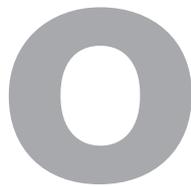


Living Sharia: Law and Practice in Malaysia

By Timothy P. Daniels

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On 9 May 2018, the Malaysian opposition coalition, Pakatan Harapan (Alliance of Hope, or PH) contradicted numerous predictions that the ruling Barisan Nasional coalition (National Front, or BN) would retain power. Led by Dr Mahathir Mohamad, Malaysia's longest serving prime minister (in office from 1981 to 2003), PH went against all odds to end BN's 61-year rule. Malaysians unhappiness with the management of the economy as well as corruption resulted in the PH victory. More significantly, Mahathir successfully assembled an ideologically loosely-knit coalition which included nationalist, multiracial, secularist, and Islamist parties. On the other hand, BN approached the election by being more sharia-oriented, moving away from its multicultural ideology that had kept it in power all along. Its leader, then Prime Minister Najib Razak, overturned the decades-old party position by adopting a more conservative, pro-sharia line in order to court its long-time nemesis, the Islamic Party of Malaysia (PAS). With PH's victory, many hope that reforms can be achieved on the economic front, as well as how society is managed, particularly inter-faith and intra-faith contestations.

Undoubtedly, Malaysia under Prime Ministers Abdullah Badawi (2003-2009) and Najib Razak (2009-2018) underwent its most turbulent years when it comes to inter-ethnic, inter-religious and intra-faith relations. Timothy P. Daniels' *Living Sharia: Law and practice in Malaysia* was published a year before the eventful general election of 2018. Yet, it is an important contribution recapping the issues and controversies in Malaysia under the two prime ministers. The book, in essence, examines how Malaysian Muslims understand sharia. It demonstrates their grasp of the term is not independent of "cultural knowledge" and sociopolitical processes. The book's argument pivots strongly on fieldwork data, participant observation, and in-depth interviews with key actors, such as officials in the religious departments and politicians. The author lived in Malaysia between 2008 and 2010, though most of the data is obtained between 2010 and 2012.

Living Sharia contains seven chapters plus an introduction and conclusion. The introduction spells out the author's methodology and theoretical

framework. The author suggests that his work develops a new approach in the study and anthropology of Islam, and falls between "discursive tradition" and "multiple interpretation" (p.6). To be sure, someone unfamiliar with the field of anthropology may find it difficult to understand why this approach is important or necessary, and how it will trigger critical reflections about reforming religious institutions. Here, there is a need for greater clarity in underscoring the research problem. The fact of whether this work develops a new approach in anthropology or otherwise is secondary; the book also extensively covers the diversity of Islamic perspectives in the country, from the most conservative to the most progressive. Daniel's writing style in the subsequent chapters is commendable. The book documents the exact words of the officials he interviewed which makes it livelier, capturing diverse sentiments. He also looked at the different reasoning styles of public officials which would allow for other engaging researchers, particularly on legal reforms in the country.

Chapter 1 sets the context of sharia in Malaysia, examining the changing attitudes of Islamisation of the state and society. It encapsulates the key episodes in the 1980s resulting from the resurgence of Islam. The chapter explains UMNO's (United Malays National Organization) bid to out-Islamise PAS, and how the government sought to develop key Islamic institutions and policies to demonstrate its commitment to Islam. More could have been done, nevertheless, to identify the role played by ideologues of the Islamisation movement, such as Professor Syed Naquib Al-Attas, the main ideologue for Islamisation of knowledge which characterizes Islamic discourse in Malaysia till today.

Chapters 2 and 3 closely analyse the multiple views of sharia, particularly on family and criminal laws. They recap important episodes that Malaysians are familiar with, namely the conversion of Lina Joy from Islam into Christianity, which attracted much controversy during the Abdullah Badawi administration. Chapter 3 touches on a very controversial subject that has been a subject of debate among scholars and political contestations between UMNO and PAS for years: namely the position of *ta'zir*, *hudud* (punitive Islamic laws) and *qisas*. However, readers should be mindful that these discussions have evolved after the publishing of the book. For example, after 2016, Prime

Minister Najib was willing to listen to PAS' views on further empowering sharia courts. Consistent with the previous chapter on family law, the author points out both conservative (mainly from PAS and religious officials) and progressive views from NGOS and human rights activists, showcasing the numerous issues such as *khalwat* (close proximity between unmarried couples in closed spaces, which is an offence) and consumption of alcohol by Muslims.

Chapter 4 focuses on the economics dimension of Islamisation. It looks at how discussions of Islamisation are operationalized by certain groups such as Darul Arqam to create an alternative business community in the name of alternative Islamic version to Western capitalism. It also engages on the issue of Islamic currency of dinar and dirham. I find chapters 5 to 7 the most important contribution to the whole sharia debate, as they outline a variety of views on sharia, and areas that different actors focus on. Chapter 5 discusses the pro-sharia group, and their debates are very much shaped by issues of race, religion and the nation. Chapter 6 looks at views that counter the dominant narratives: such as those promoted by Sisters in Islam (SIS) and Islamic Renaissance Front (IRF), the groups that advances human rights. Chapter 7 is equally important as it observes the views of random individuals capturing the religious sentiments in the ground.

Thus, the main contribution of the book does not lie in theory or any new approach as it sets out to be, but rather in the compiling of the multiple views on sharia. This is important to counter any images that Malaysia is moving backwards when it comes to Islamic ideas, and that Muslims in the country are homogeneous. It is true that conservative groups are in power and controlling key institutions of the country, and alternative, progressive voices are being marginalized. Yet, this does not mean that everyone in Malaysia agrees with sharia paradigm proposed by the state. The book gives an opportunity for one to reflect whether the change in government to PH (not part of the book's discussion as it pre-dates the historic 2018 election) will provide more space to the so-called marginalized yet progressive groups such as IRF and SIS. While the book highlights the voices of these actors, I find that ample coverage is given to the history and context of the debates, which is useful for non-specialists on Malaysian law. Moreover,

while the book does not aim to change Malaysian Muslims' psyche and their Islamic orientation, there were several instances in which the author provided his normative position—by discussing laws in the US, for example—which is a useful exercise if scholars are serious in reforming their society and promoting social change, rather than hiding behind academic wall of "a neutral social observer" (p.56).