



# Research Handbook on Islamic Law and Society

*Edited by Nadirsyah Hosen*

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Islamic law continues to draw interest all over the world, both East and West, particularly as Muslims spread all over the world outside their traditional homelands. Parallel to this, we observe a growing interest in Islamic legal studies around the world. New centres and departments are opened to serve the interest of well-established universities. There has also been a significant increase in the number of publications in the form of journals, books and articles about the Islamic legal perspective on newly emerging issues. Nadirsyah Hosen's edited volume, *Research Handbook on Islamic Law and Society*, reflects his persistent interest in shedding fresh light from an Islamic perspective on the latest legal issues.

Given the growing interest by Muslims and non-Muslims alike in exploring Islamic perspectives on the legal and moral issues humanity faces in the present fast-changing world, the *Research Handbook on Islamic Law and Society* is a significant contribution to Islamic law studies for several reasons. Firstly, it covers a diversity of topics such as family law and courts (Part 1), Property and Business (Part 2), Criminal Law and Justice (Part 3), Ethics, Health and Sciences (Part 4), Arts and Education (Part 5), Community and Public Spheres (Part 6). The wide range of topics the contributors analyse demonstrates the comprehensive relevance of Islam to the world in which we live. It demonstrates that there is no domain of life Islam leaves untouched from its all-inclusive normative perspective.

One of the most significant contributions the book makes is the proactive attitude of Islamic law and legal scholars vis-à-vis newly emerging issues in different spheres of life. Muslim scholars have always tried to keep Islamic law up to date with the legal and ethical questions the Muslim community has faced through the centuries. Yet, in the century we live in, their task is more daunting than before as the pace of change is accelerating more than ever. For instance, the legal and ethical issues posed by cryptocurrency is a very recent issue which most probably did not exist at the time the book was published. This may be seen as an example of how scholars of Islam must always remain proactive and face the daunting task of issuing *fatwas* relevant to new issues in diverse fields of personal, social, economic, medical and family life.

It is evident that dealing with the breadth and depth of new normative issues surpasses the limits of the efforts of

individual scholars and requires communal deliberation by assemblies of scholars. The chapter by Nadirsyah Hosen on collective *Ijtihad* on health issues in Indonesia (pp. 289-306) testifies to how the ulema (Muslim scholars) seek to join forces to make collective *ijtihad* rather than relying on individual knowledge and expertise. Collective *ijtihad* is a modern innovation undertaken by several Muslim institutions and scholars to deal with the issues that require deeper specialisation, wider knowledge and deeper expertise. Hosen demonstrates that presently collective *ijtihad* is being conducted at various levels by international and national boards as well assemblies of scholars from a particular Muslim group.

However, as Hosen demonstrates, there is no consensus about whether collective *ijtihad* is legitimate or not and if legitimate what kind of method should be used while performing it. Given the lack of a consensus about the status and method of collective *ijtihad*, in my opinion, *ijtihad* should follow the methods offered by *Usul al-Fiqh* (principles of jurisprudence) and *Usul al-Fatwa* (principles of issuing legal opinions) while remaining as an effort by an individual scholar who must benefit from the opinion of a collectivity of scholars through consultation and joint deliberation.

Despite the controversy and diversity of opinions about the status and method of collective *ijtihad*, the existence of debates regarding it demonstrates beyond doubt that Islamic law and Muslim scholars are open to change and innovation in a very proactive manner. The articles in the book demonstrate this proactive approach in the multiple areas covered by the book's chapters.

Another highly significant contribution of the book is that it combines the Islamic legal perspective with a multidisciplinary perspective depending on the subject under discussion. This is ultimately inevitable given the all-inclusive approach of Islamic law along with the increasing complexity of the issues at hand. The wide range of issues explored by authors from diverse backgrounds demonstrates that a Muslim legal scholar must be familiar with other disciplines ranging from economics to medicine, arts, sciences and education. More precisely, in Part 1, Ann Black, Kieran Mclean Eadie, Ali Omar Ali Mesrati explore a wide range of issues regarding family law and courts in countries such as Singapore, Australia, Libya and the UK. In Part 2, S. M. Solaiman, Afroza Begum and Hossein Esmaeili analyze

issues related to property and business in Bangladesh and Iran. In part 3, Mohammed Fahad Aljidav Alsubaie, Faisal Kutty, Hanifa Haydar Ali Tajuddin, Nasimah Hussin and Majdah Zawawi discuss the issues around Islamic criminal law and justice. In Part 4, Nurussyariah Hammado, Nadirsyah Hosen, and Richard Mohr analyse the Islamic legal issues related to ethics, health and sciences in Tunisia, Saudi Arabia and Indonesia. In Part 5, Mia Corbert, Neneng Yanti Khozanatu Lahpan and Maan Abdul Haq Khutani present Islamic legal discussions regarding arts and education such as the relationship between Islamic law and artistic practice, music and the educational rights of women. In the last part of the book, Part 6, Richard Burgess and Muhammad Ali explore issues about community and public spheres within the context of countries such as Bosnia and Herzegovina, Indonesia and Malaysia.

Nadirsyah Hosen does a great service to students of Islamic law by bringing together such a diverse community of Muslim and non-Muslim scholars from around the world to analyse and shed light on a wide range of issues in a number of countries extending from the UK to Indonesia. What is missing in the book is the depth of the self-reflexive methodological discussions about their profession by Muslim scholars and also the issues related to the private dimensions of Islamic law. Yet it would be too much to expect all these in a volume. Perhaps these issues would be the themes of other volumes in the same series.