

Book Review:

International Conference on Islamic Laws and Women in the Modern World, GIANT Forum, 1996, Pp 607.

The particular volume is a compilation of the material presented at the three day international conference on "Islamic Laws and Women in the Modern World", held in Islamabad in December 1996, and organised by the Global Issues Awareness for National Thrust Forum in collaboration with the Women's Development Fund CIDA Islamabad. It contains the panel discussions held between members of the nine participating countries, a series of country reports, and several background papers on specific topics.

The underlying theme is how Islamic Laws, both from a historical and more importantly, contemporary perspective, have dealt with the problems of Muslim women, to the extent that the interpretation of such laws has at least in part, engendered these very problems. The introductory background paper provides a useful historical and theoretical background to the concept of Islamic Law, the diversity of approaches ranging from the philosophical and theological to the rational, and traces the development of Islam as a legal system.

The six themes under discussion all have particular relevance to women: age at marriage, polygamy, divorce, evidence, inheritance and *hudud*. The question of marriage prior to attaining the age of majority is discussed only to some extent as a human rights issue, there seems to have been far more deliberation on the omni present issues of morality and female chastity. With regard to the issue of divorce, the two main points discussed deal with the impact of divorce on women without recourse to financial means, and custody of children.

The debate on evidence concludes with the view that the interpretation of Islamic injunctions with regard to the evidence of two women being equal to that of one man, is indeed discriminatory and that given the change in times and the position of women, modifications are necessary. From a theological point of view, it is worth noting the point made, that of the nine verses of the Quran that deal with the question of evidence, eight treat both genders equally.

In dealing with the issue of inheritance, most of the concerns voiced have been by women delegates, and there is seen to be a great deal of diversity in the way local customary laws in each country have tended to co exist alongside the relevant Islamic Laws, often to the disadvantage of women. Finally, there is the contentious issue of *hudud*. The crucial points

agreed upon include a criticism of the way in which *hudud* laws are applied in Pakistan, particularly when treated under Criminal law, and unjust police intervention in cases of *Zina*. One conclusion reached is that the suspension of *hudud* laws is justified where there is more harm caused to society by this imposition than good.

The nine participating countries at the Conference were Bangladesh, Egypt, India, Pakistan, Iran, Malaysia, Turkey and Tunisia. A detailed country report for each provides an analysis of the experiences of Muslim countries in interpreting and imposing Islamic law, which is useful because it allows room for comparison. Moreover, in comparing the different approaches ranging from the more orthodox in Iran to the vastly secular in Turkey, what emerges is the inherent diversity of these approaches. There is no one way of establishing right or wrong, and this is as true now as it has been historically, with reference to the many schools of thought within Islam itself.

Although not particularly well written, the book is useful in a number of ways: the inter panel discussion format allowing participants the liberty to brainstorm a little, is fairly involving. Both the various discussions and background papers tend to rely heavily on a considerable vocabulary of analogical and legal terms in the Islamic sense - this is important in expanding the limited range of interpretive approaches that the layperson may be aware of, where for example, it should be preferable to resort to *maslaha* (the principle of public interest) as opposed to *qiyas* (deductive reasoning based on a precedent) when it comes to Muslim women and contemporary problems, when no solid precedent even exists. However, it is the overall thrust of the book with its emphasis on the drastic need for modification and change in laws that have discriminated against women, that is encouraging.

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