

that she had had a customary wedding (*zawāğ* ‘*urfi*)¹ with Aḥmad al-Fišāwī, a famous actor and the host of a religious talk show, and that she was pregnant from him. However, she claimed that she did not have a copy of the marriage contract, as al-Fišāwī had taken it away from her. Aḥmad al-Fišāwī’s first reaction was to deny the paternity, the marriage, and any relationship with Hind al-Ḥinnāwī. Hind decided to file a lawsuit against him in order to have the paternity of her daughter Līnā recognized.

In February 2005 a court ordered Aḥmad al-Fišāwī to undergo a DNA test to establish the paternity (p. 128). However, al-Fišāwī refused to do so. In March 2005 he appeared on the TV program *al-bayt baytak* and confessed that he had had a sexual relationship with Hind, but refused to admit that he was married to her (p. 131). A first verdict came in early 2006, and ruled against Hind on the basis that the *nasab* (paternal lineage) of a child can only be established if there is a marriage. Al-Ḥinnāwī appealed, and in May 2006 the Court of Appeal overturned the ruling and established the lineage of Līnā to Aḥmad al-Fišāwī (ibid.).

What makes the book particularly interesting is that it combines two sets of different sources on the same story, namely legal and journalistic sources, bringing together Islamic legal studies and studies on media in the Middle East and North Africa. To do so, Bentlage applies the “theory of interdiscourse” of German literary scholar Jürgen Link (p. 26), analyzing together “three complementary kinds of discourses: special discourse, interdiscourse, and elementary discourse” (p. 27). According to Bentlage, when “taken together, the three categories and their reciprocal relations and influences make up a rather comprehensive model that allows for the situation of virtually any kind of source text within the model, and to analyze the texts as discursive phenomena” (ibid.).

The book is divided into three substantial chapters: the first chapter analyzes the legal discourse on Hind al-Ḥinnāwī and Aḥmad al-Fišāwī’s story as “a product of the special discourse of Egyptian law” (p. 30). It starts with an overview of contemporary Egyptian law, in particular with reference to family law, and then introduces the main aspects of Link’s theory, showing how Egyptian law can be approached as a discourse, in the sense that it is “a mode of producing and reproducing interconnected texts” (ibid.).

I find it particularly interesting that in this chapter Bentlage not only uses as sources secondary literature in English and German and Egyptian personal status laws but

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A Tale of Two Stories. Customary Marriage and Paternity. A Discourse Analysis of a Scandal in Egypt is a re-elaborated version of Björn Bentlage’s dissertation, submitted at the Martin Luther University of Halle-Wittenberg in 2016.

As Bentlage makes clear in the first sentence, “at the heart of this thesis lies a scandal” (p. 9), namely a contested paternity case that took place in Egypt between 2004 and 2006, when Hind al-Ḥinnāwī publicly announced

¹ “A partnership that is not officially registered but nevertheless complies to religious marriage rules” (p. 115).

also university textbooks on Islamic family law. Indeed, if we understand law as a discourse, then it is also important to see how local actors understand and contribute to the production and reproduction of this discourse, and how law is taught to future lawyers and judges.

The second chapter is devoted to the public side of the story, as narrated by journalistic sources, and it is based on around 130 sources, most of them in Arabic (*ibid.*). These sources were selected from material that was obtainable “from conducting post factum online searches about an Egyptian case that occurred in the mid 2000s; and, as such, the character of the collection says something about online journalism at that time, about the mix of established and new digital voices, the ephemeral quality of much internet content, and the partially transnational character of Arabic news coverage”, as Bentlage states (pp. 30–31).

In this chapter in particular, Bentlage applies the concept of interdiscourse. Following Link, he understands interdiscourse as “a discursive formation that differs from its complementary siblings functionally and linguistically; connotation and simplification feature among its main characteristics” (p. 100). Its role is that of providing “the linguistic means by which highly specialized knowledge can be depicted in a way that is comprehensible for non-experts” (*ibid.*).

The sources analyzed in this chapter are presented in a way that resembles a play. While this approach is certainly innovative, at least for scholars of Islamic Studies, sometimes the reader can get lost and cannot recognize which are primary sources and which is the fictional material. However, this is probably an acceptable risk when undertaking such an experimental endeavour.

In this chapter Bentlage also makes clear that the journalistic sources mainly discussed the case following a clear narrative pattern, namely that of a “mediated scandal” (p. 161). Here Bentlage follows Steffen Burkhardt’s approach,² who identifies five phases in the making of a mediated scandal. The first one is the so called “latency phase”: in this case basically nothing about Hind had been published in this phase, as she was an ordinary unknown Egyptian woman, while Aḥmad was still only “a movie star and the host of a pious talk show” (p. 169). The “cause” that would trigger the scandal in this case can be identified in the “mismatch between Aḥmad’s public image as a pious believer and the shady character of his alleged behaviour” (p. 171). The “latency phase” is followed by a phase of “ascent”, when there is an “accelerating

increase of reports” (p. 172) on the case, which usually have to include a number of “juicy details” on the affair to make it interesting. Then the third phase (“consolidation and climax”) follows, when the news about the case increases. The fourth phase is the “fall”, which in this case happened “over the first two months after the court ruling and ends when measurable coverage ceases altogether in July 2006” (p. 184). The last phase is that of the “rehabilitation”, and in this case it only applies to Aḥmad, and can be signaled by his appearance in TV in November 2008, when he publicly recognized Linā as his daughter (p. 187).

