



# AL-SHAJARAH

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# AL-SHAJARAH

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The journal is published twice a year, June-July and November-December. Manuscripts and all correspondence should be sent to the Editor-in-Chief, *Al-Shajarah*, F4 Building, Research and Publication Unit, International Institute of Islamic Thought and Civilisation (ISTAC), International Islamic University Malaysia (IIUM), No. 24, Persiaran Tuanku Syed Sirajuddin, Taman Duta, 50480 Kuala Lumpur, Malaysia. All enquiries on publications may also be e-mailed to [alshajarah@iium.edu.my](mailto:alshajarah@iium.edu.my). For subscriptions, please address all queries to the postal or email address above.

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## ***Book Review***

**Anis Ahmad, *Gender, Law and Society in Islam*, Islamabad: Institute of Policy Studies Press. 2019. 158 pp. ISBN No. 978-969-448-177-7**

*Reviewer:* Zaleha Kamarudin, PhD. Professor, ISTAC-IIUM

The thought that immediately comes to my mind when reading “Gender, Law and Society in Islam” is the sincere attempt made by Professor Anis Ahmad, the author, in recording his decades of experience not just dealing with key issues on gender but as a social scientist and distinguished professor of comparative religion and Islamic studies in Pakistan and across the globe. This valuable experience has been adeptly curated into a framework that is not only thought-provoking but easy to follow. This book contributes to a growing body of literature on gender studies – specifically on a line of inquiry that has formed around certain important contemporary issues in gender from an Islamic perspective. The aim of this book according to the author is an academic effort to elaborate features of an ethical worldview and the new identity it provides to both genders. He insists throughout this book that this identity is not based on the superiority of one gender over another, but rather on “ethical transcendence” whereupon individuals are elevated due to excellence in their good deeds. His search for viable solutions in the light of guidance from the Qur’an is illustrated through his formation of a theoretical framework which assists readers in understanding the Qur’anic worldview brought forth in this book.

Professor Anis Ahmad's book of 158 pages attempts to be succinct in its offering, but its coverage is quite comprehensive and very refreshing. The conceptual framework shows its maturity which is reflected in the author’s preface where it is mentioned that it has been substantially improved upon from earlier works of the same nature. The author maintains the conciseness of the publication by avoiding generalities of how

Islam can solve all problems, but rather, he addresses specific issues dealing with some legal and social problems of Muslim women. The very notion of gender equality is put into question, and the author instead proposes a more rational point of view which he terms as “gender justice”.

The essays in this book are one of the principal efforts by the author to critically analyse core issues relating to gender from a Qur’anic viewpoint. The narratives put forth by both liberals and conservatives were examined in the light of the Qur’anic concepts of equity and fairness and modified to give birth to an alternate ethics-centred theoretical framework.

The book under review consists of seven chapters of 148 pages and a detailed 10-page index.

Chapter 1 starts with a highly seminal question, “Why an Ethical Paradigm Shift?”. This chapter is introductory and informative in nature, describing justifications for proposing the paradigm shift starting with clearing away the centuries old gender-based social science methodology derived from the Euro-centric and empirical paradigm of knowledge. The author emphasises on “global Islamic ethical values” which, according to him, would provide a non-gender specific positive approach and consequently provide a more normal and long-term cure to injustice against women in society. The author highlights the way in which Islam approaches the whole issue of gender discrimination and why Islam favours gender justice over gender equality. He also attempts to relate Shariah to the domain of economic, social, and political justice. By doing so, he hopes that the reader would appreciate the dynamics of an Islamic ethical paradigm founded on certain universal ethical values which also indicates the viability and application of these values in a particular space and time. He specially states that the study refers to Pakistan for illustration purposes, however, it is not Pakistan-specific. Likewise, the Ethico-centric approach through tawhidic paradigm is also deliberated. The Qur’anic concept of *falah* is further defined in a wider context of success and is believed to provide an undisputable basis for social, economic, political, and legal policy changes. *Al-Huquq wa Al-faraid* or rights and obligations are succinctly deliberated as an ethical-legal concept in

