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Book Review:
al-Tajribah al-Miṣriyyah *(The Egyptian Experience)*
by Ali Jum'ah. Cairo: Nahḍat Miṣr li-al-Ṭibā'ah wa-al-Nashr wa-al-Tawzī', 2008.

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"The world we live in has changed," emphasised Dr Ali Gomaa. Yet many continue to grapple with how to uphold their identities in a rapidly evolving modern world. In recent decades, various calls have emerged for the establishment of an Islamic state or the formal implementation of the Shariah (Islamic law). In Malaysia, the Malaysian Islamic Party (PAS) has remained particularly vocal, seeking to formally enact elements of Shariah through the criminal code in place of existing state 'secular' laws.[1] This political endeavour, which some have coined as the *Shariatisation* of the political discourse, has continued to rally support, particularly from religious conservatives, and bolster the party's electoral presence. The community's response to this initiative reflects how Shariah is perceived, especially in relation to the secular state.

[1] Syaza Shukri & Norshahril Saat, Sharia versus Shariatisation in Malaysia: Which One Will Triumph?, Fulcrum: Analysis on Southeast Asia, ISEAS (Yusof Ishak Institute), 2024 https://fulcrum.sg/sharia-versus-shariatisation-in-malaysia-which-one-will-triumph/

Beyond Malaysia, similar trajectories can be observed in other countries where governments or movements have attempted to formalise 'Shariah' within state structures. Examples include Brunei's gradual adoption of Shariah in the penal code and Afghanistan's renewed orientation following the Taliban's return to power. Yet, as Wael Hallaq contends, "any conception of a modern Islamic State is inherently self-contradictory," highlighting the deep structural contradictions between the Shariah and the epistemological underpinnings of the modern nation-state.

In more radical forms, this aspiration is reflected in the project of ISIS, which sought to establish its version of an Islamic State through violent and extreme methods. Such efforts were motivated by the theology of *hakimiyyah* (divine sovereignty), which rejects all non-Muslim forms of governance and delegitimises Muslims who support or participate in them.[2]

Gomaa challenges clear-cut distinctions between Shariah and the modern nation-state by examining Egypt's transition to modernity as a case study in his book *The Egyptian Experience* (*At-Tajribah Al-Masriyyah*), published in 2008. This book review argues that Gomaa's work is a significant attempt in showing how Egypt reconciled Shariah with the modern-state, challenging binaries posed by Islamists and secularists alike.

The Egyptian Experience as a Model

Egypt has a remarkably long and continuous presence within human civilisation. Within the context of Muslim civilisation, it was part of the Rashidun Caliphate, the Fatimids, the Ayyubids, the Mamluks, the Ottomans and the Khedivate, which witnessed, not only political transformations, but also the canonisation of bodies of knowledge in the

[2] H.R.H Prince Ghazi Bin Muhammad, A Thinking Person's Guide to Islam, Turath Publishing, 2017.

pre-modern Muslim world. The country also later experienced brief periods of European occupation, first by the French under Napoleon Bonaparte and later by the British. The diverse and rich history of Egypt shaped its landscape into a unique, vibrant and plural society positioning it as a reference point for intellectual endeavours and trends for many centuries.

From the late nineteenth century, as the world entered the age of modernity, Egypt embarked on its own path of transformation. Muhammad Ali Pasha, the Ottoman *vizier* (governor) who exercised considerable autonomy from the empire's central powers, spearheaded reforms that gradually reshaped the country's institutions. Like the Ottoman Empire and Meiji Japan, Egypt was not formally colonised during this phase but adopted modern state structures through deliberate choice, informed by its own priorities and initiatives.

This period is crucial to examine, as we see how the Ulama', in particular, adapted to the profound changes around them and contributed to the country's transition into modernity. Gomaa raises questions that remain relevant today: What were the scholars' positions on modernity, liberal ideals, democracy, and Euro-Western state structures? How did they negotiate the question of religious authority? And through this transformation, could Egypt still be regarded as an "Islamic state"? In other words, is Shariah necessarily antithetical to the secular state?

Transitioning to Modernity: Egypt in a Changing World

Gomaa argues that Egypt's transition to modernity was not a project of abandoning identity or tradition. Rather, it was motivated by religious values and the pursuit of progress. He introduces the theological rationale underpinning this transformation: Why should Muslims engage with modernisation, even at the supposed expense of the established classical Shariah law and institutions?