The last chapter brings together legal discourse and journalistic interdiscourse, and aims to assess the impact that the two had on Egyptian law, contrasting the case of Hind and Aḥmad with the more recent case of the two famous actors Zayna and Aḥmad ‘Izz, that took place in 2015. Zayna claimed to be married by an *‘urfī* marriage to Aḥmad ‘Izz. She was then pregnant with twins, who Aḥmad ‘Izz did not recognize. Also in this case a DNA test was ordered but not carried out, but this time the presence of witnesses made the establishment of the marriage easier (p. 207).

Bentlage then analyzes other discursive events that took place after Hind and Aḥmad’s case: he examined Cairo University textbooks for Islamic family law published in 2006 and 2007, a draft law of 2006, two fatwas of 2005 – one by the then Grand muftī ‘Alī Ğumu’a – and a 2015 fatwa published by the National Fatwa Office. Even though none of these fatwas was directly related to the case of Hind and Aḥmad, they were still important as part of the discourse on the establishment of a child’s lineage and the discussion on the use of DNA tests to establish paternity, which was one of the most discussed aspects of this case.

Basically, all fatwas analyzed seemed to agree on a number of points, namely “that DNA tests cannot be used to dissolve a lineage that had been considered existent before, and secondly, that the *li‘ān* procedure³ cannot be overruled by genetic testing” (p. 252). Moreover, the fatwas seemed to agree that the judge does not have to establish lineage from the father if there is a case of “downright fornication” (p. 248), even if DNA tests proved such a lineage, because “lineage is established by law (*šar‘*) and not by nature” (p. 249).

² Steffen Burkhardt, *Medienskandale: zur moralischen Sprengkraft öffentlicher Diskurse*. Köln: von Halem, 2006.

³ Mutual repudiation. This is a form of divorce in which a husband accuses his wife of adultery and then pronounces an oath in which he calls the wrath of God on himself if he is lying. The wife may neutralize this accusation with her own oaths, saying that the husband is lying, and then pronounce an oath in which she calls upon her the wrath of God if the husband is telling the truth.

What Bentlage's book makes clear is that the legal and the journalistic stories about the case of Hind and Ahmad are very different. The main points that the verdicts of the Court of Appeal make clear is that "[t]he existence and the consummation of marriage can be established by mere circumstantial evidence" (p. 91), and "that lineage must be established whenever possible" (ibid.).

However, the way in which the verdict is constructed seems to be very much in line with Egyptian legal tradition and "does not indicate a break with judicial practice or declare any form of legal change or novel interpretation" (p. 93). On the contrary, "the verdict gives the impression of a document that proceeds in an orderly fashion and conforms with the procedural and substantive rules and norms as they were" (ibid.). In comparison, the journalistic interdiscourse seemed to be very excited about the case, stood mostly on Hind's side, and presented the verdict as "a *landmark case* that is meaningful for the future and will affect *many* children and women beyond the individual case" (p. 34; emphasis in the original). The 'many children' involved were quantified as 20,000, 14,000 (p. 35), or even 14 million children (p. 271). All in all, this interdiscursive material "concluded on a triumphant note of imminent and important change" (p. 304).

What is clear is that this case "altered the way that people in Egypt publicly talk, read, and hear about lineage and genetic testing" (p. 314); however, it did not bring about legislative change. Indeed, even though a law to introduce DNA tests in case of contested lineage was discussed, it was never promulgated.

In his conclusions, Bentlage suggests that the book arrives at four results: firstly, it showed that this case "had only little relevance in the special discursive spheres of law" (p. 318): in this sense it did not set precedence, but instead exercised "judicial discretion in continuity of long-standing legal practice and the standard interpretation of *Ḥanafī fiqh*" (pp. 318–319). Secondly, the book established "a scandal pattern in Arabic news media" (p. 319). The third result is the "adaption of interdiscourse analysis" (ibid.), which has been proved useful in studying legal development in the Middle East. Fourthly, the book showed the role of interdiscourse as "a stabilizing factor in legal development" that contributes to "a growing conceptual divide between popular notions of law and sharia on the one side and the respective institutional process on the other" (p. 320).

I find the structure of the book can be confusing in places: in particular, the mixture of theoretical and analytical parts can be overwhelming for the reader, who can feel lost. This happens in particular in relation to Link's theory, presented partially in chapter 1 and partially in chapter 2.

The second chapter can be particularly challenging for the reader, as it starts with a discussion of Link's theory, then the primary sources in the form of a play are discussed, and finally these sources are discussed once again following Steffen Burkhardt's theory on a mediated scandal. The presence of many different sources and many different involved people is also sometimes confusing for the reader. In this sense it is really useful that Bentlage gives an overview of all 'the actors' involved in the story on p. 148, but this would probably have been more useful as a separate section at either the beginning or the end of the book, rather than in the middle.

Apart from that, the book is certainly an important contribution to the field of Islamic legal studies, in particular with reference to the Egyptian case, and Bentlage showed how the analysis of legal and journalistic sources together can bring fresh insights into processes of legal change (or rather its lack).