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Mark Fathi Massoud, *Shari'a, Inshallah: Finding God in Somali Legal Politics*. Publisher: Cambridge University Press, 2021. 392 pages. ISBN 9781108965989 (eBook).

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The notion of law and religion in Islamic states have been misconstrued, myopic and influenced by their over-generalization and categorization as extremist, misogynistic and human rights infringements and violations. Mark Fathi Massoud's *Shari'a, Inshallah: Finding God in Somali Legal Politics* through historical analysis and interpretation, dispels the above notion by identifying human agency as the instigator and propagator of negative features attributed to law and religion in Islamic states. Massoud, a Professor of Politics and Legal Studies in Islamic states, attempts to address the misconceptions prevalent in anti-Shari'a views and ideology while holding specific individuals responsible for the abuse of power which has led to the negative attitudes, actions and behaviour attributed to the Shari'a law and the tenets of Islam. Similarly, he addresses the potency of religion in opposing colonialism, dictatorship, gender inequality, and authoritarian regimes.

This book interrogates the interconnectedness between faith (Islam) and law in an Islamic State's legal administration and structure, particularly in the Horn of Africa. Covering 137 years (1884-2021), the book consists of an introduction, chapter one and a two-part analysis of six chapters (chapters two to seven) dissecting the conditionalities of the rule of law in colonial and post-colonial (democratic and authoritarian) governments. The first part makes a case for Shari'a and its deployment in implementing the rule of law based on political eras implemented in Somalia and Somaliland from 1884 to 1991. Massoud contravenes the Western idea of religion being the undoing of societies and law as the redeeming tangent in maintaining peace and order in any society. He achieves this by referencing the historiography of religion and law in Somalia and Somaliland, visible in consideration of the rule of law based on religion (p.4).

The second part sheds light on the efforts and activities by individuals, groups, and organizations (locally and internationally) in reforming, transforming, and restoring the rule of law, law, order and political stability in Somali and Somaliland from 1991 to 2021. A commendable approach involves the attention drawn to the importance and role of non-state actors (ordinary people) in the effectiveness of law beyond its constitutional enactment. Massoud emphasizes the pivotal point of

differences in the provision of Shari'a on paper and the policies implemented and experienced in Islamic states due to variations in interpretations and implementations by leaders (democratic or authoritarian).

The author commences with an assessment of the title as separate entities, "Shari'a" The Western consideration of Shari'a has mainly involved and "Inshallah." in a legal fanaticism swinging the pendulum too far to the right connoting religious context. However, through linguistic analysis of the title, Massoud sheds light on the correlation and the intertwined nature of law and religion dating back to pre-colonial societies. The first chapter examines the visibility of post-colonial legacies in the legal system, which affirms a popular historical analysis of post-colonial legal structures as not devoid of colonial inferences. The argument is reflected in the rise of legal pluralism, especially in Muslim countries where traces of religious, traditional, and state forms of law overlap in the dispensation of law. This chapter offers a brief history of Islam, its tenets, propellers, and contributions to the evolution of the Shari'a law. The author analyzes misconstrued extremism perpetuated by overzealous individuals in a peaceful religion (p.52). For Massoud, the unequivocal power of Shari'a is visible in its ability to "fight colonialism, challenge dictatorship, and limit the powers of militants and warlords" (p.58)

Chapters Two and Three engage the themes of colonial and post-colonial legal politics and introduce Shari'a's subjective interpretation and implementation for individualistic gains during Somalia's transition to independence and its first thirty years of independence. Chapter Two outlines colonial legal efforts to ensure control over Somali people (in British Somali and Italian Somali) by adopting mechanisms of influence over coercion. For instance, the separation of *xeer* (customary law) and Shari'a involved the colonial administrators' infusion of personnel, resources, and administrative patterns. It also interrogates the amalgam of legal politics and religion in the administrative process in British Somali (indirect administration) and Italian Somali (direct administration). In terms of subjective interpretation of Shari'a, Massoud details the war between the British and Sheikh Hassan, which featured the use of Shari'a to each faction's advantage.

