The question of gender equality with respect to women’s rights constitutes one of the most important and topical issues in the human rights and Islamic law discourse, particularly in relation to the human rights practices of modern Muslim states. Today, many modern Muslim states have integrated various elements of Islamic law into their domestic laws, which has given rise to ongoing debates about whether women can enjoy equal rights and non-discrimination within the application of Islamic law in modern times. Consequently, there has been a lot of academic literature published in recent years expressing different viewpoints on the subject and proposing different approaches for resolving the areas of tension between the application of Islamic law and the guarantee of women’s rights under human rights law. In my view, this book on Women, the Koran and International Human Rights Law: The Experience of Pakistan by Dr. Niaz Shah is a welcome contribution on the subject, especially in respect of its specific focus on the experiences of Pakistan as a Muslim state where Islamic law is recognised as part of state law and where the issue of women’s rights has become very topical. The author states in the introductory chapter that the study, which was originally submitted as a PhD thesis at the Queen’s University Belfast in 2005, “focuses on the equality rights of women in the Koran”, the statutory Islamic law of Pakistan and compares these with international human rights standards attempting to find a ‘common understanding’ between the two systems” (p. 1).

In summary, the book is divided into three main parts. The first part is titled “Islamic reforms and the evolution of Islamic law” under which the author examines the position of women in pre- and post-Islamic Arabia, the equality of men and women in the Koran and the evolution of Islamic law and ijtihad. The second part is titled “Women and the legal systems of Pakistan” under which the author examines the role of Islam in the drafting of the constitution of Pakistan,
gender equality and the 1973 Pakistani constitution, Islamisation of criminal laws in Pakistan and women’s rights and the family laws of Pakistan. The third Part is titled “Women’s rights systems: A comparison” under which the author examines the scope of the international women’s rights regime, universality of human rights, and a comparison of Qur’anic, Pakistani and international human rights standards.

In his introductory chapter, Dr. Shah first analyses and engages with the different approaches in the human rights and Islamic law discourse. He identifies four main approaches, which he describes as the “secular, non-compatible, reconciliatory and interpretive” approaches respectively (p. 3.). He critiques each of the first three approaches (secular, non-compatible and reconciliatory), identifies what he considers as the weaknesses of each approach and proposes, alternatively, an “interpretive approach” which consists of a contextual interpretation of the Qur’an in a manner that guarantees women’s rights. The contextual interpretive approach forms the crux of the book’s thesis, whereby Dr. Shah argues that equal rights of women would be realised in all spheres of life in Muslim states if relevant verses of the Qur’an were interpreted in their proper contexts. Regarding discrimination against women in Muslim states, he states elsewhere that “the fault lies not in the Koran, but in the out of context interpretation of the Koran”. He asserts that the interpretive approach is different and has advantages over other approaches because “it is an Islamic approach [which] should be acceptable to Muslims and [that] any result emerging from it will be implementable in Muslim states” (p. 16). It is possible to make a similar assertion in respect of the different reconciliatory approaches identified by the author in the book (pp. 8–13). While the interpretive approach is plausible, it is not devoid of its own weaknesses. Dr. Shah aptly identifies and engages with one of its weaknesses, which he describes as a secularist argument that religious scriptures could be interpreted in multiple ways and thus can lead to “confusion and theological impasse” (p. 16). He responds to it by arguing firstly that rather than being seen as a total weakness, the possibility of multiple interpretations could actually be a blessing “as it enables people in different regions and times of history to interpret scriptures in ways suitable to their needs” and secondly there is, similar to religious scriptures, no monolithic interpretation of international human rights law, but rather it is “also susceptible to various interpretations” (p. 17).

The argument regarding possibility of different interpretations of the Qur’an is relevant, not only from a secular point of view, but also from an Islamic legal perspective in relation to the use of the interpretive approach as a means of harmonising human rights and Islamic law. From the general perspective of the application of Islamic law, the possibility of different interpretations of the Qur’an demonstrates that, in seeking to harmonise human rights with Islamic law, the interpretive approach may not suffice independently on its own without being complemented with other relevant principles of Islamic law through which the executive and/or judiciary in a Muslim state can justifiably choose

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