

BOOK REVIEW

Rubya Mehdi, *Gender and Property Law in Pakistan: Resources and Discourses*. Copenhagen: DJØF Publishing. 2001.

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Two subjects of study intersect in Rubya Mehdi's study of women and property in Pakistan: the relation of 'formal' law to local practice and the disjunction between those rights a woman may possess and those she may be able to implement. These twinned problems, which are common throughout much of the world, take on a special interest in the Pakistani situation because one can simultaneously study the variation of these factors across different regions of the country and use them to test broader propositions about the relation of a universalizing religion to local circumstance.

Mehdi concentrates on the practices of communities from four regions of Pakistan. Although she is careful to indicate that hers is neither a statistically representative survey nor a full-scale treatment of any given locale she slights her own contribution by not emphasizing that she captures quite strikingly the range of variation and the characteristic embeddedness of the issues of women and property in this complex environment. Thus she is able to show that whether it is through the emphasis on gifts from the bride's family to the bride or to the bridegroom, whether it is by women foregoing their Islamic inheritance rights in return for support or being used as pawns by their brothers and in-laws, women's relation to property depends greatly on local practices and, increasingly, on their interaction with laws deriving from the state or 'high' religion.

Specifically, Mehdi gives us a host of wonderful case studies not only of women and their property but, through that lens, the broader social world of which property is a part. In the process she paints a sensitive portrait of men and women struggling for security in an environment made all the more uncertain by the multiplicity of ways in which one may forge alliances and use the multiple legal regimes available to negotiate, resolve, avoid, harass, or conduce others to one's way. If women in Baluchistan are subject to slower change than women in the

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North West Frontier Province, or if women in the Punjab can more often rely on written records of their marital agreements than their sisters in Sindh, all share the need to rely far more on communal decision-making than national courts for whatever protections they may possess.

Mehdi's study raises a number of questions comparativists generally will find striking. She shows that custom and formal law are deeply entwined: Indeed, as she says, "Muslims treat customary law as part of Islamic law." (p. 50) But one could go even further and ask whether the fact that most Muslims regard their local practices not as set alongside Islam but *as* Islamic means that law, custom, and religion are here conceptually merged at some important level. Indeed, might this not help account for the spread of Islam – that one can keep one's local practices by virtue of their amalgamation as Islamic? And if so, does this not add another possibility to the helpful analysis Mehdi gives of the ways law and custom may interact?

In sum, Mehdi's study is an important contribution to Islamic studies and to the understanding of how property affects the relations of men and women, government and local practice. The book, though handsomely produced, with pleasant line drawings and a broad range of cases, is somewhat marred by insufficiently careful editing and often incomplete references. Yet the thrust of the study comes through with great vigor as we see, through concrete instances, the often poignant and always intellectually enticing issues with which the women (and indeed the men) of Pakistan must daily cope. This is a book that deserves a wide readership and frequent citation.