



Justifying Transgression: Muslims, Christians, and the Law – 1200 to 1700

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BOOK REVIEWS

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Gijs Kruijtzter's *Justifying Transgression* is a comparative study of religions in Europe and Asia, exploring their intersections with art, culture, economics, and law over a span of 500 years.

While the book's subtitle suggests a focus on Muslims and Christians, and its chapter sections describe 'Persian' and 'Latin' worlds, in cities such as Florence, Isfahan, and Delhi, its comparative approach extends beyond these boundaries. In addition to discussing relations with religious others such as Jews and Hindus, the book also discusses concepts utilised during this period for example in England, the Dutch Republic, and the Ottoman Empire. The book is a valuable resource for designing academic courses in disciplines like religious studies and history and is also relevant for scholars focused on modern and contemporary periods such as anthropologists of religion and gender studies researchers.

Justifying Transgression delves into three primary forbidden acts, which could be severely punished during the studied period of 1200–1700 CE: sodomy, idolatry, and usury. It explores how individuals in diverse social, cultural, and religious contexts grappled with religious and legal prohibitions, and how they justified transgressing them. What sets Kruijtzter's work apart is its unique approach – not only does it undertake a challenging comparative analysis, but it also examines the impact of religious and legal consciousness on various forms of expression, including miniature and oil paintings, laws and poetry, as well as theological economics and actual economic policies.

The book's clear comparative structure enables readers like myself, who may not be historians, or familiar with the languages required to study the original sources, or experts in economics, to grasp the overall argumentative framework. In my reading, this can be succinctly summarised by stating that the book is not Romantic in its approach. It does not portray a flexible, cosmopolitan religious past to be contrasted with dogmatic currents in the present; nor does it juxtapose Western and Eastern worlds in a manner that exoticizes one while making sweeping statements about the possibilities and impossibilities of transgressive lives.

The central argument is rather skeptical about ambivalent ways of living with religious legal frameworks and points to the conditions under which rules were bent. Individuals who condemned practices as sodomous, idolatrous, and usurious endeavoured to enforce prohibitions, prompting others to devise strategies to circumvent the laws, make exceptions, or contemplate ways to compensate. Some even exhibited antinomian behaviour, arguing that idol worship, for instance, leads to genuine faith. While people often found ways to coexist with accusations levelled against them, the laws that delineated the boundaries of transgression wielded considerable influence and exacted a significant toll on individuals' lives.

For instance, Kruijtzter elucidates how 'the proscription [on usury] was effective in so far that those wanting to engage in credit relations were forced to invest considerable energy in circumventing, creating exceptions, and compensating in the face of the proscription of usury' (200). The impact of laws on the human psyche becomes evident through ample descriptions of punishments such as burning, castration, impaling, and caning, the fear of which prompted solutions like resorting to slaves for forbidden sexual intimacy.

Kruijtzter concludes: ‘we can demonstrate that ambiguity was generally not an expression of ambivalence but rather of strategy’ (308). This implies that transgressions during this period should not be seen as inherent to a religious tradition and its legal history, but rather as instances where people had to devise justifications, not only by navigating the laws but also by creating possibilities despite them. The fact that Kruijtzter is an independent researcher undoubtedly contributed to his ability to write candidly about views and practices considered abhorrent today.

It comes as no surprise that Kruijtzter references economist Timur Kuran’s research on circumventing the prohibition of usury in the Ottoman Empire. Kuran’s better-known methodological analysis of ‘preference falsification’ delves into how individuals actively alter their expressed views due to social, cultural, religious, and political pressures. People live, to paraphrase Kuran, private truths and public lies. Kruijtzter’s work underscores that social scientists and humanities scholars should never underestimate the social consequences of preference falsification. Rather, we should scrutinise the extent to which the forces of suppression and repression shape our historical sources and observed and measured phenomena in the present.

Given that professors are human too, it is understandable that they might be tempted to create romanticised images of the past in response to contemporary issues, portraying worlds where sodomy *was* tolerated or images were *not* condemned. However, Kruijtzter avoids presenting counter-images and instead focuses on illustrating historical contingency, complexity, and differences, as well as recurring patterns of behaviour.

