principles are backed by the threat of force and have indeed become the law of the state. What's more, we need a way to understand when individuals or communities behave in a certain way because it is the law of the state, the *shari'a*, both, or neither.

But my point about distinguishing terms is a larger one, and one on which I will conclude. I am reminded of a book that came out around the same time as Erie's *China and Islam*, Shahab Ahmed's (2015) *What is Islam?* In it, Ahmed argues that to understand the broader normative Islam, we need to go beyond just the study of Islamic law. Ahmed finds Islam in philosophy, history, art, literature, architecture, geography, music, food, and drink, all of which are areas he explores. Ahmed also questions the legalistic turn in the study of the practice of Islam. He laments that today, many scholars of Islam and practicing Muslims look solely to the *shari'a,* the *Sunnah*, and legalistic interpretations of the Qur'an, leaving aside much other relevant and appropriate guidance on what it means to live as a principled or "perfect" believer. Ahmed also shows that before the eighteenth century, pious Muslims rarely viewed questions about how to practice Islam, what is Islamic, or how to be Muslim—through this legalistic prism. When they wanted answers to these questions, they turned to works of poetry, fiction, art, and music. So I wonder if we could think a bit about what is gained and what is lost in employing the term Islamic law instead of the more specific terms, such as *shari'a, fiqh, orf*, and *qanun*.

References

Ahmed, Shahab (2015) *What is Islam? The Importance of Being Islamic*. Princeton, NJ: Princeton Univ. Press.

Asad, Talal (2003) *Formations of the Secular: Christianity, Islam, and Modernity*. Palo Alto, CA: Stanford Univ. Press.

Bohannan, Paul (1957) *Justice and Judgment among the Tiv*. Prospect Heights, IL: Waveland Press, Inc.

Geertz, Clifford (1973) *The Interpretation of Cultures*. New York: Basic Books.

Gluckman, Max (1955) *The Judicial Process Among the Barotse of Northern Rhodesia*. Manchester, UK: Univ. of Manchester Press.

Hart, H. L. A. (1961) *The Concept of Law*. Oxford, UK: Oxford Univ. Press.

Mahmood, Saba (2005) *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton, NJ: Princeton Univ. Press.

Osanloo, Arzoo (2009) *The Politics of Women's Right in Iran*. Princeton, NJ: Princeton Univ. Press.

* * *

https://doi.org/10.1111/lasr.12356 Published online by Cambridge University Press