Chapter Three builds on the colonial foundation set in Chapter Two by describing a typical post-colonial setting in which colonial legacies are cemented by post-colonial administrators, in this case, to foster personal political agendas. This includes the formation of new courts and laws mainly to supersede religion; the implementation of the Act of the Union law due to the presence of British- origin law, Italian-origin law, Shari'a and *xeer* in one entity-Somalia; the introduction of socialist principles in law, education, economics, and governance and government's effort in entrenching gender equality in the laws and legal policies based on the

precedence of unification of socialist and Islamic provisions; as well as, the establishment of Qur'anic schools and law schools with low visibility of female students. In the same vein, it details Mohamed Siad Barre's authoritative regime, contributions, pitfalls, and reactions to counteract activities in advancing Somalia's social development. This leads to the book's first reference to capital punishment, evident in the execution of Mohamed Ainshe Guleid and Salaad Gabayre Kediye, who attempted to overthrow Mohamed Siad Barre's government (p.143), the execution of a group of sheikhs who contradicted the ideology of the ruling government (p.146), as well as the execution of ten sheikhs who preached against socialism and gender equality (p.149).

Chapter Four examines the proverbial situation of the rejected stone becoming the cornerstone in which religion is adopted as the reuniting factor in ensuring the effectiveness of the rule of law and stability in Somalia. It details the varying attempts and conditionalities of legal politics and religion in Somalia after the breakdown of law and order in 1991. These efforts are considered within three periods: (a) 1991-1999, featuring efforts by three principal groups (Al-Isah, Al-Itihaad Al-Islamiyah and the new courts) and a series of failed humanitarian interventions; (b) 2000-2007, highlighting rebuilding efforts by the Shari'a courts and collaborative efforts by old and new groups, and (c) 2007-2021, underscoring the militarization of God's will featuring high-scale violence such as suicide bombings, assassinations, executions in a bid to instil legalism in Somalia. There is also the neo-colonialist element featuring the involvement of the United Nations, Western aid agencies and governments, and its upscaling interests in war-torn areas. In Chapter Five, Massoud juxtaposes the infusion and reactions to the deployment of religion in legal structure in Somali and Somaliland. The author explores the promotion of the rule of law in Somaliland from 1991 until 2021, and concludes that legal politics in Somaliland was more successful than in Somalia due to the promotion of legal pluralism. Despite restructuring the modalities of state law, the Somaliland populace preferred the Shari'a law based on past success, religious ties, relativity, accessibility, and non-ambiguity.

Chapter Six stands out for its focus on women and attributing their subservient position in Islamic States to unaccommodating individual and government activities. It interrogates the involvement of women activists in ensuring gender equality in politics, education, religion, and social development in a state where Muslim women are particularly affected by unfavourable individualistic interpretations of the Qur'an. The most strategic means of attaining gender equality and fostering women's rights was the involvement of the Sheikhs, revered in the Islamic community for their accurate interpretation of Islamic tenets. The chapter concludes with the extent to which the subjective interpretation of the Qur'an continues to plague women in their strive for gender equality.

Chapter Seven embodies the interconnectedness between religion and law, and it emphasizes the consideration of religion as a precursor of law and order in pre-colonial periods that should be replicated in modern eras. Massoud offers a summary of this book's thesis by reflecting on the effect of human actions on the state of the rule of law and law and order in Islamic States by positing that "in Muslim-majority states, the problem is not Shari'a, it is what people have done with it" (p.295). There is also the post-structuralist consideration of legal politics in an Islamic state through a socio-legal approach of analyzing the adoption of Shari'a, reactions and effects of its implementation even beyond the colonial period.

There is a rich consultation of primary and secondary sources such as archival data, interviews, and ethnographic research involving relevant stakeholders such as legal practitioners, activists, religious leaders, and political leaders. The shortage of archival documents due to war and political instability in Somali and Somaliland explains the higher consultation of oral sources derived through interviews. As such, the author does a great job of portraying the views of the masses, evident in the detailed varying views obtained from the interviews. However, there are repeated arguments across the book, particularly as regards the tripartite nature (religious, traditional, and state-owned) of legal pluralism in Somalia and Somaliland. Further, despite the author's defence of the Shari'a, the notion that Shari'a seeks peace and the promotion of the rule of law can be faulted, especially when considering the insecurity and tyrannical situations in Somalia, even earning it the title of the "most dangerous place in the world" (p.19).

The author considers the themes of the unequivocal interconnectedness and overlap of law and religion in a legal structure: legal politics, state building or development, legal pluralism, human agency (state and non-state actors), religious extremism, and Shari'a legitimacy in colonial and post-colonial contexts. Subsequently, there is a connection to other disciplines such as linguistics, political science, philosophy, law, human rights, international relations, and diplomacy. In essence, beyond the myopic consideration of Shari'a as an embodiment of legal procedure in Islamic societies, Massoud describes Shari'a as a "living system" that encompasses all aspects of daily experience (p.2).

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