Modernity, as Gomaa identifies, reshaped the very functioning of societies, particularly in communications, transportation and technologies. These factors significantly transformed education, politics, and culture, redefining how identities were constructed and how authority was exercised. They fostered cosmopolitanism, global interconnectedness, and the emergence of new industries, which in turn transformed economies and recalibrated notions of progress. Gomaa recognised the period between 1830-1930 as the distinct turning point (*al-'alamatul-fariqah*) that ushered the world into modernity.

As he notes: "This was how reality and its trends underwent profound change, which in turn obligates us to develop guidelines that recognise this new reality and relate its emerging issues back to the foundational principles of the Shariah."

The task for the Ulama', then, was to recognise the extent of these transformations. In many of his writings, Gomaa insists on the importance of *idrak al-waqi'* (perception of reality) as an indispensable tool for jurists. After all, Islamic law has always positioned prevailing norms as a significant factor in deriving legal rulings (*al-'adah muhakkamah*).

Ibn Al-Qayyim emphasised: *"Neither the Mufti nor the Jurist (Hakim) are qualified to deliver the fatwa or the ruling without being equipped with these two elements:*

1. *A comprehension of the reality and ruling due for it, as well as the skill to derive knowledge from evidence, signs, markers, to conclude it substantively.*
2. *A comprehension of the obligation of the reality (context), which is the divine ruling that governs by the divine book (Qur'an) or by*

> *the sunnah of the Messenger s.a.w. upon this reality. Then apply it to one another."*[3]

Explaining this further, Gomaa identified four key focus areas to recognise the lived realities in any given context. They are individuals (*al-ashkhas*), objects (*al-ashya'*) such as technologies, events (*al-ahdath*), and ideologies (*al-afkar*).[4] Reflecting on the reality and trends today, we may examine these four key areas to carefully dissect and recognise how the world has indeed changed.

This meant that the Ulama', and Muslim Jurists in particular, were pushed to consider new rulings, giving rise to a new wave of religious discourse to address contemporary issues.

The Development of the Modern Egyptian State

According to Gomaa, Muhammad Ali Pasha, often regarded as the father of modern Egypt, pursued Egypt's modernisation project guided by ideals such as democracy, equality, and liberalism.

These terms remain contested. The recent crisis in Gaza, especially after the events of 7 October 2023, has publicly revealed underlying biases in knowledge production, particularly in how modern liberal ideals and values are defined and mobilised to benefit some over others.

Gomaa emphasises that democracy must result in equality among citizens. Citizenship should form the basis of the nation, rather than nationalism, which often privileges a supremacist conception of national identity. Liberalism means the preservation of individual liberties, such as

[3] Ibn Al-Qayyim, I'lam Al-Muwaqqi'in, Ibn Jawzi Publication (Dar Ibn Jawzi)

[4] Ali Gomaa, The Lofty Project for the Renewal of Religious Discourse (*al-mashru' al-'ali litajdid khitob ad-deeni),* al-wabil as-soyb publishing, 2023, (pg. 211)

freedom of belief, mobility, political participation, and work, thus providing the foundation for pluralism and equal representation.

Muhammad Ali Pasha introduced new policies in the government, including changes to administration and, more notably, the penal code. His ambitious governance reforms were drastic, which eventually provoked resistance from segments of society. Some of his policies, particularly the 'Imperial Edict' (*al-qanun al-humayinun*), were not implemented during his reign but served as foundational precedents for his successors.

Later during the time of Khedive Isma'il Pasha, Egypt pursued similar modernising goals. Isma'il established a parliament (*Majlis Shura An-Nuwwab*) and initiated the codification (*taqnin*) of civil law parallel to, but separate from, the existing established Islamic law.

The newly established civil code was in fact, an attempt to distinguish itself from the Ottoman Empire, which had earlier initiated the codification of a civil law called the Majallah (*al-majallah al-adliyyah*), a compilation of Hanafi jurisprudence in a European code-like format. In seeking greater autonomy, Ismaʿil convened Ulama' to draft a new civil code, modelled on the French Civil Code (the Napoleonic Code) but reflecting Maliki jurisprudence.

