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BOOK REVIEWS

The terrorist attack on the World Trade Center in New York in September 2001 triggered greatly expanded interest in Islam and Islamic law as people were trying to understand the motivation of the terrorists and their religious justification for the attack. In response, many new books have been published about all aspects of Islamic law, and provide interested readers with choices from basic introductions to Islamic law all the way to highly specific guides for certain instruments of Islamic finance. Even a modest private research library will now contain several hundred volumes, and we cannot even try to list, let alone review, all of them here. Nevertheless, we do want to introduce some of the more widely used books in the first part and some of the most interesting specialised publications in the second part of this section.

A. Introductions to Islamic Law for Students and Beginners

I. Raj Bhala, Understanding Islamic Law (Shari'a), LexisNexis Publishing, New Providence/San Francisco, 2011, 1472 pp.

Raj Bhala is a professor at the University of Kansas School of Law. His other publications include American style 'Text, Cases and Materials' on international business and trade law. Similarly, his book *Understanding Islamic Law* is designed to accompany semester-long courses at law school. It includes chapters on the origins of Islamic law, the history and theory of Islamic law, and a broad section of substantive areas of Islamic law: commercial and trade law, banking and finance, family law, inheritance law, criminal law and international law from the Islamic perspective. Besides the comprehensive coverage, the other strength of the book is how the author compares concepts in Islamic law with similar concepts in American law. In some cases he even compares concepts in Islam with concepts in Christianity and Judaism. The book also presents differences between Shi'ite and Sunni approaches, which only a few Islamic law authors do. Overall, Bhala takes an open-minded approach to Shari'ah without being apologetic.

Although the work is a great achievement, it does show occasionally that Bhala comes to Islamic law as an outsider. In every chapter, he relies heavily on a limited number of sources, and there are some minor mistakes, for example when he says that the Maliki School rejects the use of public interest reasoning (p. 342). The fact that the table of contents is hidden somewhere after 40 pages of introduction is annoying, and the index is largely useless. Nevertheless, the book is very good and ideally suited for beginners in Islamic law who are looking for a solid foundation and broad introduction.

II. Wael B. Hallaq, An Introduction to Islamic Law, Cambridge University Press, Cambridge, 2009, 200 pp.

Compared with the book by Raj Bhala, this volume is a much shorter introduction, also aimed at readers who have no prior knowledge of the subject. Similar to Bhala's work, this book is often assigned as the main text in Islamic law courses

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because of its excellent treatment of the historical background and how Islamic law was formed and developed. It is very short and easy to read. Like Hallaq's other books, it is also accurate and very well researched. However, it does not provide much detail on Islamic law substantive rules, such as contract and commercial law, family law, criminal law, etc.

III. Mohammed Hashim Kamali, Shari'ah Law – An Introduction, Oneworld Publications, Oxford, 2008, 342 pp.

This book is a must read for anyone who is interested in Islamic law, but it is not for the complete beginner. Kamali covers the nature, sources, and objectives of Shari'ah, the characteristic features, the different schools and the tools provided for the modern interpretation and adaptation of Islamic law. The book assumes some knowledge of the subject although it is well written and generally easy to read. Only very few books on Islamic law emphasise the importance of the spirit of the law, known as 'Maqasid Al Shari'ah' (lit.: purposes of the Shari'ah), and this is one of them.

IV. Mohammed Hashim Kamali, Principles of Islamic Jurisprudence, The Islamic Texts Society, Cambridge, 3rd edn, 2003, 546 pp.

