



The *Renewal of Islamic Law: Muhammad Baqer as-Sadr, Najaf and the Shi'i International*

Chibli Mallat

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Review by
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The *Renewal of Islamic Law* by Chibli Mallat is a worthwhile addition to the scholarly literature concerned with efforts undertaken by modern Muslims to develop comprehensive political and social ideologies based upon Islamic law. The author's principal focus is Muhammad Baqer as-Sadr, a Shi'i *alim* active in Iraq from approximately 1955 to his execution by Saddam Hussein's regime in 1980. The book includes, however, substantial information and analysis of the constitutional structure of post-revolutionary Iran, and the author also examines the 'Islamization' of financial institutions proposed by Muslims living in the modern context. By establishing connections between an ideologue such as Sadr and the quest for forming institutions proper to an Islamic state in Iran, the author successfully depicts the seriousness of efforts undertaken by some modern Muslim theorists to bridge the gap between a scholarly or legal tradition rooted in the medieval age and the exigencies of the modern world.

The thematic emphases of *The Renewal of Islamic Law* are discernible from the division of the text into halves dealing with Islamic law and the constitution (part 1) and laws concerned with



the economy (part 2). Mallat begins with a general introduction, which first explains the importance of law to the contemporary 'Islamic Renaissance' and then goes on to give a brief synopsis of Sadr's life and the political circumstances in Najaf, Iraq, under which he carried out his work.

Mallat's discussion of Islamic law and the constitution in part 1 of the book is perhaps the most arresting section of the work. In chapter 1, the author first assesses the Usuli-Akhbari split of classical Shi'i law, whose modern relevance lies in some influential scholars' emphasis on the recognition, and bolstering, of the position of a practicing *faqih*, the Shi'i *mujtahid*, as an interpreter of Islamic law (*shari'a*). This viewpoint is linked with Khomeini's concept of *wilayat al-faqih* (guardianship of the jurist), along with lesser known, but highly influential, ideas put forth by Sadr. The discussion of this issue is followed by a description of the intellectual environment in Najaf during Sadr's period of activity.

The second chapter extends the scope of the presentation by establishing specific connections between Sadr's ideas and the constitution adopted by the Islamic Republic of Iran following the 1979 revolution. Aside from offering valuable insights into Sadr's thought, this chapter also performs the very significant task of contextualizing Khomeini's 'innovative' ideas, such as *wilayat al-faqih*, within the intellectual atmosphere from which he emerged. Coming out of the largely quiescent world of Shi'i learning, Khomeini's political activism has often been remarked upon as an anomaly. By highlighting the world of Najaf and describing in detail the thought of one of its luminaries (Sadr), Mallat draws our attention to the intellectual simmerings that were taking place in traditional Shi'i legal circles prior to Khomeini's influential lectures. This is a significant contribution, as such awareness of the processes that went behind the emergence of a figure like Khomeini encourages a properly historical understanding of the Revolution.

Mallat's final chapter on the constitution (chapter 3) summarizes the debate on the issue in Iran since the Revolution. This discussion provides up-to-date information (including comments on post-Khomeini developments) about tensions between various segments of the government in Iran's post-revolutionary constitutional structure. Most of the chapter is devoted to the way various governmental institutions have interacted *in practice* after the Revolution, as opposed to the theories according to which they were formed. The material here would make instructive reading both for people interested in Iran since the Revolution and for



those concerned with the transformation of Islamic ideologies into functioning systems of governance.

