

BOOK REVIEW

The Islamic worldview, Islamic jurisprudence: An American Muslim perspective, Vol. 1, by Azizah Al Hibri, Chicago, ABA, 2015, 224 pp., ISBN 978-1-62722-284-6

This book, by a renowned Arab American Muslim scholar, Dr Azizah Al Hibri, attempts to answer a fundamental question that concerns Muslims not only in the United States but also throughout the world at large. She explicitly asks whether practising Islam in the American diaspora is identical to its practice in other countries, or if there is a need for a new Islamic jurisprudence that takes into account the culture, customs and laws of the United States (4).

The author methodically constructs an argument, piece by piece, by first laying the foundations of Islamic jurisprudence (chapters 1–3), then by describing the ‘Islamic Worldview’ (chapter 4), in order to address the issues dear to the author’s heart, i.e., gender relations (chapters 5–7). It is a concise book including notes, an extensive bibliography and a short index. The book is well written, with crisp sentences, and a clear articulation of concepts and arguments. The author addresses the book to a general readership not versed in Islamic jurisprudence and aims at dispelling many misconceptions about Islam and its jurisprudence.

Reading the book is essential for Muslims in the diaspora as well to non-Muslims who have difficulty in coping with the storm of misconceptions peddled by politicians, right-wing zealots of all denominations, as well as by a complacent media that does not try to distinguish between truth and untruth. It is quite convenient, even cheap, for those who seek political office or recognition to attack Islam through the prism of the misguided actions by a few. It is a much more difficult exercise to reach an informed level of understanding.

Yet, the book is not an attempt at refuting allegations, but at providing basic concepts to guide the Muslim in the diaspora who may rely on misguided preachers or imams who have taken it upon themselves to teach Muslims about their own religion. Furthermore, many Islamic worship centres are managed by people who may have specific agendas aiming at mobilizing Muslims for a particular way of worship and rulings. They tend to promote an ultra-conservative version of Islam that puts Muslims in direct conflict with the institutions and laws of the countries in the diaspora, and, in this particular case, the United States.

The author points out that the development of an Islamic Jurisprudence for the American Diaspora (IJAD) faces two obstacles: the first is the high level of Arab language illiteracy, which is a major deficiency since Arabic is the language of the Quran. Hence, ‘Muslims rely extensively, (often exclusively) on the teachings of their religious leaders and local imams who tend to present Islam from their own cultural perspectives’ (11). The second obstacle is due to the method of teaching the Quran, through rote memorization, which ‘does not develop the students’ analytical thinking nor help them recognize the Quran’s deeper meanings and values’ (11). It is, therefore, the duty of Muslim jurists to confront these modes of teaching. They must provide alternatives that serve better the general good or *maslaha*. The author recognizes the difficulty of the task, but does not stop at it. Indeed, she has published several articles in law journals introducing parts of IJAD.

The author correctly argues that the centrepiece of Islamic worldview is justice. She adds the adjective of ‘divine’ justice (15). This concept of equity and fairness is central in Islam as many other scholars have pointed out, yet the author’s contribution is her effort at ‘listening carefully to the ancient juristic views, explanations, observations, and separating them from their cultural patriarchal assumptions’ (15). The issue of patriarchy is crucial in the author’s thinking.

Gender relations, which she addresses in the latter parts of the book, is the driving force behind the book and the rest of her work.

The author devotes the second and third chapters to describe the fundamental sources of Islamic law, or the building blocks of Islamic jurisprudence. The concepts are described briefly yet accurately and sufficiently to develop a solid idea of what makes Islamic law. The basic document for Islamic jurisprudence is the Quran itself. The author explains Quranic philosophy based on the premise of equality of all human beings, diversity and gradualism. Then she introduces the basis of Islamic rulings or *shari'ah* based on the Quran and the Prophet's sayings or *hadith*. It will be an interesting exercise to develop a comparative analysis with traditional positive law in the West and more specifically common law. One may find common grounds between the approaches and concepts in Islamic jurisprudence and common law.