The title of this book should not be misunderstood. This is not an introduction to Islamic law but to the science of analysing and interpreting Islamic law, that is the tools that renowned Islamic scholars follow/have followed to interpret the texts and deduce rules for modern contexts from the Quran and the Sunnah. The book is not intended for those who are not trained in Islamic law. The principles of Islamic jurisprudence are complicated and typically not addressed until the third or fourth year of degree programmes in Shari'ah law. Correspondingly, the book is complicated, not because the author failed to simplify it, but because the subject is dense and cannot be understood without reasonably good knowledge of the Arabic language. However, for those who have already mastered the basics of Islamic law, the book is an excellent presentation of the subject, in many ways superior to the texts most often assigned in Arabic language programmes in the Middle East. The author has extensive knowledge in the field, and the book is the book to go to for a clear explanation of rule deduction tools, with multiple examples.

B. Noteworthy Examples of More Specialised Books for More Advanced Readers

The following books have one thing in common. In the words of Muhammad Akram Khan,

> During the last few decades, Muslim scholars and jurists have made significant efforts at reviewing and reinterpreting the generally accepted doctrines of Islamic law and culture. [... To give an example, while] there has been a

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general consensus on the restriction of women moving out, interacting with men and taking part in political and official institutions, recent thinking is that all this has no Islamic basis. It has only local cultural roots. [... With] the evolution of human society and owing to demographic and socio-economic changes, Muslim scholars are rethinking the given positions on various contemporary issues." One way of doing this is by remembering "the distinction between the *Shari'ah* and Islamic jurisprudence (*fiqh*), the former being divine and God-given and the latter the product of human thinking". While humans cannot and must not change the word of God, they have been given the tools of interpretation (*e.g. ijtehad*) and "if Islam is to be relevant for all times and for all societies, it should remain open to rethinking by people of all ages.[1]

I. M. Kabir Hassan and Mervyn K. Lewis, Handbook of Islamic Banking, Edward Elgar Publishing Ltd, Cheltenham, 2007, 443 pp.

In particular since the financial crisis hit in 2008 and Western models of regulating banks and financial markets proved inadequate, there has been ever growing interest in Islamic rules for banking and finance. Since Islamic law prohibits interest and/or usury, many have argued that the global financial crisis would never have happened under rules of Islamic law and hundreds of billions of euros and dollars of taxpayers' money would not have been spent on bailouts of financial institutions while hundreds of thousands still lost their homes after their mortgages imploded. It cannot surprise, therefore, that Islamic banking has grown exponentially in recent years and now manages assets of almost 2 trillion USD.[2]

Of course, Islamic rules on banking and finance are in themselves not necessarily unproblematic, and their interpretation is often in dispute. The most obvious example is the prohibition of 'riba'. More conservative scholars have interpreted this as a divine and thus absolute prohibition of any 'increase' in the repayment of a loan and therefore any payment of 'interest'. More moderate scholars insist, by contrast, that 'riba' is to be translated as 'usury' and therefore prohibits only excessive or abusive interest.

The editors have collected 25 articles by experts on Islamic finance. They cover the foundations of Islamic financing, operation of Islamic banks, Islamic finance instruments and markets, specific issues of macroeconomics (government borrowing, etc.) and microeconomics (accounting standards, etc.), as well as the internationalisation of Islamic banking and the challenges faced by Islamic banks in Western legal systems. The authors present different opinions and perspectives, thus informing further research and discussion. Some articles are stronger, better researched and more detailed than others, but all in all, this book

1 M.A. Khan, *What Is Wrong With Islamic Economics? Analysing the Present State and Future Agenda*, Edward Elgar Publishing Ltd, Cheltenham, 2013, at pp. x, xi.

2 Ernst & Young estimate 17.6% of annual growth and total assets under management in 2013 of 1.7 trillion USD. *See* Ernst & Young (Eds.), *World Islamic Banking Competitiveness Report 2013-14*, available at <www .ey .com/ Publication/ vwLUAssets/ EY_ -_ World_ Islamic_ Banking_ Competitiveness_ Report_ 2013%E2%80%9314/ $FILE/ EY -World -Islamic -Banking -Competitiveness-Report-2013-14.pdf>.

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is a must-have for any researcher and scholar interested in Islamic banking and finance.

