

SHARI'A POLITICS: ISLAMIC LAW AND SOCIETY IN THE MODERN WORLD.
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Shari'a Politics: Islamic Law and Society in the Modern World explores the role of Islamic jurisprudence in the contemporary legal systems of eight predominantly Muslim countries (Saudi Arabia, Egypt, Iran, Turkey, Afghanistan, Pakistan, Nigeria and Indonesia). Editor Robert Hefner begins with a summary essay providing context for the other eight essays, each of which considers a particular jurisdiction. The authors were asked to “map the politics and meanings of shari’a in each country.” (5) In particular, Hefner is concerned with various opinions and practices of *Shari’a*, organizations concerned with *Shari’a*, the relative influence of different approaches, and the way support for particular approaches is impacted by class, gender, education and religious identity (6). Overall, the volume is an extremely helpful survey of these issues in the countries it reviews.

Hefner’s introductory essay provides a helpful context and frame for the rest of the book; however, the attempt to cover so many complex issues and regions occasionally results in oversimplifications. For example, he identifies only three Muslim viewpoints on democracy: those who follow “a radical disposition” associated with Sayyid Qutb, modernist and neo-modernist thinkers such as Muhammad Abduh or Fazlur Rahman, and “Muslim secularists” or “democratic pluralists” such as Abdullahi Ahmed An-Na’im or Abdolkarim Soroush (6-10). Although I understand the desire to identify clear classifications, a number of the essays (particularly those on Saudi Arabia, Egypt, and Turkey) seem to indicate that the landscape is less fixed. Frank Vogel describes increasing openness to democratic moves by both Saudi citizens and members of the monarchy. Nathan Brown traces the shift within the Muslim Brotherhood in Egypt from outsider critic to democracy advocate. Hakan Yavuz considers the transformation of Islamic political movements into broader center-right parties.

One of the stronger parts of Hefner’s essay is his nuanced definitions of complex and contested terms such as Islamic law and *Shari’a*. His description of *fiqh* as a methodology is particularly astute and concise. He is aware of the main controversies within the study of Islamic jurisprudence over the past fifty years and projects an objective

standpoint, while fully acknowledging the need for nuance and critical perspectives. Given that he is the editor of such a diverse collection of essays (including his own), it is neither surprising nor fatal that his view and method are somewhat obscured.

Hefner explains that, although *fiqh* provided a rich methodology and extensive rules within legal schools of thought, it did not result in a clear theory of the state (2). *Siyasa Shari'a*, as formulated by Ibn Taymiyya and later explicitly adopted by a number of states, including the Ottoman Empire, provided flexibility and legitimacy to state laws so long as they did not conflict with the clear rules of *Shari'a* as found in classical *fiqh*. However, this legal tradition was gradually displaced by colonial power, as well as Muslim reactions to changing circumstances.

The complex relationship between the modern state and the *Shari'a* tradition (including both classical *fiqh* and more recent reformulations) is the main subject of the entire book. Hefner identifies three trends that continue to influence the relationship between *Shari'a* and the state. First, *Shari'a* "ceased to be primarily identified with a community of scholars, trained in autonomous educational institutions, and adjudicating disputes in accordance with their understanding of the law." (21) Second, modern states have consistently attempted to exert control over the traditional institutions of Islamic jurisprudence (whether assertively or to fill gaps) (21-22). This was arguably true in the Ottoman Empire according to Hefner (citing Yavuz) as it was in colonial administrations in Egypt, South Asia and elsewhere. The most common mechanism for exerting state control of *Shari'a* administration was codification of a system that had historically evinced far greater flexibility and contextualization.

The third trend Hefner identifies is the spread of literacy and the accessibility of the sources of *fiqh* (the Quran, the tradition of the Prophet, analogical reasoning, and consensus) as well as classical *fiqh* literature and modern reformulations of the tradition (22-23). However, this point may not be sufficiently problematized. Advancement of literacy and access to sources may create the impression that individual Muslims can and ought to be able to pursue their own *fiqh*; however, outside of the context of the classical institutions, such interpretation would lack the training, context, boundaries, consensus and legitimacy the schools of legal thought had before the nineteenth century. Hefner is certainly aware of this point, but it might be made more explicit in order to illustrate problems inherent in broad calls for reinterpreting the jurisprudential tradition or its sources.

Hefner is particularly concerned about the approaches to the

treatment of women, religious minorities, and Muslim dissenters within the legal systems described in the book. (23-27) Not surprisingly, these three groups are of great concern to human rights law scholars, including prominent Muslim thinkers like An-Na'im. There is apparent tension between international human rights standards and what many consider to be the requirements of *Shari'a*.