In chapter 4, the author reverses the approach and proposes Islam's worldview as a whole instead of separate blocks. At the centre of this worldview is the foundational principle of the 'unicity of God' or al-Tawhid 'and the overarching divine principle for organizing our universe – namely, that of due balance, symbolized by al-Mizan (the Divine Scale)' (91). The 'Universal Ordering Principle of al-Mizan is transformed in the human realm into the Principle of al-'Adl (justice). Together, these principles provide the basics of the Islamic worldview' (91).

The author refers to two parables in the Quran to illustrate the concepts of unicity and justice. The first is the descent of Adam and the second is the revolt of Iblis (Satan). In the first parable, God told the angels that He was creating a vice-regent on earth. The angels objected as they felt that humans would spill blood instead of worshipping God. And God replied, 'I know what you do not know' (Quran 2:30). The author points that 'scholars have pondered over this reply, which appears to signal the promise of a humanity that will ultimately stand up for peace, justice, and harmony' (96).

As for Satan, God ordered him as well as other angels to prostrate himself to Adam. Satan refused and said, 'I am better than him. You created me from fire and created him from clay' (Quran 38:76, 7:12, 15:33). This showed that Satan subscribed to a hierarchy of being in which his kind ranked higher than did Adam's (97). Satan's arrogance led him to commit two errors. The first is ignoring that Adam had received God's spirit; the second is that he reduced the situation to a simple comparison between fire and clay. He clearly favoured hierarchy over the validity of a direct order from God. He thus committed the cardinal sin of shirk, or associating other gods to God himself. 'The hierarchy became the "idol" to which he was beholden' (98). The Quran is very explicit that shirk is the only sin God would not forgive (Quran 4:48, 4:116).

Commenting on this parable, the author refers to the medieval scholar al-Ghazzali who viewed it as a continuing lesson that Muslims must understand within the contexts of one's own society and era (99). A rich man thinking he is better than a poor man succumbs to Satan's logic and commits the sin of associating gods to God himself. It also underscores the universality of justice for all.

The use of the parables by the author illustrates her methodology of approaching jurisprudence. By American standards, she would be a strict constructionist. She adheres to the principle that whenever there is a definitive text or *nass* no attempt at interpretation is acceptable (74). The definitive text here refers to the Quran and the *hadith*. The problem does not arise with matters of the creed such as to the unicity of God, but to rulings. There is no consensus among scholars on that particular issue. Some argue that the effort of interpreting or *ijtihad* cannot be confined only to matters where there is no text explicitly addressing a particular issue. In fact, the effort would become more meritorious so to speak if there were an explicit text. Adherence to the text, whether the Quran or the *hadith*, is what makes a constructionist.

The issue is not trivial. Many interpretations were made over the centuries based on a strict constructionist approach. Yet, there were times when the matter had to be circumvented. A famous example is the punishment of the act of stealing. The Quran is explicit about it and orders severing the hand of the thief. Yet, the second Well-Guided Caliph, Omar, deliberately circumvented the ruling by stating that if a thief steals because he is poor and hungry, and in a period of famine, he should not be punished as the Quran stated. A strict constructionist would not give himself the latitude to interpret when and how to apply a ruling.

The precedent established by Caliph Omar, one of the original Companions of the Prophet, is significant. No one can doubt his piety, his understanding of the Quran, his fairness even though he was known as having a harsh personality. So where are the boundaries of what is permissible in the presence of an explicit text? That matter is not likely to be solved as many modern scholars uphold the notion that *ijtihad* is possible in the presence of an explicit text. What is not permissible, however, is changing the text especially in the Quran. What may change is how one understands the Text.

