

Books

Understanding Sharia: Islamic Law in a Globalised World, by Rafiq S Abdulla and Mohamed M Keshavjee

A lucid defence of the evolution of Islam's religious jurisprudence



Boys read the Koran at an Islamic seminary and orphanage during the Muslim fasting month of Ramadan © Reuters

Review by David Gardner 5 HOURS AGO

In a ruminative lecture on Islamic Sharia's place in English law a decade ago, Rowan Williams, the then Archbishop of Canterbury, asked whether small, culturally and religiously intimate matters of mainly family law might not be delegated to Muslim religious courts.

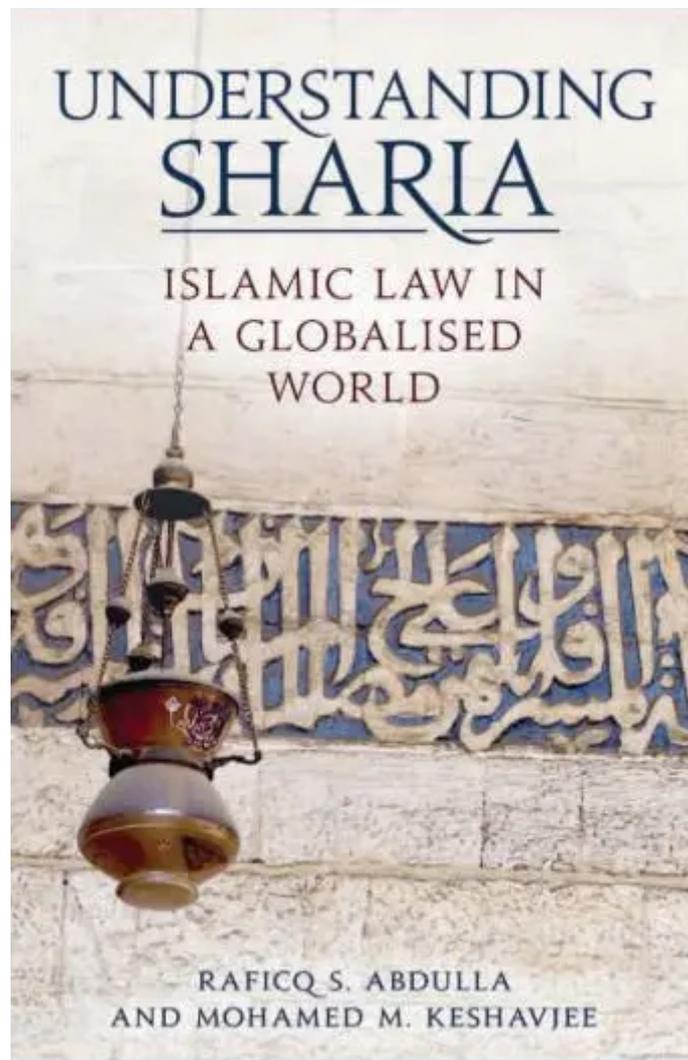
“[What a Burkha](#)”, the Sun newspaper boomed in the furore that ensued. While the tabloid response was predictable, it probably summarised accurately the popular image of sharia, as something veiled, menacing and alien. This rich and important book is a lucidly argued and accessibly written corrective.

Take that headline-grabbing burka. The Muslim practice of veiling women copied the (Christian) Byzantines, who probably borrowed it from the (Zoroastrian) Persian culture of hiding upper-class women from all men but their own. Similarly, other early Muslim practices seen as signatures of sharia law such as the imposition of a poll tax on Jews and Christians — which [Islamist extremists](#) would like restored — are also borrowings, in this case from the (pagan) Romans.

Veiling, the authors note, has more to do with identity politics and local custom than the Koran, which merely enjoins modesty — on men and women alike. Similarly, the holy book “speaks of Adam and Eve's fall from grace without cursing Eve . . . Adam alone is the recipient of divine reproach”. The turn against Eve began in the ninth century, when Muslim scholars homogenised their teaching, aligning it with Christianity.

The evolution of sharia was heavily influenced by customary law once Islam burst out of Arabia, into the Levant, Persia, north Africa and Europe. This rapid growth of empire created the need to codify sharia into a more uniform and predictable jurisprudence. That helped kill the spirit of inquiry encouraged by the Koran. Succeeding Muslim dynasties and an increasingly confident clerical and judicial caste had a common interest in discouraging philosophy, theology and speculation.

Attributions to the Prophet Mohammed played a big part in shaping sharia. The process helped divinise the Prophet and the *hadith* (sayings or acts attributed to him) turning a man who pronounced “I am mortal like you” into what the Turkish scholar [Mustafa Akyol](#) calls “an omniscient prognosticator who knew everything about the future”. The whole exercise shut down the process of *ijtihad* — reasoning by analogy encouraged by the Koran to deal with contemporary problems unforeseen in the Koranic revelation — in favour of “a more ossified process of exegesis and the formulation of rules”.



The authors are particularly good at laying out the evolution of the classic schools of Islamic jurisprudence. Their story also highlights how cyclical and dynamic Muslim civilisation has been — as it spread from the Oxus river in Central Asia to the Pyrenees — and how different its colours depending on whether it mixed with Jews and Christians, as in Moorish Spain, or collided in Africa with Berbers or Yorubas.

Christians should not be too quick to dismiss the “convoluted degree of casuistry” to which Islam and sharia could descend. A 12th-century judge in Cordoba may have said the final word in godliness lay in the righteous conundrum: is it permissible to ride a camel that has drunk wine, since the rider could be polluted by its inebriate sweat? But that judge was the grandfather of the philosopher Ibn Rushd (Averroes) who helped make Europe’s renaissance possible.

There is clearly a problem if sharia law as a core marker of Islamic identity has been deemed closed to change for almost a millennium, as well as being seen as a shield against the dislocations of modernity.

The authors defend the humanist dimension of Islam and the Koran. They see paths to a modernised sharia through Muslim scholars working in the west and retrieving the authenticity of 19th-century reformers such as [Mohammed Abduh](#), the Egyptian scholar, and Jamal al-Din al-Afghani who, despite his name, was probably a Persian and a Shia. They argue that the mystic traditions of Sufi Islam and often more supple practices of Shiism have “the potential of retrieving for sharia its higher ethical purpose” — a purpose this book admirably presents.

The reviewer is the FT’s international affairs editor

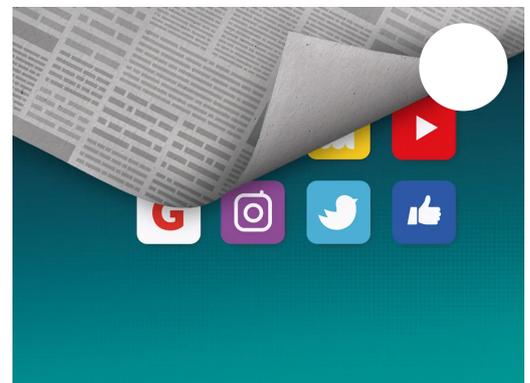
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