



BRILL

Rudolph Peters

September 16, 1943 (The Hague) – March 26, 2022 (Amsterdam)

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Rudolph Peters, renowned expert on Islamic law, criminal law in particular, sadly passed away in Amsterdam on March 26, at the age of 79.¹ Born during WWII into a middle-class family in The Hague in the then German-occupied Netherlands, Ruud, as he was called by family, friends, and colleagues, developed an interest in the Arab Middle East at an early age. Already in the fifth grade at his Hilversum *gymnasium*, he bought an Arabic grammar to learn the language. At age 16, he hitchhiked on his own to Morocco and, in the following year, he travelled to the Middle East on a tight 300-guilder budget that he used so economically that he was able to stay there for more than three months.

After this first-hand experience, he began his studies of Arabic language and culture and Turkish in 1961 at the University of Amsterdam and the University of Leiden. At the same time, he also studied Dutch law, the latter choice seemingly driven by his parents' wish for him to follow a "more solid and promising" course of study as well. He earned his first degree, a combined BA/MA in Islamic Studies and Cultures, at Leiden in 1972. He had already been appointed lecturer in the University of Amsterdam's Department of Arabic and Islamic Studies in 1968 and it was there that he was awarded his PhD in 1979. That same year, his dissertation was published as a book entitled *Islam and Colonialism: The Doctrine of Jihad in Modern History*.² Ruud went on to become the director of the Netherlands Institute for Archaeology and Arabic Studies in Cairo from 1982–87 while on leave from the University of Amsterdam. During his tenure at the "Dutch Institute" in Cairo, he unsuccessfully applied to become chair of the Institut für Islamwissenschaft at the Freie Universität Berlin in 1986, although this temporary setback did little to impede his future career

1 My thanks to Delfina Serrano and Peri Bearman for reading and helping to improve an earlier draft and Marco Leidekker for providing several articles from the Dutch press.

2 The Hague: Mouton, 1979.

development. Returning to Amsterdam, Ruud took up the position of associate professor in the University of Amsterdam's Department of Arabic and Islamic Studies and became full professor (*bijzonder hoogleraar*) of the Law of Islam and the Middle East in 1992, a position he held until his retirement in 2010.

Few others have influenced the discipline of Islamic legal studies in the past forty years as much as Ruud Peters. His towering contribution—embodied masterfully in his *Shari'a, Justice and Legal Order: Egyptian and Islamic Law: Selected Essays*³ and *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-first Century*⁴—developed in parallel with an unprecedented surge in scholarship in the field of Islamic studies in general and Islamic legal studies in particular. In fact, Ruud earned his PhD in the very year the Middle East was shaken by the Iranian revolution, this momentous event leading to a burgeoning of academic research to which Ruud contributed in so very many ways over four decades.

Islamic criminal law especially attracted renewed and sustained interest, driven by an increasing number of countries incorporating *hudūd*, *qiṣās*, *diya*, and other features of Islamic criminal law into their legislation. When Ruud began studying Islam, “Sharia was essentially regarded as an ideal and theoretical system of unchangeable rules, where only a few domains of law, such as family law, law of succession, *waqfs*, were understood as living law applied by the courts” as he put it,⁵ while criminal law and other branches were seen as existing in theory but not in practice. This static approach was soon revised, however, with Ruud playing an important part in reconstruing Islamic law as “law in action.” Ruud’s ever-growing academic output soon shifted from his early studies of *fiqh* to Islamic law in its social context and interaction with state law. Inspired by a nineteenth-century Egyptian fatwa collection, he developed a special interest in the workings of Islamic criminal law in Egypt in the nineteenth century before the British occupation. With his research concentrated on Egypt, he produced a large number of studies applying his deep knowledge of social history to archival material, such as court records and fatwa collections. Of the thirty-five articles in *Shari'a, Justice and Legal Order*, twenty are on nineteenth-century Egypt; undoubtedly, Ruud’s ground-breaking works on this topic are the pinnacle of his academic achievements. However, he also played an important role in the study of Islamic legal institutions, contributing to the impressive first snapshot of the emerging area of fatwa studies *Islamic Legal*

3 Leiden and Boston: Brill, 2020.

4 Cambridge: Cambridge University Press, 2005.

5 See his foreword to Olaf Köndgen, *A Bibliography of Islamic Criminal Law* (Leiden: Brill, 2022), XVI.

Interpretation: Muftis and their Fatwas,⁶ and co-editing *The Islamic School of Law: Evolution, Devolution and Progress*⁷ and *Dispensing Justice in Islam: Qadis and their Judgments*.⁸ All three volumes are milestones in the development of Islamic legal studies in the West examining key aspects of Islamic legal theory and practice.