Part 2 of the book concentrates on issues of economic reform and financial institutions, with particular reference to two works by Sadr, *Iqtisaduna* (Our Economic System) and *al-Bank al-la ribawi fi-l-Islam* (The Interest-Free Bank in Islam). As Mallat points out (p. 7), Sadr's reputation as a theoretician in the field of 'Islamic economics' is well established both in the Islamic world and in western scholarship on the subject. The discussion begins with a detailed description of Sadr's *Iqtisaduna* (first published in 1961), paying particular attention to the work's innovativeness for the field (chapter 4). By looking at the particular ways in which Sadr had to extract an 'economic theory' out of medieval treatises, Mallat conveys an appreciation of the laboriousness of Sadr's task and his inventiveness. On the critical side, he points out that, as a text produced in response to the growing popularity of communist and socialist ideas in Iraq, *Iqtisaduna* contains limitations in terms of the topics that the author chose to discuss (pp. 141-43). The work is quite significant, however, as it represents a rare systematic Islamic approach to the economy. Chapter 4 ends with an overview of the fate of economic issues, such as (unsuccessful) land reforms, in Iran since the Revolution (pp. 146-57).

Sadr's second economic work discussed by Mallat (chapter 5) was written in response to a request by the Kuwaiti Ministry of Awqaf and was published in 1973. In this work, *al-Bank al-la ribawi fi-l-Islam*, Sadr's concern is to devise the blueprint for a bank, which, following Islamic proscriptions, would not undertake transactions involving interest. Sadr's major proposition here is to conceive of the bank as being an agent between depositors and borrowers involved in an extended *mudaraba* contract which is acceptable under the *shari'a* (pp. 164-66). Although this solution had been suggested by Islamic theorists prior to Sadr (e.g., Muhammad 'Abduh in Egypt) as well, his contribution is significant because it develops the rudimentary concept of a contract between two parties into the detailed structure of a potentially viable financial institution. Moreover, aside from its practical value, Sadr's effort was remarkable coming from a man whose own training as an 'alim provided him with little background to develop such a system.

The Renewal of Islamic Law is quite convincing on the point that Sadr ought to be regarded as a significant Muslim thinker active during the twentieth century. Mallat presents a flattering image of Sadr's personality throughout the work, though flaws in his thought



are also remarked upon wherever necessary (e.g., pp. 141-46). The discussion of post-revolutionary developments in Iran deserves credit for its thoroughness and for astuteness in appreciating the nuances of public statements made by (religio-) political figures. A note of caution for the reader not familiar with the record of the Islamic Republic is useful in this regard: Due to its emphasis on the realm of theory, the work does not make much mention of misuse of state power since the Islamic regime's accession in 1979. The conclusion states that "the record on human rights is a dismal failure of revolutionary Iran" (p. 189), but the author does not reflect extensively as to whether or not the theories expounded by Sadr or Khomeini entail inherent problems resulting in abuse of power on the practical level. This comment is not necessarily a criticism, however, since the book would have had to be extended beyond its present scope to accommodate this question fully.

In terms of physical presentation, the inclusion of some diagrams in the book (e.g., illustrating the constitutional framework of Iran [pp. 72-8] or the institutional structure of the interest-free bank [pp. 167-82]) could have made it easier for the reader to follow the narrative. One may find an occasional error in transliteration in the text (e.g., *aga be-zaman* against the correct Persian *agah be-zaman* [p. 71]), but the typescript is reliable on the whole.

The Renewal of Islamic Law is to be recommended as rewarding reading for specialists as well as non-specialists (with allowances for digesting a significant amount of Arabic and Persian terminology) concerned either with the general purview of modern Islamic thought or with developments in Shi'ism in Iraq and Iran since the 1950s. The author deserves praise for a serious and judicious presentation of the accomplishments of a previously under-appreciated theoretician. The book approaches the topic with remarkable thoroughness and could be regarded as a worthy prototype for future work in this field. The fairness exhibited by Mallat in evaluating controversial issues and personalities reminds us that the best way to understand contemporary Islamic movements is to pay careful attention both to the views of their ideologues and to the contexts in which the theorists produce their work. In the cacophony of academic or journalistic assessments currently being put forth about 'Islamic fundamentalism,' *The Renewal of Islamic Law* stands out as a genuinely informative work exhibiting a sound methodology for approaching the processes affecting contemporary Muslim societies.