

*Shari'a Law and the Modern Nation-State. A Malaysian Symposium.* Edited by Norani Othman. Kuala Lumpur: Sisters in Islam SIS Forum (Malaysia) Berhad, 1994. Pp. xii, 160.

This book is of great political importance as it encapsulates the growing opposition of women to the application of Islamic law in Malaysia. It contains a collection of papers presented, interestingly enough, by both men and women at the first symposium organized by the Sisters in Islam on the Modern Nation-State and Islam. The articles contained in this volume are put together coherently and are succinct in their arguments. They reflect the mounting response to the pressures from the Kelantan state government to introduce *hudud* laws. Since the return to power of the Islamic party (Parti Islam Se-Malaysia, PAS) in 1990, proposals for the legislative enforcement of *hudud* punishments have been actively articulated.

An interesting observation about this collection of papers is that varying references to the Middle East in terms of expertise, scholarship, and texts have been used to challenge the claims of PAS. One could trace a common denominator among all these papers, that is, they variously reiterate the complexities and intricacies of Islamic history, as well as contemporary Muslim realities, which reveal tremendous diversity. They remind us of the human character, the history of the making of the *shari'a*, and the dangers of ahistorical visions. They argue for the contextualization and the reconceptualization of texts and their relationship to the reader. A new interpretation of *ijtihad*, and the demystification of a constructed past are also on the agenda. The main questions raised are firstly, how an Islamic state should be run; secondly, how can we today, as a modern people committed to both our religious heritage and a vision of progress for the future, interpret the essentials of the Medinal model; and finally, how can we understand and realize the Qur'anic ideals of equality, justice, and political sovereignty of the *Umma* (p. ii). The Introduction also highlights a sincere point that "Muslims themselves must also take responsibility for the negative image Islam evokes among many people" (p. 1).

The book includes fourteen presentations. The opening paper by

Abdullahi Ahmed An-Na'im, a Sudanese scholar who is active in human rights and is also the translator of Mahmoud Mohammed Taha's *The Second Message of Islam*, pleads for a new Islamic reformation. His major point is that the *shari'a* is basically a human phenomenon. The complex and difficult relationship between Islamic law and society reveals a major problem of Muslims in coming to terms with their history. Here he points to the various political struggles, bringing as example the fact that three of the four caliphs were assassinated. He reminds us that the codification of the four *madhab* (schools of law) was done towards the end of the second century (p. 11). The early legal scholars were simply expressing their views on how they understood the Qur'an in particularistic terms within the specific context of their own time and place (p. 12). He also reminds us about the impossibility of implementing the *shari'a* without the need for a new reconceptualization (p. 13). He proposes a new concept of *ijtihad* in the sense of "keeping an open mind of being original, being daring and imaginative in dealing with and relating to the text, in pursuing and understanding textual analysis, which involves the text and the reader" (p. 14). He stresses the point that the most progressive views about women found in the *shari'a* are for him, as a "Muslim", unacceptable, and he furthermore expresses concern on the status of non-Muslims in an Islamic state (p. 17).

Chandra Muzaffar, whose statement was offered as the first of two responses to Dr An-Na'im's keynote address, responds by pointing to earlier reformists and their attempts in reforming the *shari'a*. He brings attention to the conservatism of the *ulama*, their influence as protectors of the Qur'an, and their knowledge of the Arabic language. They should be venerated, he argues, but nevertheless he warns us of their conservatism in refusing to adopt an evaluative stance towards the *shari'a*. Asma Larif-Beatrix, in the second response to Dr Na'im's keynote address, focuses on the idealization of the past, which led to historical facts being ignored (p. 28). She points to the absence of any Muslim theory of the state, explaining that there exists no premiss for a theory of the state to be found either in the Qur'an or *shari'a* (p. 35).

This point is also developed by Mohammed Hashim Kamali, who argues that the Prophet neither appointed nor nominated a successor

to lead the community. He also maintains that the Islamic state is not a theocracy, but a civilian state, which is neither sacred nor divinely ordained (p. 46). Larif-Beatrix points to the problems related to *ijma'* (consensus), and its validation, which requires, for some, the agreement of only a few, but for others, the agreement of the whole body of *ulama* in the entire Muslim world (p. 35). Furthermore, for some Muslim thinkers, *qiyas* (analogy) is a dangerous method since it denies the historicity of human society. She urges the need to rethink the *shari'a* and explore categories of *kufr* and *iman* (disbelief and belief), which restrict knowledge (p. 43). References to examples from the Middle East about the variety and cases of alteration of the *shari'a* are evident in many papers. Abdullahi Ahmed An Na'im's second paper, "Umma and Citizenry in a Contemporary Muslim Country", is concerned with the tension between the *Umma* and citizenry (p. 70). He considers apostasy untenable in a multireligious system like the modern nation-state. He further illustrates that "in the 1979 constitution of Iran, Bahais are not recognized as a "protected minority" (p. 73). Islamic law must provide for the complete equality of Muslim and non-Muslim citizens of any nation-state.

Norani Othman begins her paper with a quotation taken from Anwar Ibrahim's new understanding of the *Umma* as a demonstration of diversity within unity. She elaborates that his model of the new *Umma* can only exist with the creation of a civil society aiming for honest and reasonable discussions (p. 83). Islam will achieve its truly universal aspirations when it becomes genuinely inclusive towards all humans (p. 85). K. Haridas discusses the endangered status of non-Muslims in Malaysian society; he points to issues of equality in a Muslim state, such as the inability of non-Muslims to give evidence against Muslims in *shari'a* courts (p. 101). Muhammad Syukri Salleh presents a critical evaluation of attempts at Islamization of the state and society. He mentions that methods of Islamization might differ from one group to another, elaborating that some "insist upon Islamizing the outer form of social relations and human existence but leave their inner substance untouched" (p. 106). Chandra Muzaffar's second paper points to the risk that Islamization may serve completely different, material, and

political interests. The state itself uses it as a tool to counterbalance the opposition. Through Islamization, it tries to increase its popularity and enhance its legitimacy (p. 114). Islamization may also lead to the emergence of an élite backed by the *ulama*, who insist that their interpretation of Islam is the only correct one (p. 115). Moreover, propagators of Islamization has never been able to accommodate aspects of capitalism or the challenges posed by ethnic differences (p. 116). For example, in the Muslim Republic of Iran, Islamization has not succeeded in eliminating poverty, corruption, and exploitation of the underprivileged (p. 115). Norani Othman points to the presence of “cult of personality”, “hero-worship”, and “religious fastidiousness” among some of the major figures of the Islamic resurgence movement, which requires serious consideration (p. 138). She furthermore mentions that the practical impact of implementing Muslim criminal law in countries such as Sudan, Pakistan, and Iran has demonstrated how cruel the effects of such laws could be.

For anyone interested in contemporary Malaysian politics and related issues, specifically with respect to the position of modernist Muslim responses to ethnicity, minorities, and women, this book certainly offers an alternative and challenging point of view. The thoughts expressed could be considered as an “inner” Islamic response, critique, and opposition to the sometimes pure verbiage on Islamization promoting a simplistic implementation of the *shari’ah*.

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