II. *Muhammad Akram Khan, What Is Wrong with Islamic Economics? Analysing the Present State and Future Agenda, Edward Elgar Publishing, Cheltenham, 2013, 504 pp.*

The author first explains the conflict between the two dominant schools of Islamic thought in modern times, both of which share the goal of asserting Islam as a way of life, not just a religion, intended and able to inform the private and the public life of a society today just as it was in the days of the Prophet. The Modernists, on the one side, represented by scholars such as Syed Ahmad Khan (1817-1898), Jamaluddin Afghani (1839-1897), Muhammad Abduh (1849-1905), Shibli Nu'mani (1857-1914), Rashid Rida (1865-1935), Muhammad Iqbal (1876-1938), Khalifa Abdul Hakim (1896-1959), Muhammad Asad (1900-1992), Mahmoud Abu Saud (1911-1993) and Fazalur Rahman (1919-1988), argue for a flexible interpretation of Islam in light of changing needs of society.

This is rejected by a movement called 'neo-revivalist' by the author and best represented by Hasan al-Banna (1906-1949) and Syed Qutb (1906-1966), the founders of the Muslim Brotherhood in Egypt, as well as Abu al-'Ala Mawdudi (1903-1979), Muhammad Rafiuddin (1904-1969), Isma'il Raji al-Faruqi (1921-1986) and Muhammad Baqir al-Sadr (1931-1980). The latter school considers that "Western civilization is an onslaught on Islamic civilization and that there is a need to resist it" (at p. xii). Consequently, these scholars, while advocating a revival of the greatness of the Islamic *ummah* (community), reject modernist interpretations of the Qur'an and the Sunnah and propagate alternative Islamic sciences in opposition to Western sciences such as economics and law.

While the rejection of Western thought and civilisation by the neo-revivalists appealed to conservative elements in patriarchal Arab societies, in general, and nationalist movements, in particular, Khan argues that it is based on false premises and leads Islamic sciences into a dead end. Specifically in the field of economics, the false premise is that Islamic societies differ fundamentally from Western societies and that the rules in Shari'ah for economic activities are incompatible with Western economics, and hence cannot be realised in a Western-style economic system. Khan argues that the needs of individuals and companies in an Islamic country, in economic terms, are no different from the needs of comparable actors in a Western country. In the process of production and distribution of goods and services, producers need to collect or borrow money to start or expand their commercial activities, while investors need security and compensation for providing those funds. Similarly, consumers need funding for durable goods like automobiles as well as housing. And everybody should have access to insurance against unforeseen events such as illness or natural disasters. Unsurprisingly, all of these needs are being met not only in Western economic systems but also in Islamic countries and by banks and insurance companies applying so-called Islamic economics. The question is, however, whether Islamic banking and insurance is genuinely different and consistent with Shari'ah or whether it is nothing other than conventional finance with Islamic labels or, worse, "a more inefficient

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and uneconomical alternative" to conventional financing that is not mandated by Shari'ah.

After a general introduction to Islamic economics (Part I), the author examines in great detail and with reference to many leading Islamic scholars the prohibition of 'riba' (Part II, pp. 123-242). He concludes that the orthodox interpretation, which is by far the dominant interpretation applied today, leaves much to be desired. The main example is that under the orthodox interpretation any increase and thus any interest for debt financing is not allowed. Yet the most common way Islamic banks and lenders contract with customers who cannot pay the full price of a good or service in cash is by using a dual pricing structure: cash prices and credit prices for the same commodity. Although the seller charges a higher price for a transaction that is not immediately paid in full, this is supposed to be a permitted sale and not forbidden interest. Khan concludes that "[t]hose who treat all types of interest as *riba* cannot provide a satisfactory economic explanation for this transaction" (at p. 196).

