

Re-Islamizing the law

Recent years have seen a rapid realignment of forces within the Islamic world, with religious movements claiming or acquiring the right to mould all areas of society and culture according to the precepts of *shari'a* law in any of several sectarian or national formulations. This renewed centrality of Islam has had a direct impact on theory and practice in the constitutional, legal, political, economic, educational and other fields. That, in turn, has made the study of Islamic thought relevant – even critical – to many in the West who might previously have considered it esoteric: political scientists, lawyers, economists, even bankers. In practice, however, such is still the structure of most of these professions that even academics remain largely ignorant of the subject. This means that an increasingly vital area of debate still remains closed to all but a minority of specialists, with appalling consequences for international relations and the setting of realistic political agendas.

Chibli Mallat's erudite study of recent developments in Shi'ite constitutional and economic

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THE RENEWAL OF ISLAMIC LAW
Muhammad Baqer as-Sadr, Najaf and the Shi'i
International
245pp. Cambridge University Press. £30.
0 521 43319 3 25/3/93

theory seeks to further understanding by examining several key issues in language familiar to legal experts and economists. Regrettably – and this is in part the fault of his editors, who have also been lax in their supervision of the author's English style – he has not succeeded in disengaging himself enough from Islamicist discourse to make the non-specialist at home. More than one political scientist or economist will get bogged down in unexplained Arabic and Persian terminology, un glossed references to technical mat-

ters, or sheer gobbledeygook – which is all the more a pity, since the book is actually extremely illuminating about a subject of real importance. Perhaps a new edition could iron out some of these problems.

The Renewal of Islamic Law centres on the work and influence of a leading Iraqi Shi'ite thinker and activist, Muhammad Baqer as-Sadr, executed in 1980 at the age of fifty by Saddam Hussein. As the key proponent of a Shi'ite uprising against the Ba'hist state, as-Sadr had at one time seemed set to become the Khomeini of Iraq. But Mallat's study concentrates rightly on his wider importance as possibly the greatest modern exponent of Shi'ite politico-economic theory, and as a central figure in the broad movement of religious revivalism that engendered the Iranian revolution and many of the debates that have followed the establishment of an Islamic republic in that country. The present work is all the more important because as-Sadr has been grossly neglected in accounts of the revolution, even by key authors like Menashri, Amir-Arjomand, Fischer and, in part, Bakhash.

It is inadequate to analyse the Islamic resurgence as merely a reassertion of traditional values or as political enterprise cloaked with religious motives. More central than either of these is the impulse properly to Islamize (rather than re-Islamize – the distinction is important) society within the context of a modernity that cannot wholly be unmade and yet whose content is deemed inherently antithetical to the faith. For Mallat, the striking feature of this reformation is its legal emphasis: "The concern of the Islamic advocates has primarily taken a legalistic form." This preoccupation with legal matters goes back, of course, to the essentially halakic and rabbinical character of Islamic core culture, and is the unavoidable prerequisite of far-reaching modifications in all spheres.

Two areas in particular have been crucial to what Mallat terms (misleadingly, I think) the Islamic Renaissance: constitutional law and economics. Although both topics have been widely debated throughout Islam, it is within the Shi'ite context that the most important developments have taken place. The establishment of the Islamic Republic in Iran not only provided an arena in which these concerns acquired immediate relevance, but was itself in large measure the result of a long-standing debate in Shi'ite clerical circles about the relationship between religion and the state.

Although he is far from original in doing so, Mallat places Khomeini in the wider perspective of the clerical milieu to which he belonged. This is, on the one hand, the historical tradition of

modern Shi'ism as it has developed from the early eighteenth century, with its emphasis on clerical leadership, and, on the other, the theological colleges, especially those of Najaf, where a legal renewal took place during the 1960s and 70s. It was as much this "Shi'i International" as the revolutionary milieu of late Pahlavi Iran which set the agenda for the creation of the Islamic Republic, and it is within this context that as-Sadr's role appears more central than even that of Khomeini.

In particular, Mallat sets out to demonstrate the centrality of as-Sadr's theories in the formulation of the Iranian constitution. The revolutionaries of 1979 were vague as to the sort of government they wanted to put in place of the Shah's regime, and it was only in the course of a lengthy debate within the clerically dominated Assembly of Experts that Yadollah Sababi's secular draft constitution was transformed into the unequivocally Islamic document it is now. Mallat fails to prove the immediate influence of as-Sadr's texts on Beheshti and others responsible for drafting the new constitution, but he does make out an excellent circumstantial case for placing as-Sadr and his theories at the centre of any discussion on the significance of the institutions of the new state. Vital too is his analysis of the complex separation of powers within that system, and the linkage between traditional concepts of clerical leadership (subsumed under the term *marja'iyya*) and their implementation in Iranian institutions.

Better known is as-Sadr's influence on economic debate within the new republic. Like Mahmud Taleqani and Abu 'l-Hasan Bani-Sadr, he set out to demonstrate that Islam is capable of articulating a distinct economic philosophy, that it is a religion committed to social justice, and that economic theory may be derived directly from the Qur'an and religio-legal texts. Mallat sets out in considerable detail the main arguments of as-Sadr's two main works in this field: the widely-discussed *Iqtisaduna* and the more technical *al-Bank al-la ribawi fi 'l-Islam* ("Interest-free banking in Islam").

Even if Mallat exaggerates as-Sadr's importance as a figure comparable with Afghani or 'Abduh, he has succeeded admirably in bringing him out of the shadows cast over him by Khomeini and other revolutionary *ulama*. In so doing, he has performed an important service for all those seeking to understand the phenomenon of Islamic resurgence (whether in its Shi'i or Sunni form), by drawing attention away from the politically prominent and on to the behind-the-scenes theoreticians to whom the entire process owes its inspiration and direction.