

for the ummah's current state, they do not specify how these factors cause the result. In addition, in a context where postmodernist and postcolonial currents have gained currency, it is unusual that the book takes developmentalism for granted.

More importantly, it can be argued that overall, this book is economically biased. Although the study of contemporary globalization is generally situated in the international political economy field, since its motivator has been market deregulation, culture is increasingly gaining significance. However, the book generally grants, at most, a corollary status to cultural factors.

Added to this is the authors' silence on the everyday debates about Islam's role in this underdevelopment. What is the Muslims' response to these accounts that hold Islam responsible? Except for one place, Islam is not deemed an exogenous variable to the analysis. This implies that Islam's prevailing formulations are taken for granted, and thereby relegates the ummah's civilizational crisis to just an economic crisis.

As for the policy suggestions, the key role is again attributed to economic reform; only the last page touches upon political reform. It is as if the ummah's economic integration, which the book advocates, could be achieved with the current leadership, whose conflicting interests are mostly contrary to the public interest. Political variables are at work in the book only as they refer to international politics.

Overall, this book presents the incredibly demoralizing picture of the ummah and offers a solution. But a more extensive analysis on the intellectual, cultural, and micro-meso level forces would certainly grasp a lot more about the ummah's various crises. Muslims should not count on their current leaders to create the ummah, when their simple efforts on the grass-roots level could carry the seeds of our dreams.

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Freedom, Equality and Justice in Islam

Mohammad Hashim Kamali

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Modern Muslim thinkers who try to locate and construct constitutional tenets based on the Islamic tradition face various difficulties, for they have

to address a segment of an audience that expects an exposition comparable to the West's in terms of terminologies, institutions, and remedies, as well as to draw from the best practices of Islamic history and modern Muslim societies. It is always frustrating to learn that Islam's constitutional history, despite its richness in individual constitutional tenets, loses some of its utility in modern Muslim societies due to systemic changes caused by globalization and pervasive international institutions, both of which have had far-reaching consequences on domestic sociopolitical settings.

Given the contemporary nation-state's overarching authority, one known guarantee of the people's social, legal, or political rights is a constitutional framework under a credible rule of law system. Mohammad Hashim Kamali's *Freedom, Equality and Justice in Islam* identifies the three themes in the title of his book as the fundamental bases upon which all other constitutional guarantees of human rights depend.

The book is divided into three chapters, each dedicated to one of the main themes. The first chapter, which discusses freedom, presents a conceptual analysis of the term and how it is expressed in Islam's theological and sociopolitical contexts. However, unlike various guarantees provided for realizing other values, such as justice (discussed in chapter 3), there is little discussion of such practical guarantees for personal liberty and freedom. The author acknowledges that Muslims have given scant attention to constitutional guarantees of freedom, citing the prevalence of despotic governments throughout much of Islamic history. Nevertheless, the only way he offers out of this situation is to observe that Muslims should change the language of *fiqh* (Islamic jurisprudence) to reflect the challenging times confronting the ummah. This may not be surprising, given the identified problems, as mentioned above, that have to be faced squarely.

The second chapter, which analyzes equality, reviews authoritative Islamic sources and argues that although there is conclusive evidence that Islam envisages equality in basic rights and duties among all Muslims, the evidence is somewhat inconclusive on whether all members of the human race enjoy such equality. This inconclusiveness is due to sources that leave room for different interpretations and to prevailing circumstances during the formative period of Islamic law. Kamali pays particular attention to the duties and rights of women and non-Muslims, for there are different opinions on women's political and family-law rights and on equal opportunity for non-Muslims. He states that even if differential treatments of the two categories are maintained in certain circumstances, such differences do not negate equality, because Islam's positive equality

takes natural and acquired distinctions into account. However, the prevalent tendency in modern Islamic reformist thought is unmistakably shifting toward eliminating distinctions based on equivocal evidence when dealing with women and non-Muslims.

The third chapter, which deals with justice, appears to be most incisive, coherent, and deeply rooted in Islam, for justice is an overriding Islamic value regardless of time. Not even nationalist sentiment, which is often used to undermine it (e.g., “my county, right or wrong”), can be Islamic. In this chapter, Kamali reviews in great detail the provisions from the Qur’an and the Sunnah and also indicates how Islamic justice is manifested in the legal and sociopolitical fields. Justice is one of Islam’s objectives, and although the path toward it is mainly shown and regulated by the revealed law (the Shari`ah), the quest should not be limited to realizing justice under the rule of law; rather, it should be pursued on all levels.

Regarding the guarantee for realizing the Qur’anic vision of justice in a modern Muslim state, the author remarkably observes that notwithstanding such institutions as *hisbah* (public or non-governmental enforcement of the common good) and *mazalim* (bureau for complaint against public officers), among others, justice is best guaranteed by an independent judiciary.

This book is geared toward a constitutional reform system of basic human rights in Muslim countries. In order to make Islamic law more pragmatic and a tangible reality, the author argues that a reform of Islam’s constitutional tenets should be carried out in light of each country’s institutional framework. The reform method, he argues, need not be wholly Islamic, since Islam shows the way to justice. Therefore, if justice can be attained through other ways that do not violate other Islamic principles, those ways should be adopted. For instance, he cites Islam’s distaste for *taqlid* (juristic imitation) and for the role of binding judicial precedent (i.e., an Anglo-American common-law principle of determinative justice) in many Muslim countries.

Although Islamic jurisprudence has not embraced the idea of a binding judicial precedent, partly due to its concern for protecting the free exercise of *ijtihad* (deductive reasoning), Kamali extols the advantages of a system based on a binding decision to keep in focus practical legal issues and how their development into practical guidelines impact people’s lives. In line with his envisaged reform strategy, Muslim countries should adopt a positive attitude toward a binding judicial precedent at some level, for it can stimulate legal reconstruction and *ijtihad*.

The book, which includes a glossary of Islamic terms and an index, is a rich source of information on textual provisions and a historical account of how human rights were protected during the early period of Islamic civilization. It is a helpful starting point for those seeking evidence, rather than a deep analysis, on the concepts and manifestations of freedom, equality, and justice in Islam.

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**The Construction of Knowledge in Islamic
Civilization: Qudama b. Ja`far and His
Kitab al-Kharaj wa-Sina`at al-Kitabah**

*Paul L. Heck
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Through the lens of genre, Heck examines *Kitab al-Kharaj wa Sina`at al-Kitabah* ("The Book of the Land-Tax and the Craft of Writing/Secretaryship"), a work on Islamic administration composed in Baghdad in the early fourth/tenth century by the prominent secretary Qudamah ibn Ja`far (d. 337/948). His analysis of Qudamah's manual, which belongs to a body of texts that emerged in the late third/ninth century and focused primarily on the concerns of state officials, proceeds by breaking it into constituent parts and considering each one individually in relation to earlier and contemporary works in related genres. The result is a detailed appreciation for the work's characteristics and relative merits; showing how one author constructed human knowledge; how he articulated the relationship between knowledge, religion, and the `Abbasid state; and how this portrayal differed from other contemporary schemes.

The organization of the original work was as follows: 1. Introduction, 2. The Art of Writing, 3. Language and Rhetoric, 4. Bureaus of the Imperial Administration, 5. Bureaus of the Imperial Administration, 6. Geography, 7. Fiscal Law, and 8. Political Thought. Unfortunately, only chapters 5-8 survive. The unique manuscript at Istanbul's Köprülü Library was published in facsimile edition in 1968 and edited in 1981 (the 1981 edition, Heck reports, contains numerous errors). The author's discussion uses the rubrics of language in chapter 2 (parts 2-5), geography in chapter