

BOOK REVIEWS

Human Rights under State-Enforced Religious Family Laws in Israel, Egypt and India. By Sezgin Yuksel. Cambridge, UK: Cambridge University Press, 2015, 301 pp, £35.

In *Human Rights under State-Enforced Religious Family Laws*, Sezgin compares and contrasts (i) the enactments in Israel, Egypt and India of personal status laws “which includes only the matters of marriage, divorce, spousal maintenance and, to some extent, succession or inheritance,” (p.15); (ii) their impact on rights, particularly, “the freedom of religion, equality before the law, marital and familial rights; and procedural rights” (p.45); and (iii) the societal responses to the rights-weakening effect of personal status law. Sezgin explains the variation in institutional and normative unification (and fragmentation) of personal status law with “regime choices, state-society interactions [mainly, the balance of power between the state and religious groups] and ideological orientation.” (p.17) Accordingly, a theoretically inclined and exclusionary ideological orientation of state elites coupled with a lack of interest in unifying the field of personal status led to the implementation of a fragmented confessional personal status law in Israel. While at the same time, Egypt implemented a unified confessional personal status law due to (i) the state elites’ mechanical considerations to institutionalise a technocratic-authoritarian regime, overriding any clear ideological orientation, and (ii) the limited resistance they faced from religious groups and authorities. State elites in India, on the other hand, implemented a unified semi-confessional personal status law due to their secular and inclusionary ideological orientation, yet failed to institutionalise a thorough normative unification mainly because of the resistance of some religious groups and authorities.

Regardless of the type of personal status of law, Sezgin further argues, personal status law is detrimental for the rights of marginalised populations that include women, children, marginalised dissident voices, like the secularists in the case of Egypt. Nevertheless, individuals and activist groups find venues and ways to resist these detrimental effects through two main strategies that Sezgin identifies as forum-shopping and the formation of hermeneutic and rule-making communities. Among examples of the former are the cases of conversions to Islam or migrations between different Christian denominations in Egypt, and shopping between different *shariat* courts as well as between informal tribunals and state courts in India. In addition, Sezgin demonstrates in the empirical chapters (chapters 4-6) that particularly women’s groups, in all of the three countries, respond to the detrimental effects of personal status law through hermeneutic and rule-

making communities that challenge the official interpretations of religious precepts.

The book has four merits. The first is the comparative and historical focus on Egypt, India and Israel, the three countries with different majority religions. Such focus enables Sezgin to go beyond arguments that explain violation of human rights with the intrinsic qualities of religious traditions (p.10). In fact, Sezgin convincingly argues that “state-enforced religious personal status law is a socio-political construction [that is] not different than secular enactments of the state.” (p.10, 44) These secular enactments of the state have to do with codification and legislation of “the so-called religious laws,” incorporation of “institutions of certain ethno-religious communities into its legal system,” and taking “it upon itself to interpret and enforce these laws through its agencies.” (p.10) The wise move that Sezgin takes here to analyse personal status law as a socio-political construction allows the book, and this is its second merit, to analyse religious personal status law as an institutional and/or normative mechanism for forming subjectivities during nation- and state-building processes. He contends in chapter 2 that “questioning the universality of the so-called Western European trajectory of state-building and judicial consolidation, offers an alternative view on state-building in the post-colonial world.” (p.17) Thirdly, Sezgin’s methodological intervention to treat “human rights as a testing ground” (p.12, 45, 74) is valuable to simultaneously probe into the ways in which personal status law affects individual and group rights. Last, but not least, Sezgin’s focus on individual responses to the limiting and detrimental effects of personal status law allows him to demonstrate that religious legal systems or traditions have flexibility that opens up space for a diverse array of political strategies to negotiate the personal status law.

Despite these significant merits, the book would analytically benefit from a few clarifications. Although Sezgin’s emphasis on personal status law as a “socio-political construction that is similar to the secular enactments of the state” is very valuable, as mentioned earlier, the book still requires a clearer discussion of secular(ism) as an ideology and secular enactment(s) of the state as institutional tool(s). One byproduct of lacking such discussion, and subsequently, matching secular-religious (or “theologically inclined,” using Sezgin’s terminology) orientations onto inclusionary-exclusionary regimes structures, for instance, in the cases India and Israel, respectively, is to overlook at the ways in which inclusion and exclusion might happen simultaneously. Second, the ways in which state- and nation-building processes might be intertwined with each other remain ambiguous. Whether the book focusses on “the strategies adopted by post-colonial/post-imperial nations in the process of state-building” (p.10) or whether it does so on the choices that state elites made in institutionalising certain understandings of

the nation is unclear. As a result, for instance, it remains vague why ideological motivations assume a larger explanatory power in the case of Israel compared to Egypt where mechanical considerations towards building a centralised state mechanism do the explaining. If family is the central node around which personal status law is implemented in ways to shape subjectivities, one might as well make the claim that certain ideas about the nation – despite the degree of the firmness of these ideas – shape the ways in which religious family laws took particular forms in different contexts.

Overall, *Human Rights under State-Enforced Religious Family Laws* is an important intervention to the literature on state-enforced family law and its effects on human rights. The book is of particular analytical and empirical importance to the discussions on secular(ism) and religion, nationalism and nation-building, and human rights. Moreover, it offers practical information to human rights practitioners.

Sinem Adar, Early Career Fellow, Lichtenberg-Kolleg University of Göttingen