



Sharī'ah or on The Human History
Of Divine Will. Theoretical
Foundations of Islamic
Jurisprudence

Alina Isac Alak

Ed. Pro Universitaria, 2019.

ISBN: 978-606-26-1088-3

Book review by **Marius LAZĂR**

Centre for Studies on the Middle East and the Mediterranean

ilmarius@yahoo.com

The book pertains to the field of islamologic studies, almost nonexistent in Romania, and covers a fundamental aspect of Islam, that of the status and evolution of its juridical-theological corpus, designated by the generic term Sharī'ah. The work fits within a series of well-established preoccupations of the author, who has been studying for several years now the subject of the doctrinary, axiological, and ideological construction of Islamic norms and the disputes caused by the various particular interpretations, whether in a conservative manner or in consonance with rationalist approaches. The author states clearly that the matters of Islamic jurisprudence have been closely dependent on this hermeneutical pluralism and the schisms which have divided the Muslim community from its first decades until the present day. They originate, first of all, from the divergences regarding the interpretation of the Quranic text, and then from the different manners



This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/) ©Marius Lazăr. ISSN 2344-2352 (Online).

of understanding and putting into practice the most legitimate norms of living the new Islamic condition, in all of its spiritual and mundane facets. Thus, Alina Isac Alak reconstructs in a detailed manner all of these complicated disputes, distinct and, oftentimes, mutually objecting hermeneutical approaches, juridical and social practices, produced over the years especially within the Sunni community, yet without ignoring the various versions of jurisprudence developed by the other streams within Islam. The fundamental thesis of *Sharī‘ah or On the Human History of Divine Will* is that, contrary to assertions from within the conservative milieu, *Sharī‘ah* is not an infallible, sacred, intangible normative corpus, but a historical sum of successive doctrinary developments, borrowings from other religious and juridical traditions, adjustments caused by the need of Muslim political and theological elites, in the early centuries of Islam, to find practical solutions, as legitimate as possible, to the infinite complexity of Muslim actual life in all of its aspects.

The work has two large parts, the first being dedicated to the analysis of the process of constructing Islamic jurisprudence in the classical period of Islam, while the second part attempts to provide a perspective on contemporary strategies of reinterpreting the Islamic doctrinary and juridical corpus towards a purely literalist, normative, rigid approach that is the source of the varying attitudes of objecting to historical forms of Muslim tradition, and that serves as a justifying backdrop also for the instrumentalization of a violence targeted towards those considered to be in dissonance with this particular interpretation of Islam. The work details with in-depth analytical subtlety the historical and doctrinary stages of the development of *Sharī‘ah* in the age of classical Islam: the central role of the Quran as the main normative source within the new religion, the importance of Sunnah, namely of the paradigmatic function held by the words and practices of the prophet Muhammad and his companions, then all the criteria used by the different juridical Islamic schools in order to ground the juridical-theological validity of the new jurisprudence systems they have elaborated.

The second part of the book is dedicated to contemporary tendencies in Islamic jurisprudence, analyzing in particular the doctrinary developments of Salafism, which is trying to reconstruct and reactualize an idealized (and imagined) reality of Islam in its first decades, treated as the only period that concentrated the theological and normative validity. *Sharī‘ah or On the Human History of Divine Will* also treats the issue of the ideology of ISIS, the way in which the movement – following the neo-Hanbali and other contemporary Salafi-Jihadist movements – has

instrumentalized an orthopraxy based on such rigid, literalist interpretations, justifying the legitimacy of violence. In the second part of the book, Alina Isac Alak presents as well the new, progressive approaches in Islamic jurisprudence, based on the philosophic inheritance of modernity, both the Western one and the Reform movement (Islah) developed since the XIXth century, based on an Islamic rationalist lineage. It is to be noted that, throughout the entire work, the author pays attention to the status of women within different systems of Islamic jurisprudence, an extremely delicate, discussed, and disputed topic, especially in the last decades, yet often insufficiently understood in its cultural, doctrinary, social context, peculiar to the Muslim world.

Alina Isac Alak's work is an absolute novelty in the scientific literature from Romania, hence its great importance. The analysis was done through a critical study both of the historical bodies of text and traditions, but also by extensively making use of the rich specialized literature dedicated to the subject matter. Considering the scarcity of autochthonous historiography approaching the history, theology, and socio-political realities of the Muslim world, such a book is more than welcomed, both through its subject matter, nearly completely ignored by the Romanian public, and through the high quality of the content and of the narrative form. Therefore, I consider that its publishing brings an important benefit to the academic and scientific community from Romania, which holds thus the occasion to inform itself extensively regarding the complex Muslim world. Also, *Sharī'ah or On the Human History of Divine Will* is an extremely useful instrument for the general public, as it may find here a competent source of explaining mindsets and behaviors which arouse today a considerable media interest, but also very many incomprehensions.