The treatment of credit sales as fixed price sales rather than credit-financed sales with interest invariably leads to the next problem, namely the treatment of delinquent buyers under Islamic law. In Western systems, if a buyer falls behind with her payments, the solution is simple: interest continues to accrue. However, this is incompatible with the orthodox interpretation of riba and the prohibition of uncertain transactions. Thus, orthodox scholars struggle to avoid a number of undesirable outcomes. First, the traditional solution for failure to pay one's debt is imprisonment. However, this is not only economically inefficient, it is also not helping the debtor with the repayment, for which she would normally have to be able to work and continue her business.[3] Thus, some Islamic scholars have argued that a financial penalty should be levied for the delay. Naturally, if this penalty is paid to the lender, let alone if it is already anticipated and agreed upon in the original loan agreement, it looks decidedly like an increase and thus a violation of the orthodox interpretation of riba. Therefore, some have argued that the penalty should be paid to a charity. However, this is typically not acceptable to a commercial lender like a bank, and it also violates the Islamic principle that charitable giving must be voluntary. The amount to be fixed for the penalty poses another problem. If it is fixed as compensation of the actual cost of the delay to the lender, it can conceivably be accommodated by the permission of commercial transactions versus the prohibition of for-profit lending. However, what is the time value of money to a bank that does not pay or charge interest? What is the real cost of the delay, and how can it be proven? Thus, for pragmatic reasons, a flat fee per day or week or month is often used, which again becomes interest in all but name.

Khan does not agree with the modernist interpretation of riba either. Under this school of thought, interest is acceptable unless it becomes exorbitant, and moderate interest on 'production loans' is OK, while even moderate interest on 'consumption loans' is not. However, as Khan points out, all the relevant demar-

3 Arguably, it also violates the Qur'anic obligation to be kind to debtors and to grant extensions and forgive loans wherever possible (Q 76:8), *see* p. 240.

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cations for these categories are unclear. When does interest become 'exorbitant'? When is a transaction for consumption? When is it for production?

In Part III (pp. 245-401), Khan deals with the business side of Islamic banking and insurance and how various types of joint investment vehicles are being used to avoid the prohibition of riba and speculative types of business ventures. He demonstrates with many examples how the idea of genuine profit-loss-sharing, which is acceptable under the orthodox view, has been unpalatable for Islamic banks and insurance companies and how they have designed their joint investment schemes in ways that ultimately put the responsibility for payment – including loss – on the borrower alone. Specifically, Khan shows how the banks and insurance companies break down the transactions into several parts, each of which would appear to comply with the orthodox view of Shari'ah, "although they did not adhere to its spirit" (at p. 337). Whether it is *murhabaha, salam, ijara, ijara wa iqtina, musharaka, musharaka mutaniqsa*, *sukuk*, or *tawarruq,* Khan's final verdict on these financing vehicles as practised today is quite devastating: He calls them "a trajectory of legal tricks (*hiyal*)" (pp. 337-401) and concludes that "Islamic financial institutions have not been able to find a viable substitute for interest" (at p. 398) and have ended up "retaining interest in a concealed manner and rejoicing in a framework of hypocrisy that entails higher cost, bigger risks and greater inefficiency" (at p. 400).

Since the conclusions of the book are challenging the premises of Islamic banking and finance in fundamental ways, a word shall be said about the author. Like other critics before him,[4] Khan comes from the financial sector not from the side of religious scholars. Thus, he understands the reality of banking and insurance transactions and cannot be fooled by labels. Until 2003, he served as Deputy Auditor General of Pakistan, and subsequently as Chief Resident Auditor for UN Peacekeeping Missions. Furthermore, he admits that for more than 40 years he was an active promoter of the Islamic banking and finance models he now criticises until he came to conclude that they just do not keep the promises they make.

