

## BOOK REVIEWS

### Women and Social Justice : Some Legal and Social Issues in Contemporary Muslim Society

By Anis Ahmad. Islamabad, Pakistan: Institute of Policy Studies, 1991, pp.128.

The question of women's status in Islam has been the subject of a score of studies written by contemporary Muslim intellectuals. More often than not this vital issue is clouded by high emotions, leading to studies taking either an apologetic stance whereby the discussion is completely devoted to defending Islam against its detractors, or, alternatively, an antagonistic stance in which Islam is faulted for the misfortunes of Muslim women.

This work is, in contrast, a serious endeavour aimed at providing a balanced presentation. While rejecting the secularist strategy of equating Muslim action with Islamic precept, the author recognizes the adverse conditions of Muslim women, and proposes measures for improving those conditions. He does that, however, not by looking at the problem in terms of isolated 'rights' or 'needs' to be granted to, and bestowed on, women, but rather by placing it in a societal context and global framework.

The arguments in the book proceed along two interrelated thrusts. First, the general purposes of *shari'ah* and the overall concerns of Islam are discussed in connection with the social position of women. Secondly, particular issues pertaining to the well-being of women are discussed, including *talaq*, *shahadah*, inheritance, employment, and others.

The author rejects the liberal approach which reduces the issue of reforming women's social conditions into a question of legal rights, calling for a comprehensive approach whereby both moral and legal aspects are addressed. He stresses that the mistreatment of women is not simply a legal matter, but also, and more so, an attitudinal problem, and has to be treated as such.

On the moral plane, Islam provides a comprehensive set of universal principles, on the basis of which a genuine reform of the conditions of women may be attempted. The author singles out five principles: 1)

'*Ubudiyyah*; 2) *Birr*; 3) *'Adl*; 4) Liberty, accountability, and responsibility; and 5) social and individual good.

In discussing the universal principles of Islam, the author points out that while Islam stresses the individual worth, responsibility, and dignity of the two sexes, it gives special attention to collective good and social cooperation.

The feminists' contention that they stand for the betterment of women's conditions is challenged by the author. The recent history of feminism, he argues, shows that while the cry for the 'liberation' of women has been couched in universal terms, women's liberation boils down to a project aimed at liberating bourgeois women from traditional values and norms. The efforts of feminists to improve the conditions of women in Muslim societies (Pakistan is taken as a case study) is especially superficial, for feminists seem to be more interested in advancing the secular agenda, than in addressing the real problems of women.

Utilizing the findings of an early study on the implementation of the *Hudud* ordinance in Pakistan by Charles H. Kennedy, the author demonstrates the baselessness of the claim that the application of *shari'ah* is detrimental to women. He points out that statistical evidence clearly shows that the implementation of *shari'ah* has resulted in a decrease in the number of female convicts in relation to male.

The major contribution of this work is found in chapter three, where the author turns to show how an alien code of law, incompatible with the norms and ethos of the people of Pakistan, fails to achieve its objectives. He, therefore, emphasizes the need for adopting a comprehensive approach. The author illustrates how an eclectic approach to social problems limits the benefits received from implementing the rules of *shari'ah*, and occasionally exacerbates legal problems. He brilliantly shows how the apparent 'harshness' of *shari'ah* laws is the result of an incomplete and compromised legal reform, whereby the punitive measures derived from the *Hudud* ordinance of 1979 are administered under conditions defined by the Muslim Family Law ordinance of 1961.

The deficiency of the legal reform taking place in Pakistan is manifested in the one-sided emphasis on legality at the expense of morality. The author points out that the *shari'ah* is not merely a legal code, but is equally a moral system. A successful reform has to stress the positive aspects of *shari'ah* through persuasion and education. Stressing the punitive and focusing on *hudud* application does not take society far enough to experience genuine reform. The author suggests a number of measures aimed at raising people's awareness of the high and noble objectives of Islam, and increasing their commitment to its values.

The study runs into a number of difficulties when the author turns to address some of the particular issues with which the study is concerned. For example, in dealing with the question of *talaq*, the author does not convey the controversiality of the question at hand. He argues that a *talaq* in which three *talaqs* are pronounced in one sitting is 'an offence subject to ta'zir' (p.44) , predicating this measure on the basis of the practice of 'Umar bin al-Khattab. Yet the question, far from being a clear-cut case in the *fiqh* treatises, is subject to debate and disagreement. *Fuqaha* are divided around two opinions: considering the pronouncement of three *talaq* in one sitting as one separate *talaq*, or treating it as three separate *talaqs* constituting the break up of the marriage bond. 'Umar bin al-Khattab espoused the second opinion and enforced it during his administration.

Similarly, in discussing the economic role and contribution of women, the author makes no distinction between national and household economics. While the author correctly points out the need to tailor economic development to the social and moral particularities of Muslim society, he concludes that women's participation in economic activities does not increase national income. He bases this conclusion, however, on the notion that women's economic involvement does not lead to any significant increase in household income, since a great part of the income generated by the wife will be spent 'on hiring facilities'. (p.83)

In sum, the study is undoubtedly a significant contribution to the debate on the question of women's status in Islam, not only because it addresses difficult and controversial issues, but also because it is not satisfied with dealing with the general and universal but addresses the particular and specific.

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