BOOK REVIEWS

Moataz El Fegierly - Islamic Law and Human Rights: The Muslim Brotherhood in Egypt

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The Muslim Brotherhood of Egypt is one of those Islamist movements in the modern period that commands huge influence both locally and globally. Like other movements, it has crafted a huge corpus of literature articulating its understanding of the religion to which it adheres—Islam—as well as the presentation of its mission. The present book under review is an investigation of the Muslim Brotherhood’s understanding as well as exploitation of the language of human rights in the context of Islamic law.

The Foreword to the book, written by the eminent contemporary political scientist, Bassam Tibi, excellently reflects the crux of Fegierly’s work and endorses both his arguments as well as his findings. The subsequent nine chapters of the book successfully portray the ambivalence in the thought and practice of the world’s most influential Islamist movement towards various aspects of human rights. The first chapter of the book, serving as its introduction, brings to light the basic assumptions of Islamism, while also providing a brief account of the major developments in the political history of the Muslim Brotherhood since its inception in 1928 to its victory in the 2011-2012 elections, to the military coup that led to the removal of Mohammad Morsi as President.

The main conceptual and theoretical issues around which the debate on Islamism, Islamic law, and international human rights law (IHRL) is centered constitute the second chapter of the book. The history of Islamic law is examined in order to explore “how the debates on Islamic legal theories matter to the application of international human rights in the Muslim world” (p. 15). To explore the debate on religion-state relationships, the place of Islamic law in Egypt’s legal system has also been analysed. The author argues in favour of the management of diversity, and the peaceful coexistence of individuals irrespective of their different backgrounds (religious, sexual, linguistic, etc.) as one of the key purposes of human rights. The failure of the Islamist approach to human rights

to address possible tensions arising between human rights and the clear texts of the Quran and Sunna is highlighted. It has been argued that the Islamists apply Islamic law as the state law taking for granted the compatibility of the two and without considering the possible implications for human rights and citizenship in the modern nation state. Strengthening his argument, the author takes recourse to the epistemological and methodological shifts in the interpretation of Islamic sources based on which the principles and methods developed by traditional jurists have been subjected to criticism.

The 'supremacy of sharia' within the Muslim Brotherhood's political activism since 1928 is grappled with in the third chapter of the book. The author maintains that the doctrine presents substantive and procedural challenges for the development of human rights in Egypt. Examining the philosophy of human rights in Islam as discerned by the Muslim Brotherhood, it concludes that Islamic law dictates what human rights are accepted by the Muslim Brotherhood. The author brings to the fore the ambivalence towards tradition and modernity in the thought and practice of the Muslim Brotherhood, as testified to by its consideration of the traditional interpretive methods as the only legitimate methods for the derivation of Islamic law from its sources on the one hand, and conceiving Islamic law as state law on the other. The author considers the conception of Islamic law as state law as a modern project shaped by the reinvention of tradition (p. 70). This chapter exposes how the Muslim Brotherhood post-Mubarak was interested in entrenching its political powers in the emerging political regime rather than in working in collaboration with other political forces for the cause of democracy and human rights.

The next chapter focuses on the issues of political pluralism and the right to dissent in the thought and practice of the Muslim Brotherhood. The author highlights the exclusionary policies of the Muslim Brotherhood, maintaining that it has projected certain Islamic arguments to keep at bay the secularists and any other form of opposition threatening the rule of Shari'ah. The author has successfully probed the intellectual sources of the Muslim Brotherhood to examine its articulation of political pluralism and the scope for tolerance with non-Islamist, secularist opposition and human rights defenders in its political discourse. Since the Muslim Brotherhood makes abiding by the 'supreme reference of Islamic law' mandatory for all political parties and associations, the author is correct in concluding that "political pluralism is irreconcilable with the ideological underpinnings of the MB" (p. 96).

The next chapter discusses the scope of freedom of expression in the Muslim Brotherhood's envisioned model of an Islamic state. The author brings to the fore the tensions between this state and international human rights. He maintains that this state impinges upon the choices of its citizens regarding their way of

life or behaviour. Hotly debated issues like heresy, blasphemy, obscenity, the relationship between Islamic law and freedom of expression, and artistic creativity, form the subject matter of this chapter. Based on rich empirical data and sound argumentation, the author successfully demonstrates how since the 1970, the Muslim Brotherhood has generated a milieu of intolerance towards intellectual pluralism by utilising its growing political and social strength. The author has come to a significant conclusion that the resistance of intellectuals, artists and civil society to the Muslim Brotherhood's plan to control the public cultural sector serves as ample evidence that "what is considered an Islamic authenticity by the state or Islamists is not necessarily approved by other Muslims" (p. 133).

The remaining chapters of the book are concerned with the 'rights of religious minorities', 'apostasy and its legal implications', and 'women's rights in Islam', as articulated in the thought and practice of the Muslim Brotherhood. The author exposes the conservative face of the Muslim Brotherhood, arguing in favour of the transformation rather than exclusion of the Muslim Brotherhood highlighting the need for a baseline of constitutional rights and evolutionary interpretation of Islamic law, as well as the integration of international human rights into domestic law. The book closes with a rich bibliography of considerable value for those interested in research on the Muslim Brotherhood, human rights and Islamic law. The author concludes that "the MB has exacerbated rather than solved tensions between Islamic law and international human rights" (p. 239). He probes deep into the thought and practice of the Muslim Brotherhood *vis-à-vis* its use of human rights language in its struggle against authoritarian regimes as well as in the capacity of an opposition political party and its subsequent deviation from and violation of the same human rights while in power. The significance of the book lies in its examination and exposition of how human rights language is exploited at the hands of Islamists to oppose an existing regime and then violated when they themselves rise to power. However, the limitation of the book lies in its failure to mention the violation of international human rights by non-Islamists or even the global powers that project themselves as the champions of human rights. A few minor errors also need to be rectified in the next edition of the book, like 'patience' for 'patient' on the acknowledgements page, 'Chapter two' for 'Chapter three' on page 12 (line 13), etc.