However, Khan does not leave the reader without hope. According to him, the way forward requires a return to the historic context and an answer to the question why riba was prohibited in the first place. In the days of the Prophet (PBUH) it was simply not common to use loans to finance business activities. "Economic activity was mainly financed [...] through private savings, partnerships (*shirka*) or sleeping partnerships (*mudaraba*)" (p. 240). Loans, by contrast, were typically used to help out poor people in need. Charging interest in such cases was almost invariably an exploitation of the person's calamity and, therefore, to be frowned upon. Banks as socially useful businesses came into being much later. And just as Shari'ah did not interfere with legitimate business practices among informed and free-willing parties in the days of the Prophet, it should not be interpreted to interfere with legitimate business purposes among informed and free-willing parties today. This still leaves plenty of room for future researchers to show that

4 A good example is the book by M. Saleem, *Islamic Banking – A $300 Billion Deception: Observations and Arguments on Riba (Interest or Usury), Islamic Banking Practices, Venture Capital and Enlightenment*, Xlibris, Philadelphia, 2006.

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Islamic banking and finance, properly understood, can supply superior solutions to Western models. Or would anyone seriously claim that the large majority of the lower-income people who were talked into reverse mortgages, interest only mortgages, or adjustable rate mortgages they soon could no longer afford, by sly bankers chasing exorbitant bonuses, actually knew what they were doing?

III. Abdulaziz Sachedina, Islam & the Challenge of Human Rights, Oxford University Press, Oxford, 2009, 248 pp.

Sachedina is a professor and holder of an endowed chair in Islamic studies at George Mason University in Virginia. His previous books include *The Islamic Roots of Democratic Pluralism*, published by Oxford University Press in 2000. The basic premise of the present volume is the argument that human beings possess an intrinsic moral capacity, an ethical compass invariably pointing to the recognition of certain basic premises of equality and equal dignity, regardless of any religious or philosophical affiliation, and, importantly, that this is not only consistent with but actively recognised in Islam via the concept of *fitra*, best translated as intuitive reasoning or conscience. Sachedina uses this concept to build a bridge between the universality of human rights espoused in the West and Islam, ultimately rejecting the notion of cultural relativism of human rights. In his previous book Sachedina argued for the compatibility of democracy and Islam. In the present volume he argues for the compatibility of the Universal Declaration of Human Rights and Islam *from the Islamic perspective*, thus engaging head-on those Muslim scholars who reject key elements of the Universal Declaration either as un-Islamic or, even more narrowly, as Judeo-Christian/Western imperialistic concepts.

The problem, according to Sachedina, is a conceptual problem. It is simply not possible to translate the separation of church and state, of public and private, and the secular nature of human rights outside of and independent of religion into the Islamic idiom, where such a separation does not exist and where nothing is secular. Since the protection of foreigners, women, children, the poor, the disabled and the elderly is among the core values of Islam, there should be no conflict of values between Islam and Western notions of human rights, although there very much is a conflict in the way human rights are applied. This conflict originates from the notion of primacy. Modern Western societies and legal systems look at the canon of human rights anchored by the Universal Declaration as the highest norm, overriding anything humans, including rogue states like Nazi Germany, can write into law, including a constitution. By contrast, Islamic societies and all Muslim believers invariably look at Shari'ah as the highest norm, overriding anything humans can write into law, including a Universal Declaration.[5]

The real question, therefore, becomes, who says what Shari'ah means and how it should be applied in modern times? While universal human rights provide protection against abuse or mistakes by humans acknowledging their primacy over national law, no such protection exists in Islamic law in case the interpretation of Shari'ah itself becomes the abuse or mistake.

5 This is exemplified by the Cairo Declaration of Human Rights in Islam, which provides for many rights and freedoms, however, always "subject to the Islamic Shari'ah" (Art. 24).