Among the Ulama' taking part in this project was Sheykh Makhluf Al-Minyawi, who separately undertook a comparative analysis between the French Civil Code and Maliki jurisprudence. His work, titled Comparative Laws (*Al-Muqaranatut-Tasyri'iyyah*), concluded that there were very few contradictions between the two legal systems.

Despite these efforts, the newly developed law was never formally implemented. Instead, Qadri Pasha later codified a new civil code based on Hanafi jurisprudence, differing in several respects from the Ottoman *Majallah*.

Much later in 1949, Abdur-Razzaq As-Sanhuri, spearheaded the 'Egyptianisation' of the legal system (*tamsir al-qawanin*) and developed the Egyptian Civil Code that was guided by Islamic legal principles. He published a book titled *Al-Wasit*, which elaborated in greater detail the conceptual framework and legal arguments derived from the Islamic Law.

Negotiating Modernity: The Islamic Paradigm's Guidance

These historical milestones reflected the blueprint by which Egypt's leadership and the Ulama' navigated the era of modernisation.

1. According to Gomaa, the continued presence of Islamic law in shaping these reforms, particularly in the civil law, highlights that the state never intended to remove or abandon Islam. Instead, this was a strategic move to pursue progress within the modern context. As-Sanhuri stated in his article, *"The obligation today is to learn the Shariah deeply and in line with its principles. It is impermissible to abandon these principles under the claim that progress demands their rejection"*.
2. Gomaa further observes that the modern era introduced transformations far more radical than those of the pre-modern world. He describes globalisation as compressing the world into the likeness of a "single village". For the state to completely isolate itself from the dominant culture (*ath-thaqafah as-sa'idah*) would, he argues, cause greater harm and disorder than any potential benefit.
3. The Ulama', particularly during the time of Ismail Pasha, were never opposed to the codification of the civil law, taking into account both the French civil code and Islamic law. On the contrary, multiple projects were launched to comparatively analyse both laws and very few contradictions were uncovered.

Had they been opposed to efforts to secularize and modernize he legal system, they would have never participated in these state-led projects. This demonstrates that the Shariah was not seen as antithetical to the secular modern state.

4. The state's constitution is clear in that the principles of Shariah form the principal source of legislation. This shows a direct alignment with the Ulama's approach to modernity. The fact that classical penal codes (*hudud*), for example, are not enacted in their pre-modern forms does not mean Egypt has failed to uphold the Shariah. Ultimately, the application of specific (*furu'*) codes do not dictate or define the broader identity of the nation as Shariah-based.

Based on the above considerations, Gomaa argues that Egypt is an Islamic State. Although, he further notes "it does not mean that Egypt is politically governed by religious authority, nor does it mean that Egypt is a *kafir* (infidel) state that rejects or abandons religion".

Reflection

In short, Egypt, through the guidance of its scholars, did not abandon the Shariah in its attempt to achieve modern standards of political structures and success, but navigated its own pathway through guidance from rich Islamic traditions.

We should not look at pre-modern Shariah rulings as laws to be applied in verbatim to modern problems. Instead, we should treat these classical cases (*masa'il*) as models that reveal the underlying methodologies and policy considerations (*manahij)* for jurists. Furthermore, Shariah must not be reduced merely to a code of laws, but is instead a holistic paradigm that enables Muslims to navigate life faithfully.

Gomaa's approach should not be seen merely as that of a secular apologist. Rather, it marks a distinct path that is often lost between two opposing ends within the Shariah-secular discourse.

Gomaa is currently a member of the Egyptian parliament. Prior to his direct participation in politics, he was the Grand Mufti of Egypt, a position formally appointed by the President of Egypt via presidential decree. Critics might argue that this book and his views are politically motivated due to his direct ties with institutions and proximity to the state, serving a state-backed agenda to dismantle the Shariah-Secular binary and legitimise the current model of governance. However, downplaying the intellectual merit of *The Egyptian Experience* on these grounds alone would be an oversimplification.

The Egyptian model may be unique in its historical formation, yet it offers insights that remain relevant across diverse contexts. Shariah, which continues to serve as a central guide for Muslims wherever they reside, is more than a set of moral or spiritual codes. As Gomaa points out, it possesses the flexibility to integrate into multiple state structures, providing dynamic and adaptable frameworks through which Muslims can flourish.