

Part III

The Framework: the Means of Politicisation. The Revival of the Shari'a and the Islamisation of Education

Introductory remarks

In continuing the reasoning on the interplay between social and cultural change, I contend that cultural patterns are not simply reflections of social realities. The dominating worldview and the cultural attitudes related to it are able to shape social realities, although at the same time they are affected by it. Thinking this idea through to its logical conclusion ultimately amounts to requiring cultural changes in those structurally underdeveloped regions of the world to which countries of the Islamic civilisation belong. Instead of cultural innovation we encounter a politicisation of culture. My hypothesis is that the cultural worldview can, but does not have to, change side by side with changing social structures. In other words, socio-cultural systems in their own terms can prove resistant to change. This can even be exacerbated in a situation in which a defensive-culture grows from a politicisation of religion. The role of law in Islam is a prime example that supports this hypothesis; one of the fundamental principles of the Islamic religious system is that it is not subject to change. Following this line of thought, change and adaptation are equated with heresy. Despite the claim of immutability attributed to the *shari'a*, it has not always been the very same legal system, for it is susceptible to change! And there are many *shari'as*, not just one set of laws.

As an organic religious system, Islam embraces all spheres of life and has strict commandments for conduct within them. Islamic law, the *shari'a*, is viewed as the expression of these sacral instructions; it claims to define and structure all aspects of human behaviour. Only few scholars acknowledge the fact that the *shari'a* is a post-Koranic construction. The term occurs only once in the Koran. At an international Christian–Islamic dialogue in 1980, the then Islamic supreme court judge in Pakistan Allah-Buksh K. Brohi, who was both a legal adviser to the late dictator Zia ul-Haq and also an Islamic professor of law, insisted on the belief that the *shari'a* is immutable. In contrast to this orthodox view secular Kemalists in Turkey abolished the *shari'a*. One of the most important lessons that we recognise so far from studying the models of 'revolution from above', like the Turkish one, is that social change can be forced, but cultural change cannot. If we concede the defensive-cultural resistance of cultural systems to instigate change, the question arises whether externally induced change could have an impact to the extent of putting down roots. In considering the conditions of globalisation in which Islamic law is embedded, the presented hypothesis will be examined in Chapter 7. There I shall discuss the

possibilities of an Islamic learning from the approach of topical thinking in modern legal theory in the West.

As far as the pendulum in Islam between culture and politics is concerned, the Islamic *shari'a* is a most pertinent issue. The reason for this pertinence is the high esteem in which the *shari'a* is held by Islamists. They basically call for *tatbiq al-shari'a* (implementation of the *shari'a*). As already stated, the notion of the *shari'a* occurs only once in the Koran: 'And we have shown a path/*shari'a* to you, so follow it' (*al-Jathia* 45/18). This reference does not indicate a legal system. In this capacity *shari'a* is a post-Koranic construction, not to be found in the Koran itself. Moreover, the *shari'a* legal system has been – with some exceptions, for example, the writings of Ibn Taimiyya – a kind of civil law, definitely not a state law. The concept of implementing the *shari'a/tatbiq al-shari'a* for running an Islamic state/*dawla Islamiyya* according to its rules is a product of the mind of the exponents of contemporary political Islam. This concept does not emerge from traditional *shari'a*; it is definitely a product of the more recent oscillation in Islam between culture and politics. In short, it serves as a means of politicisation.

In arguing that the law/*shari'a* is the religious regulation of worldly matters in Islam the next step is clear. Throughout the history of Islam it is through the system of education that the Islamic legacy (*turath*) has been transmitted. The *madrassa*, with which we shall be dealing in Chapter 8, is the highest educational institution in Islam. This institution is subject to change, and clashes occur between the Islamic model for reality mediated within it and reality itself. The intrusion into the Islamic civilisation by technological scientific modernity has magnified the crisis in Muslim education, but the crisis itself dates from an earlier time and can in fact be traced back to the conflict between Hellenised philosophy (*falsafa*) on the one hand and scholastic theology (*kalam*) and sacral law (*fiqh*) in Islam on the other. In medieval Islam this system of education was a domain of Islamic orthodoxy off-limits for Islamic rationalism.

In contemporary history, the rise of political Islam is to be placed in this historical context. Islamism can be viewed as an effort at de-secularisation of Islam: from reason back to scriptural revelation, this time however in a politicised manner. The political battle of Islamists takes place in the educational system. It follows that education is more promising than the use of force to push the claim of Islamisation of life and thus the pursuit of de-secularisation and de-Westernisation.