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A key problem in this regard is the lack of a global discourse. In Muslim societies, the traditionalist or orthodox scholars are generally dominant. They take a conservative, and some might say backward, approach to the interpretation of human rights.[6] On the other side are *secular* Muslim scholars. They fall into two groups. Both are arguing for a more modern interpretation of Shari'ah that at least takes into account the premises of universal human rights. Some do this in the Muslim countries and in the native languages, primarily in Arabic, Persian, Urdu, and Indonesian. However, they are invariably a small minority in the respective countries and largely ignored by the traditionalists. Others write in Western languages and for Western audiences, and their scholarship, often highly acclaimed and sophisticated, is not even translated or even known to the traditionalist scholars, let alone the general public in the Muslim world. The consequences are dire: "With the almost total absence of intellectual contact between Muslim secularists with a modern education and seminary-trained Muslim traditionalists to steer the critical internal dialogue on the need to support human rights as cataloged in the Universal Declaration in Muslim societies, the future holds very little hope for the improvement of the human rights of all citizens of the Muslim world, regardless of their race, religion, and gender differences" (at p. 21).

What is almost entirely missing is a third group that could be described as *modernist* Muslim scholars who approach universal human rights from *inside* Shari'ah. Such scholarship should be hard to ignore by the traditionalists in the Muslim countries if it can be brought to their attention. Sachedina provides a solid theoretical foundation for this approach. The question will be whether his work can be translated and disseminated widely in the Muslim world.

IV. *Aysha A. Hidayatullah, Feminist Edges of the Qur'an, Oxford University Press, Oxford, 2014, 259 pp.*

Professor Hidayatullah is what could be called a third generation Muslim feminist. The beauty of her book lies in how she describes her personal voyage and the parallel evolution of feminist Qur'anic interpretation. In the 1990s, as a college student, Hidayatullah was conflicted by her simultaneous identification as a committed Muslim and a feminist. Then she discovered the works of the first generation of Muslim feminists, such as Amina Wadud and her ground-breaking book *Qur'an and Woman*, originally published in 1992, as well as writings by Leila Ahmed, Riffat Hassan, and Azizah al-Hibri. These scholars rejected the male monopoly on the interpretation of the Qur'an and the resulting patriarchal and sometimes misogynistic interpretation of Shari'ah. Their claim was that 'true' Islam, Shari'ah properly interpreted, did not and could not be used to oppress women.

The author was inspired by the first generation and set out, together with other younger feminists pursuing graduate studies in the mid-1990s in the West, to show across all aspects of Shari'ah "that it was Muslims, rather than God or the Prophet Muhammad, who were responsible for injustices perpetrated against

6 Sachedina uses the terms "monolithically authoritarian and puritanical", *see* p. 21.

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[women]" (preface). However, in the course of her doctoral dissertation, Hidayatullah came to the conclusion "that the text of the Qur'an could not in the end be coherently read through the techniques of feminist exegesis nor fully absolved of all blame for its sexist interpretations" (preface). In reaching this conclusion, she invariably had to disagree with much of what her colleagues and friends of the first and second generation of Muslim feminists had written and, so as not to undermine their important and courageous work, was tempted *not* to publish her criticism.

However, and this is why we see her as a pioneer of a third generation of Muslim feminists, she decided that "only complete intellectual honesty can ensure the long-term survival of feminist Qur'anic interpretation" (preface) and that only the open confrontation of the weaknesses of feminist Qur'anic doctrine would open the doors to its reconstruction without those weaknesses. In the present volume she presents her struggle but stops short of proposals for the way ahead. By calling it *Feminist Edges of the Quran* she also forewarns her readers that her point of view is anything but central to Islamic tradition today. Rather, she finds herself at the edge, where interaction with outside points of view is constant and where innovation is much more likely to occur, at least some of which may later become part of the centre.

In her introduction Hidayatullah briefly presents not only her own genesis but also the lives and work of the most important other representatives of Muslim feminism: Riffat Hassan, Azizah al-Hibri, Amina Wadud, Asma Barlas, Sa'diyya Shaikh, and Kecia Ali. Part 1 recounts the historic emergence of feminist Qur'anic interpretation (pp. 23-62). Part 2 presents three methods of feminist Qur'anic interpretation, namely the historical contextualisation method, the intratextual method and what Hidayatullah calls the Tawhidic Paradigm (pp. 65-122).