The issue takes a further dimension in the interpretation of rulings in the presence of a text. Inheritance laws are quite specific and spell out in detail the allotment of the estate among the heirs. Many in the West, and among westernized Arab and Muslim societies, believe that women do not receive their fair share based on the explicit allotments defined in the Quran. On the other hand, there are contemporary scholars who view the allotments as lower limits and not maxima. Therefore, the Quranic text would prohibit allotting the female heir less than the limit specified. However, nothing prevents her from receiving more. Such scholars base their interpretation on grammar, on other verses that specify the ranking order of estate distribution where there last will ranks in the second place after the settlement of debts incurred by the deceased. With the will and interpretation of lower limits rather than upper limits, a woman may receive a larger portion of the estate than allowed by the strict application of the Quranic verse.

This is to say that constructionists are likely to face significant issues in interpreting and making jurisprudence in situations originally unknown to the Prophet and to the leading juriconsults. Indeed, times are significantly different from the seventh and eighth centuries. The amount of knowledge at the disposal of the scholar nowadays is much larger than in previous centuries, and especially in science and technology. Hence, interpretation and understanding of the Text will vary with time. Therefore, how will a strict constructionist approach new issues facing Muslims when the Text may not provide any indication of what the ruling should be? We think about issues arising in modern medicine such as those related to stem cells, to cloning, to cell engineering. Man has proved that he has acquired the knowledge to create some form of new life other than through the traditional mode of reproduction. It opens the door to a host of philosophical and theological questions such as man's newfound 'creative powers' previously restricted to God.

Chapters 5–7 deal with gender issues dear to the author's heart. She tries to address them stressing the pitfalls around them. For 'Islam is often stereotyped in the West as oppressive to women'. This is due to some resorting to citing specific verses supporting that view 'without full understanding of the correct interpretations of such ayahs within the overall context'. Another reason is what the author describes as the 'pernicious patriarchal regimes in other parts of the world that deny women's rights under the guise of religion'. A third reason 'is rooted in the huge body of uncontested patriarchal jurisprudence inherited over a period of centuries'. Yet the author asserts unequivocally 'to improve the condition of Muslim women in the public sphere and within their families, this can only be achieved through proper education about their rights' (all 153).

Most of chapter 6 addresses specific verses to illustrate the author's point of view, especially on the issue of 'pre-eminence' or *qiwamah*. It is a form of exegesis requiring a commanding knowledge of the Arabic language and society. She rejects the jurists' traditional argument to justify men's pre-eminence over women stating that God had favoured all men over all women by endowing them with more brains, brawn and money. The author's argument is that such an interpretation is quite narrow but was rather significant in days when physical power was necessary for survival (165). Yet she rejects the argument that 'where women become equal to men, they [traditional jurists] observe, the family structure is damaged, the family suffers, and children do not receive a proper upbringing' (166). She argues that such an argument


is based on an authoritarian view of life that is inconsistent with basic Islamic principles. More importantly, if God did not mean for women to have their status improved, God would not have given the brains and skills to do so. Furthermore, God the Almighty would have stated out flatly in the Quran that women are inferior to men and must submit to them. (166)

However, there is no such statement anywhere in the entire Quran. On the other hand, it emphasizes repeatedly the Harmony Principle or what we would call balance.

The final chapter (chapter 7) debunks traditional perceptions of men's superiority over women. Instead of relying on Quranic verses, the author cites traditional arguments based on one of the *hadiths*. There is a particular one that if it were for one person to prostrate himself to another, the Prophet would have ordered the woman to prostrate herself to her husband. But the implicit thought is that believers prostrate themselves only to God. In debunking the 'ruling', the author evokes the various steps needed to verify the accuracy of a saying. In Islamic studies, this is a specific science or skill in itself. It bears upon the soundness of the chain of transmission of the saying or *isnad* and on the soundness or lack of inconsistency. She cites the works of a modern scholar, Suheila Hammad, who by comparing the Quranic verses and the saying, rejects the latter on the basis on inconsistency with the Quran itself. She further develops the argument along the same lines. This shows once more that the author is close to the 'constructionist' approach in reading the Text (Quran or *hadith*).

Largely, this is an interesting contribution to the clarification of the right of Muslim women living not only in the diaspora but also in the Muslim heartland. It should be in the library of those who feel concerned.

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