Ruud's contribution goes far beyond his writings. He was also an active organiser, and major book series, journals, and academic associations are indelibly associated with his name. In 1994, Ruud joined the editorial board of *Islamic Law and Society* (ILS), which soon became the leading journal in the field. Ruud contributed numerous articles to ILS over its thus-far 29 years and guest-edited a special issue on "The Legal History of Ottoman Egypt." In 1996, Brill launched *Studies in Islamic Law and Society* (SILS) with Rudolph Peters and Bernard Weiss at the helm. With more than 50 volumes published, SILS probably has been the most productive book series on Islamic law to date. Ruud was also a founding member and regular contributor to the prestigious International Society for Islamic Legal Studies (ISILS), being appointed its president from 2012 to 2015 and having co-organised its first meeting in Amsterdam in 1994.

Rudolph Peters was anything but an ivory tower academic. While others may have been content to talk to and write for their peers, Ruud engaged with the wider public in many ways, especially in his native Netherlands, but also elsewhere. Islam in society and the activities of home-grown Islamist terrorist groups were vigorously debated in the Netherlands after 9/11, as in other countries, and Ruud not only participated in this public debate, but served as an expert witness in a number of important related court cases. Thus, in a 2002 Nigerian case, the female defendant was spared the death penalty partly based on the expertise on Islamic criminal law Ruud provided.⁹ His most prominent case in this regard was that of the Hofstad group of mainly Dutch Islamist terrorists. Ruud ploughed through many of the Hofstad group's documents, especially those found on the computer of Mohammed Bouyeri, who killed Dutch filmmaker Theo van Gogh in 2004. Ruud won the great appreciation of both

6 Masud, Muhammad Khalid, Brinkley Messick, and David S. Powers, *Islamic Legal Interpretation: Muftis and their Fatwas* (Cambridge, MA: Harvard University Press, 1996).

7 Bearman, Peri, Rudolph Peters, and Frank E. Vogel, *The Islamic School of Law: Evolution, Devolution, and Progress* (Cambridge, MA: Islamic Legal Studies Program, Harvard Law School, 2005).

8 Masud, Muhammad Khalid, Rudolph Peters, and David S. Powers, *Dispensing Justice in Islam. Qadis and their Judgments* (Leiden & Boston: Brill, 2006).

9 See Ahmet Olgun, "Niet iemand van oneliners", *NRC Handelsblad*, 13 March 2006.

the prosecution and defence for his knowledge of Islamic *and* Dutch law and was able to deliver a nuanced report on Bouyeri's radicalisation process.

Ruud also sought the direct engagement with Muslims living in countries that apply Islamic criminal law. Thus, in 2001, he accepted a three-week assignment from the European Commission to study recently introduced Islamic criminal law in Nigeria and his report was probably the first in-depth study of the matter. He also accepted an invitation to Sudan, where he gave lectures in Arabic on Islamic criminal law and human rights in Khartoum and even as far afield as Darfur. Despite widespread Muslim scepticism about "Orientalist" academics addressing the Sudanese on such a charged topic, Ruud showed to what degree he was willing to engage in a dialogue with the people whose laws and religion he had so deeply studied.

I met Ruud for the first time in Cairo to discuss an early PhD project over a beer on the terrace of the Marriott Hotel. Having a beer with a professor of his standing was largely unheard of. Coming from the rather Prussian hierarchy of the Berlin Institut für Islamwissenschaft, I was immediately impressed by Ruud's kindness and natural authority. This first impression was continually reaffirmed when I met him more often at the "Dutch Institute" in Cairo's Zamalek district, where he regularly organised lectures on Middle Eastern and Islamic themes, attracting many Middle East scholars and Western students in Cairo. Crates of Stella beer, available after the lecture and paid for only by those who had the means, clearly added to the attraction, encouraging new friendships and the meeting of like-minded people. Ruud was a patient teacher who was popular with his students and colleagues. He supervised a number of PhD projects, including mine, on Islamic law, history, and beyond. His approachability made interacting with him all the more pleasant, but never led him to lower his high scholarly standards. Being his PhD student was at times demanding but ultimately very rewarding. He thoroughly read chapter drafts and never held back with the critical but always constructive advice he thought it necessary to give.

Ruud had been combating his illness head on for some time and had regularly kept his friends and colleagues informed about the ups and downs of the therapy he was undergoing. Although his death was not entirely unexpected, Ruud's passing was still a shock to all who knew him. It is hard to accept that he is no longer with us. Ruud is mourned by his wife, Mirjam, his daughters, Renske and Randa, and his many friends and colleagues in the Netherlands and the rest of Europe, the Middle East, and around the world.