The latter chapter opens with a quote from Khaled Abou El Fadl, Speaking in God's Name: "[S]peaking for God and speaking in God's name are different things. The Prophet, through revelation, and the Qur'an, through dictation, in a literal sense, speak for God. Everyone else claims to speak in God's name. Everyone else is functioning in the realm of the possible and probably […] To claim full or perfect knowledge of God's Will is to challenge the singularity and uniqueness of the Divine perfection" (at p. 110). This must never be forgotten when discussion is crushed by traditional patriarchal religious authorities claiming to have received direct word from God.[7] Only God has the authority to legislate Islamic law, and He has done so only during the lifetime of the Prophet. Ever since, humans "can only attempt to understand the revelations of God" (p. 111) and any claim to divine knowledge or inspiration by so-called religious leaders is a claim to

7 A poignant example is the recent claim of Boko Haram's leader Abubakar Shekau that God had told him to abduct hundreds of schoolgirls in Nigeria and to sell them into marriage because they should not have been in school in the first place. Even if Shari'ah should include a rule against the education of girls – which of course it does not – it seems hard to reconcile its emphasis on family and community with the brutal abduction of children from their homes and parents. Who would not want to be a fly on the wall when Shekau has to stand before God and account for his deeds? Small consolation for the victims, however.

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equality with God or at least with His Prophet. Claiming God-like wisdom or sovereignty, however, is *shirk*, the gravest sin of all (for example Q 4:48). In the context of Muslim feminism, use of the tawhidic paradigm suggests that "designating men as the superiors of women or attributing maleness to God constitute acts of *shirk*" (p. 111). Human interpretation of the Qur'an – male religious leaders included – can never be equal to the Qur'anic text. The former is, by definition, imperfect, error prone, and subject to re-interpretation by other humans in the same age and in subsequent and different times. Claiming otherwise is *shirk*. Only the Qur'an itself and those parts of the Sunnah that are certain are perfect and eternal.

Finally, Part 3 of the book is dedicated to critiques of feminist Qur'anic interpretation and the critical reassessment of the field. As outlined above, Hidayutallah admits that even after historical contextualisation and the application of other modernist methods of interpretation, "the Qur'an does not support gender equality the way [feminists] understand it [or would like it]" (pp. 146-147) and continues as follows: "What would it mean if we, as feminists, believing Muslims, eventually found that the text of the Qur'an *does* sanction gender hierarchy and male authority over women? What would happen if we were forced to concede that this is the case – would feminist exegesis of the Qur'an come to an end? What would that do to our relationship to the Qur'an? What would that do to our relationship to God? Could we go on as Muslims? Could we continue to be feminists? I argue that it is not pessimistic, but rather absolutely vital, for us to ask these questions of ourselves as believing Muslim feminists. They need not be questions following from dejection and defeat; they may also open us to new forms of faith and hope" (p. 147).

Hidayatullah does not elaborate what these new forms of faith and hope may be. Her conclusion remains a question: "The starting point is that God is just, and that the Qur'an is the word of God, so then the Qur'an must be just (in a way that upholds the absolute equality of men and women). But if, as it turns out, we cannot be sure that the text upholds the justice we seek, then we are left to question whether the Qur'an is really a divine text. If we do not question the divinity of the Qur'an, then we are left to question whether God is just [...]. [...] Once we are able to view this questioning not just as the ending of something but also as the beginning of something else, not only as the closing of a door but also as the opening of another, we can forge ahead toward new possibilities" (pp. 193-195).

We would argue that the question holds the answer in itself. The very claim that the Qur'an can only be just if it upholds the absolute equality of men and women is *shirk*. Even a cursory look at human biology shows that men and women are not absolutely equal. Maybe the fourth generation of Muslim feminists will argue that what really matters is not whether men and women are equal – which they are not – but that they are of equal *value*.

Frank Emmert

Salma Taman