Islam and it is widely held that it is a concept that takes care of the entire social being. It is remarkable to note that the discourse on the concept of new woman is discussed in the context of “tawheed, ‘adl, and ubudiyah”. For some readers, these are big and heavy words. A reader without any background in Islamic studies will be lost in a jungle of Islamic concepts! Perhaps, further explanations of complicated terms and concepts should be made to assist the reader in following the discussions and fully appreciate the nature of the deliberations. On the other hand, readers who are already acquainted with gender studies are all too familiar with women’s plight within a feudal, imperialist tradition and acknowledge that things are, in fact, moving in circles. Thus, the justification for a paradigm shift is understandably welcome. The discussions in this chapter have successfully set the backdrop, leading into further discussions on the role of Shariah in chapter 2.

Chapter 2 briefly describes the role of Shariah, especially on its foundational objectives, i.e., Maqasid\_Shari’ah which are considered fundamentally moral values that define the character of an Islamic society. It attempts to show the essential difference between the concept of common law which is bound to change with time, and the Shariah which transcends space and time. An important point made in this chapter is his suggestion to approach Shariah from a totally different point of view, that is, the importance of understanding that Islam looks upon the concept of gender equality and women’s empowerment in a way that does not follow a gender-dominated approach.

Chapter 3 which is the meat of this book examines gender justice and the essence of the new paradigm. He elaborates further the ethical paradigm shift and its relevance to “ethical empowerment, ethical judgement and legal equality”. Specific issues relating to the concept of ‘adl, its impact on social contract, as well as individual and collective imperatives are thoroughly discussed. Other factors which include observance of ‘adl with non-Muslims, social dimensions of ‘adl, ‘adl with family, ‘adl with child yet to be born, ‘adl with blood relatives, economic and political justice and political empowerment are further examined. Specific cases on woman’s inheritance are discussed briefly and the myth of equality is also

highlighted. More detailed deliberations on these unresolved areas from the framework that he had proposed would be much appreciated by those who want answers to these questions. Instead, discussion in this chapter is concluded with an opening to another Pandora's box, namely the social cost of commercialization of women, which is another hot topic for feminists.

Chapter 4 highlights the socio-cultural dynamics and how it is key in understanding contemporary issues such as legal rights, inheritance, and political leadership. Several important factors are deliberated, including Islam, amanah, soundness in reasons and physical strength, imamah, and confidentiality and secrecy.

Chapter 5 provides an interesting discussion on women as legal witnesses. Arguments by so called "traditionalist scholars" vs. "modernist" justifications are highlighted. Efforts are made in this chapter to understand the qualitative approach taken by the Islamic philosophy of law and its application in some actual cases. A guiding principle from the Qur'an in relation to legal testimony is highlighted followed by deliberation on the issue of four witnesses and yes, the much-awaited new perspective. The law of evidence and discrimination are discussed in the context of Pakistan's Qanun-e-shahadat 1984 (Presidential Ordinance No. 10) from the Qur'anic viewpoint. Social dimensions of the issue are also included before concluding it with a sub-topic on women's role in society.

Chapter 6 highlights socio-legal implications and lacunae of specific legislations. The author rightly questions whether these legislative steps could resolve some important controversial issues. I found this chapter most beneficial – especially in consolidating the Qur'anic perspective in solving societal problems based on real life cases. The controversial Muslims Family Law Ordinance of 1961 is also debated in the light of Hudud Ordinance, 1972 and some of its provisions in relation to registration of marriage, polygamy, pronouncement of talaq, maintenance and the penalty and procedural errors, which are seen as flawed and against the Islamic injunctions. The purpose of family life in Islam is also highlighted to complete the discussion in this chapter.

