

Objectifying the discussion about the Sharia?

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There are too many non-Muslims who regard Islamic law as regressive and even threatening. The laws regulating the legal status of women and the family, inheritances, and criminal matters appear hardly reconcilable with Western ideas about human rights and the rule of law in a secular state. But do those who think that way really know the Sharia?

Written by Mathias Rohe, a jurist and Islamic scholar, a book entitled *Das islamische Recht. Geschichte und Gegenwart* (Islamic Law Past and Present) has recently been published by C.H. Beck which greatly helps to put the discussion about the Sharia on a more factual footing in non-Islamic countries. One of the most comprehensive accounts ever published by a non-Muslim, the book is intended 'to render transparent the essential implications of Islamic law, and to highlight contours and developments in its characteristic disciplines'.

Rohe's work is in four parts: a comprehensive account of the history of Islamic law, a look at the development of modern Islamic law from the 19th century onwards, a description of Islamic law in the non-Muslim diaspora, and a concluding outlook. While parts I and II are descriptive, part III is mainly informative and innovative in character, particularly on the irritating subject of the Sharia in Germany. Rohe does not shy away from discussing questions relating, for example, to so-called 'honour killings' as well as the legal validity of Islamic marriages and the application of Islamic legal norms in Germany. The author attests that German courts essentially follow a differentiated approach, although he also describes the confusion of some European courts in dealing with legal claims made by Muslims and warns against conceding 'cultural privileges'. Rohe is concerned about Islamic legal norms penetrating into areas where the German law allows some discretion, arguing that if this were to happen, cultural upheavals and parallel structures could not be prevented indefinitely.

There is no lack of references to the current controversial debate about the future of Islamic law in Egypt, Morocco, and Iran. What emerges clearly is that these countries are striving hard to overcome ossified structures not by adopting Western ideas but by reforming the law. Former German students of Islam may conceivably be charged with being out of touch, politically naive, and obsessed with detail, but not Mr Rohe. To him, Islamic law is not an abstract historical patrimony but a powerful phenomenon of our age. *Das islamische Recht. Geschichte und Gegenwart* does not make easy reading. It challenges the reader with its strict legal language, its Arabic technical terms, and its sheer size.

But for all those who wish to understand the debate about the future of Islam both in Europe and in the Muslim world this book is a must.

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