We learn about how in both the Persian and Latin worlds, poets, philosophers, theologians, and rulers utilised various combinations of prohibitions and toleration:

In the Persian world Sa’di was silent on usury but merciless on the *mukhannas* [effeminate man, inclined to being penetrated] and strongly condemned idolatry, while Akbar was flexible on usury and images, but rather strict on sodomy. His great-grandson Aurangzeb had to give way on usury, but stayed his ground on the issues of idolatry and sodomy. In the Latin world Aquinas was strict on sodomy and usury but lenient on the use of images. Luther was relatively strict on usury, but flexible on images, while Calvin was the opposite on these two counts. Henry VIII wielded the proscription of sodomy against monks, made a start with eliminating the worship of images, but created a bit of space for interest-payments. (266)

The purpose of summarising these diverse views and developments is to highlight a profound historical contingency that we may never fully comprehend. Zooming out, as Kruijtzter does, one cannot help but recognise that there are ultimately more similarities than differences – a perspective that may not be popular among today’s professionalised and hyperspecialised academics. Having established the facts of historical contingency, it becomes clear that there are deep similarities – for better or for worse. For instance, negative views on sodomy were prevalent across a broad Judeo-Christian-Islamic world. This broader context drew upon shared conceptual resources such as Neoplatonism, which is sometimes overlooked in contemporary analyses that focus on perceived differences between Christians and Muslims, Westerners and Easterners, to criticise the imposition of views supposed to be genealogically derived from Protestantism. This is evident when addressing accusations of blasphemy and reflecting on the religious significance and use of images.

The shared perspectives are exemplified in sources analysed by Kruijtzter such as a remarkable seventeenth-century record documenting conversations between a Sufi prince and a Hindu sage, which demonstrates a profound understanding of the distinction between form and content, and appearance and essence. When questioned about idol worship among Hindus, the sage elucidates:

This aspect has been established for strengthening the heart. A person who is aware of the transcendental reality [*ma'ni*] in the image [*surat*] is excused from this aspect. Just like unmarried girls play with dolls and the latter show them housekeeping. When they themselves have become housekeepers, they give that practice up. It is the same thing with the practice of idol worship; as long as one is not aware of the essence [*batin*] in the image, one is attached to the image. Whenever one attains awareness of the essence, one will hasten away from the image. (137)

Against scholars who posit incommensurable divides, these and similar examples predating the Reformation illustrate that Muslims and Hindus did not need to wait for Protestants to distinguish essential meanings from the forms in which they appeared. In fact, Kruijtzter discusses cases in which Asians criticised Europeans for failing to make these distinctions.

A recurring contrast that Kruijtzter identifies throughout his historical explorations and comparisons is that between so-called strict and flexible believers. This distinction, indeed, appears to be more fundamental than that between the secular and the religious, which does not play a significant role in this work. In Persian literature, the poet Hafez epitomises the flexible stance. Hafez critiques the hypocrisy of the orthodox, adherents of the straight path, in elegant, witty verses. These antinomian voices not only ridicule laws but also implicitly highlight a different sort of piety that values worldliness. Kruijtzter demonstrates that the flexible, as opposed to the strict, are not only deeply engaged in existential questions but can also be pragmatic. For instance, Protestants in England conceded all usury to transgress the limits set by the Bible, yet they reasoned that 'it was only the excess that did the harm and that in moderation it might be allowed to go unpunished' (245). Each time, flexible thinking employed diverse arguments to justify transgressions, invoking necessity, utility, and the concept of the lesser evil.

Kruijtzter cautions readers interested in these topics not only for academic understanding but for the sake of living, that the struggle between strict and flexible attitudes is perpetual. Individuals embodying these attitudes must continually engage with one another. The normative value of justifying transgressions is encapsulated by the exquisite artworks discussed in this book, ranging from vibrant Mughal miniature paintings of poets, rulers, and artists themselves, to Bronzino's depiction of Venus and Saenredam's austere Dutch church interiors. Transgressions facilitate the creation of artworks and, as the book argues, have contributed to conceptualising art as a distinct category deserving of respect. They also enable forbidden sexual intimacy and acknowledge the human desire for wealth. Transgressions, in sum, symbolise the struggle against cruel pieties incapable of affirming worldly existence.

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The East India Company and the Politics of Knowledge, by Joshua Ehrlich,
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The East India Company is regarded as the most powerful corporation in the world. *The East India Company and the Politics of Knowledge* asserts that it was also the most enlightened