Chapter 7 provides a brief but good conclusion on the New Social Order. The author succinctly highlights the benefits of



encouraging a unified view of knowledge and epistemology as a basis for theory construction and development of social, natural, and applied sciences. It generates a new and purposeful or beneficial knowledge ('ilm al-nafi'). This knowledge according to the author could substitute the present materialistic, empirical form of Western knowledge adopted in most Muslim societies. He stresses that an ethics-centred approach will reduce tensions that exist in a gender-based society and subsequently transform into an environment of cooperation in ma'ruf and stand united against unethical human practices (munkar). He concludes that "an ethics-centred view of human society helps in defining the role of both genders in order to maximise achievements of ethical and moral goals and targets of a society and state."

Viewed as a whole, the book provides a well-thought-out description of the proposed theoretical framework and the steps taken to get there. A coherent flow is established throughout the chapters to lead the readers to the author's conclusions. The value of the author's contribution lies in the fact that he has successfully addressed the paradox of Muslim women's liberation and the complexities it poses to their identity as women and as Muslims. The book concludes by highlighting the real-world issue of several legislations in Pakistan that claim to be protecting women, but that in fact backfires in its purpose when implemented, due to the influence of other frameworks.

Professor Anis Ahmad deserves to be congratulated for making these issues more relatable to the real world. His proposed framework enables the reader to apply the theory in various current issues and identify the changes and benefits it could bring. The way that all these controversial issues are addressed is made understandable to the reader from an Islamic viewpoint with interpretations of relevant Qur'anic verses and Sunnah of the Prophet. While this book has not covered every argument available on issues relating to gender, it does provide a good framework on solutions to gender issues and more breadth in understanding the field. Scholars interested in gender and Islam will find this book a great addition to their bookshelf.



## TRANSLITERATION TABLE

### CONSONANTS

Ar=Arabic, Pr=Persian, OT=Ottoman Turkish, Ur=Urdu

Ar	Pr	OT	UR	Ar	Pr	OT	UR	Ar	Pr	OT	UR	
ء	ب	پ	پ	ز	ز	ز	ز	گ	—	g	g	g
ب	ب	ب	ب	ژ	—	—	ř	ل	l	l	l	l
پ	پ	پ	پ	ژ	—	zh	j	م	m	m	m	m
ت	ت	ت	ت	س	s	s	s	ن	n	n	n	n
ث	—	—	ṭ	ش	sh	sh	ş	ه	h	h	h <sup>1</sup>	h <sup>1</sup>
ث	th	th	th	ص	ş	ş	ş	و	w	v/u	v	v/u
ج	j	j	c	ض	ḍ	ḍ	ž	ی	y	y	y	y
چ	—	ch	çh	ط	ṭ	ṭ	ṭ	ة	-ah	—	—	-a <sup>2</sup>
ح	ḥ	ḥ	ḥ	ظ	ẓ	ẓ	ẓ	ال	al <sup>3</sup>	—	—	—
خ	kh	kh	kh	ع	‘	‘	‘	—	—	—	—	—
د	d	d	d	غ	gh	gh	ğh	—	—	—	—	—
ڈ	—	—	d	ف	f	f	f	—	—	—	—	—
ذ	dh	dh	dh	ق	q	q	k	—	—	—	—	—
ر	r	r	r	ك	k	k/g	k/ñ	—	—	—	—	—

<sup>1</sup> – when not final  
<sup>2</sup> – at in construct state  
<sup>3</sup> – (article) al - or l-

### VOWELS

	Arabic and Persian	Urdu	Ottoman Turkish
Long	ا	ā	ā
	آ	Ā	—
	و	ū	ū
	ي	ī	ī
Doubled	ي	iy (final form ī)	iy (final form ī)
	و	uww (final form ū)	uvv
	و	uvv (for Persian)	uvv
Diphthongs	و	au or aw	ev
	ی	ai or ay	ey
Short	ا	a	a or e
	ا	u	u or ū
	ا	i	o or ö
	ا	i	i

### URDU ASPIRATED SOUNDS

For aspirated sounds not used in Arabic, Persian, and Turkish add h after the letter and underline both the letters e.g. جھ jh گھ gh

For Ottoman Turkish, modern Turkish orthography may be used.

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