

Book Reviews

Legitimizing Modernity in Islam: Muslim *Modus Vivendi* and Western Modernity

Husain Kassim

Lewiston, NY: The Edwin Mellen Press, 2005, 176 pages.

The question of Islam's compatibility with modernity has primarily been approached from one of three methodological positions: First, Islam (as variable) must adapt itself to modernity (as constant) by eliminating all beliefs and practices that are incompatible with modernity; second, "Islamic modernity" rejects all modernist principles that are inconsistent with Islamic teachings; and third, modernity and Islam are mutually compatible and reconcilable when based on a particular (re)interpretation of Islam. The author, who adheres to the third approach, thus questions whether a society can be simultaneously Islamic and adhere to modernity's general criteria.

His methodological approach consists of identifying specific categories in which to ground an intellectual reinterpretation of the Shari`ah. The five categories that he chooses are considered acceptable to jurists, and, as such, remain within the scope of Muslim jurisprudence: mandatory (*wajib*), recommended (*mustahabb*), indifferent (*mubah*), reprehensible (*makruh*), and prohibited (*haram*). Kassim uses these categories to frame debates over a range of issues in an attempt to find the intellectual space to accommodate modernity within Islam. His overarching argument is that the Islamic ethos can be interpreted as compatible with modernity's fundamental features.

Kassim begins by presenting modernity's basic tenets: rationality and universalism. While universalism is a feature of both modernity and the Shari`ah, rationality is not typically ascribed to Islamic thought. Kassim attempts to redress the neglect of rationality in Islamic thought by arguing that a Muslim *modus vivendi* drawn from Mu`tazilite rationalism can find its place in modernity. He thus grounds his analysis in Mu`tazilism, a theology developed in the eighth century CE that was eventually adopted by the

Abbasid caliphate. His first chapter deals with the Mu`tazilite concept of knowledge, in which rationality plays a prominent role. The most important point made is drawn from al-Baghdadi (429/1037-38), who discusses reason as a foundation of knowledge. This belief substantiates the claim that rationalism has a place in Muslim history.

The following chapter takes aim at Max Weber's classification of the Shari`ah as incompatible with modernity because of its inherent legal rigidities that do not separate the different spheres of law. Kassim counters this by demonstrating that early Shari`ah law was actually quite restrictive in scope and only focused on matters of family law. As the Muslim community grew, Shari`ah law developed and expanded, a process that both introduced secularization and expanded the range of its application. Kassim ultimately argues that Shari`ah law developed from a synthesis of customary (secular) law aligned with the Qur'an's morality and ethics.

The remaining chapters juxtapose central concepts and ideas found in both Christian and Islamic traditions so as to argue for complementary, rather than conflicting, understandings. The discussion on jihad and "just war" concludes with Kassim arguing that contemporary distortions of jihad mask the fact that in the Islamic intellectual tradition, the concept of jihad corresponds very closely to that of "just war" in Christianity. The same methodology is employed in his discussion on democracy, which juxtaposes western concepts of freedom and equality with the Islamic concepts of obedience and justice. The main argument is that according to Islamic teachings, obedience and justice demand that Muslim communities follow principles of political practice associated with those found in contemporary western democracies. The challenge is to incorporate these concepts into contemporary Muslim politics.

Debates surrounding human rights are taken up in the following chapter. Here, Kassim attacks both those who claim that Islamic law does not offer sufficient human rights and those who believe that the very notion of human rights is a western concept that is inapplicable to the non-western world. Since Shari`ah law involves both obligations and rights, Kassim sees an intellectual space for articulating a conception of human rights that is simultaneously grounded in the Muslim *modus vivendi* and congruent with western conceptions.

Chapters on secularization and gender relations revolve around the contention that Islamic jurisprudence must adapt to the modernist project. The author argues that since Islamic legal systems are based on a relationship between religious texts and the actual conditions of Islamic societies, con-

temporary Islamic jurists must reformulate laws so that they are more compatible with the modernist project. Unlike previous chapters, in which he makes the case for the compatibility of concepts, here he asserts the need to adapt Islamic law and the current conditions of Islamic communities to the project of modernity and its universal values. The final three chapters (e.g., Islamic banking, the individual, and ethics) provide the most interesting discussions, as they emphasize the need to rehabilitate the modernist project. Kassim's argument rests on the assumption that this rehabilitation can be inspired by and from the Muslim *modus vivendi*.

The book's methodological approach seeks to create a space for modernity in the Islamic world based not on changing, but rather on accommodating, Islamic cultural, social, and political facts. Given that this is a daunting task, it is perhaps unfair to criticize the author for not dealing with this question of accommodation sufficiently. However, it remains unclear throughout how the Mu'tazilite intellectual tradition can serve as the basis for discovering universal processes in passages to modernity, particularly as so much of his analysis focuses on the current realities of Muslim communities and contemporary intellectual interpretations of Islamic jurisprudence. Essentially, his arguments move freely through Islamic history and draw from particular periods of intellectual or social life without providing adequate explanations. As a result, many of them seem to be disconnected from one another, as some areas of the text lack coherence and continuity. There is also a continuous, unexplained conflation of Christianity and modernity that weakens the direction and strength of his argument.

Nevertheless, Kassim's text can be useful to those interested in debates surrounding modernity and Islam. One of its strengths is his suggestion of a framework in which to engage this debate through identifying concepts and ideas important to both the Islamic and the modernist intellectual traditions.

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Islamic Law and the Challenge of Modernity

Yvonne Yazbeck Haddad and Barbara Freyer Stowasser, eds.
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This book includes eight articles on various aspects of Islamic law in the modern world, as well as an introduction by the two editors. The articles grew