Toward the end of his synthesis essay, Hefner first offers the cautionary conclusion that "there is no single pattern to shari'a politics around the globe, not least as regards the hot-button issues of democracy, women's rights, religious tolerance, and criminal law." (43) Second, he concludes broadly that law has been "public-ized" with the advent of massive increases in literacy and renewals of religious consciousness (44). Third, he argues that extensive factional struggles for state power provide a temptation for some actors to "functionalize the law for the purposes of identity politics and positional advantage." (44) Fourth, he maintains that countries with "more open and pluralistic polities" are more likely to consider the *Shari'a* tradition ethical rather than explicitly legal (45). Fifth, he notes that even when this "ethicalization" or "citizenization" of *Shari'a* gains traction, it does not inevitably result in the sort of privatization of religion found in Europe and (to a lesser extent) the United States (46). Sixth, Hefner postulates that the situations of Muslim women may drive ethicalization more than any other observable factor (46). Finally, he concludes broadly,

Believers' efforts to make the shari'a a guiding force in their lives bring the law into contact with life-worlds and aspirations vastly different from those in which the law's early commentators lived. Over the long term, the law will remain a guiding force in Muslim affairs only by responding to and elevating the participatory and pluralistic aspirations of our age. (47-48)

Frank Vogel's chapter on Saudi Arabia serves as a helpful supplement to his previous work in the area. Although the symbiotic relationship between the monarchy and the *ulema* in the context of *siyasa Shari'a* remains intact, he notes a number of interesting developments since the publication of his book, *Islamic Law and Legal System: Studies of Saudi Arabia*. These include the developing role of the Saudi Basic Law, reform efforts by the king and senior members of the government, and the increasingly complicated position of the *ulema*. Some scholars have argued that the Saudi Basic Law and ostensible reforms within the monarchy are merely symbolic and performative, designed primarily to appease foreign critics. However, Vogel indicates that there is an authenticity to many of these moves which indicates the

increasing importance of popular opinion within Saudi Arabia and vibrant dialogues rooted in some common assumptions regarding the role of *Shari'a* in governance. Although some caricature the role of the *ulema* in this system as either coopted by the monarchy or working to subvert it, Vogel provides a more nuanced description that reveals the diversity within the official *ulema* as well as other religious leaders.

Nathan Brown's essay on Egypt is extremely thoughtful, summarizing and building on his earlier work and the work of Clark Lombardi. He describes the main state religious entities, such as Al-Azhar University and Dar al-Ifta, as well as other governmental institutions influencing the role of *Shari'a*, such as education, the legislature and the courts. He also describes the roles of increasing pietism and the Muslim Brotherhood. Brown concludes that the Egyptian state had been at least partly successful in influencing religion by controlling the debates and discourses related to it (117). His qualified account of state success may be particularly appropriate given the overthrow of the Mubarak government and the events following the Arab Spring. So, although this essay is well-written and insightful, it could not address the particular changes arising out of the 2011 uprisings.

Bahman Baktiari's essay on Iran addresses the nation's unique status as the only Shi'i country to be considered in the book and the only nation with a hierarchical clergy. Although the greater degree of structure and consensus might lead one to conclude that Iran avoids the problem of competing interpretations, Baktiari rightly problematizes this assumption by analyzing the tension between Iranian codes and traditional Shi'i Islamic jurisprudence. He also explores the impact of the innovations of the constitutional role of the supreme leader, the Council of Guardians, and the Expediency Council. This essay is particularly helpful because it identifies some of the common challenges created by codification and constitutionalism in many predominantly Muslim countries. There is also an implicit normative criticism of the exercise and consolidation of power in Iran when legitimized by religious authorities and rhetoric outside the context and legitimacy of traditional Shi'i jurisprudence.

The chapter on Turkey was written by Hakan Yavuz, a prominent author in the area of Turkish religion, secularism and democracy. This essay harkens back to his important 2003 book, *Islamic Political Identity in Turkey: Religion and Global Politics*. He summarizes earlier insights regarding shifts in religious, class, and political identity which led to the AKP electoral success in 2002, but, more importantly, he

reflects on nearly ten years of AKP governments, recent constitutional reforms, and shifting socio-religious and political preferences. In addition to reviewing a variety of polling literature, he discusses fascinating focus groups he conducted exploring the diversity of religious identities and views of secularism. His taxonomy of the landscape of Turkish Islam as well as the characterization of the role of Alevis and Nurcu movements might be criticized for failing to fully capture the complexity of some of the institutions and identities he addresses, but overall the essay is quite helpful for framing further explorations of Turkish religious identities, particularly with regard to views of secularism and *Shari'a*.

The essays on Afghanistan by T. Barfield, on Pakistan by Muhammad Qasim Zaman, on Nigeria by Paul M. Lubeck, and on Indonesia by Hefner, are interesting but do not relate as clearly to the earlier chapters. It may be that these jurisdictions are less connected geographically and historically to the Middle East, so they face somewhat different cultural, legal, and political questions than the other countries examined. For example, Afghanistan and Indonesia seem to be more deeply influenced by local customary law. This may be true in Nigeria and Pakistan as well. Local tribal structure and power also play an arguably greater role in jurisprudence and politics in Afghanistan, Pakistan and Nigeria. Even so, there are some very important similarities that lead Hefner to the conclusions in his introductory essay.

Edited volumes with multiple authors and perspectives present particular challenges to reviewers. However, Hefner's clear directions to the contributors create a common framework that allows the contributions to hold together more effectively than some similar projects. Overall, he presents an optimistic view of democratic reforms in predominantly Muslim countries. Although the survey undeniably portrays the tremendous diversity in Islamic approaches to political organization and law, it may also imply the possibility of overlap and convergence as literacy, education, and technology provide greater avenues of communication for Muslims throughout the world. This appears to be one of the lessons of the Arab Spring. Although the dramatic events of 2011 and 2012 occurred after the writing of the various chapters, the book will be helpful to students, scholars and those interested in legal developments within Muslim contexts.

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