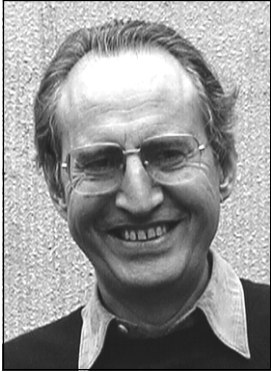


Mohammad Hashim Kamali

My Ten Months in Berlin



Born in Afghanistan in 1944, Mohammad Hashim Kamali is currently Professor of Islamic Law and Jurisprudence at the International Islamic University Malaysia in Kuala Lumpur. He studied Law at Kabul University, where he also held a faculty position before commencing his postgraduate studies in England. He completed his LL.M. in Comparative Law and his Ph.D. in Islamic and Middle Eastern Law at the University of London in 1972 and 1976 respectively. After a period of employment as an interpreter with the BBC World Service, Dr. Kamali held a faculty position at the Institute of Islamic Studies at McGill University in Canada and later worked as Research Associate with the Social Sciences and Humanities Research Council of Canada. He was a Visiting Professor at Capital University in Columbus, OH, in 1991. He is a Fellow of the International Institute of Islamic Thought, Herndon, VA; former editor of *Shari'a Law Journal* in Kuala Lumpur; former Shari'a advisor to the Securities Commission of Malaysia; Shari'a advisor to the Malaysian AIDS Council; former member of the Majlis Ilmuan Malaysia; member of the International Advisory Board of *Islamic Studies* (Islamabad), *Al-Tajdid* (Kuala Lumpur), and the *American Journal of Islamic Social Sciences*. He is the author of *Principles of Islamic Jurisprudence* (1991) and *Freedom of Expression in Islam* (1997). – Address: Apartment No. 165-1, Sri Wangsaria Condominium, Jalan Ara, Bangsar Baru, 59100 Kuala Lumpur, Malaysia.

I came to the Wissenschaftskolleg with some uncertainty as to whether I would be able to obtain the necessary data for my research on fundamental rights and liberties in Islam, which relies heavily on materials in the Arabic language. I have in the past visited academic

institutions in the West with an Islamic or Middle Eastern Studies department, which we do not have here at the Wissenschaftskolleg – hence my uncertainty. This was also the reason why I chose a second project, which was to write a basic reader on the Islamic law of contract, as a possible substitute in the event I did not secure sufficient materials on my main project. Another reason for my hesitation was related to the stage of my research on the first project: I came here with about fifty per cent of the work at hand, and my main purpose was to enhance the existing work and penetrate the literature further. This was not just a question of finding basic information, but of more specialized and selective data from the Arabic sources. As it turned out, I was able to penetrate the Arabic data on my main project and had no intractable problems with locating and obtaining library materials at almost every stage of my research over a period of ten months. This enabled me to complete two of the three volumes I had planned to write here. Thanks to the efficient inter-library loan service of the Wissenschaftskolleg, I secured most of the materials I needed from libraries within Germany, especially from Tübingen and the Free University. Gesine Bottomley and her helpful team at the library facilitated my task and I am appreciative of the efforts they made on my behalf. One other and rather unexpected contact that proved useful was Georges Khalil, whose personal interest in human rights themes and our frequent conversations led to useful identification of recent publications in Arabic, which he then generously placed at my disposal, and I take this opportunity to thank him.

A consensus seems to have emerged among scholars and visitors to the Wissenschaftskolleg as to the congenial working climate it offers for scholarly activities and research. The Tuesday colloquia have hardly ever been less than rigorous and stimulating, exposing the Fellows not only to a diverse range of themes and research interests, but also to the spirit and drive that generates that level of intensity. The Rector, Professor Dr. Wolf Lepenies, participated in the colloquia and chaired many of the evening lectures himself, and regardless of technicalities of subject matter and field, his question-and-answer sessions consistently went beyond the allotted one hour. Wolf Lepenies has frequently been mentioned with genuine affection for the gentle encounter and warm welcome he gave us on almost every occasion we shared with him. Dr. Reinhart Meyer-Kalkus complemented that attitude, and so did the computer center, which has always been ready to help my wife and me whenever we asked them for assistance. It is due indeed to the combined effort of

its staff that the Wissenschaftskolleg achieves excellence. The common meals provided opportunity for sociability and informal exchange among the Fellows, and it was on these occasions that Fellows spoke of their experience of life in Germany. This was in no uncertain measure helped by the courteous and efficient service of the kitchen staff. They were kind and graceful, not only in serving me and my wife at meal times, but were also willing to accommodate our dietary peculiarities and needs.

The staff of the Fellow Services Unit, especially Andrea Friedrich and Christine von Arnim, assisted me on a number of occasions with various matters, both personal and academic, especially in the preparation of lectures and seminars. I visited and gave lectures at the Universities of Potsdam and Bamberg and at the Free University, in addition to two international conferences to which I made presentations in Islamabad and Kuala Lumpur. My regular participation in the Berliner Seminar organized by the Modernity and Islam study group at the Wissenschaftskolleg led to many occasions on which I acted as presenter, discussant, and participant. The Summer Institute workshop on "Public Spheres and Muslim Identities" in July 2001 alone committed me to three such engagements within days prior to my departure, all of which proved mutually beneficial and stimulating.

I believe I am taking with me enough freshly collected data from Germany to make Germany and the Wissenschaftskolleg a recurrent point of reference in my writings for a long time, even after the completion of my current project. The Islamic Texts Society of Cambridge has agreed to publish the three volumes on which I have worked here at Wiko. This publisher has also published the first three volumes of this six-volume work, which stretches over the entire range of basic rights and liberties, from the right to life and property to the right to personal security, the rights to privacy, education, work, and welfare, and a range of basic liberties.

The experience of life in Germany for one academic year has proved enormously enriching in many ways. My share of participation in the rich cultural and artistic expressions of Berlin was enhanced by the many trips to places of interest that the Wissenschaftskolleg helped to organize. My wife Susannah and I return to Kuala Lumpur with pleasant memories of the many fruitful encounters we have enjoyed and appreciated during our stay in Germany. And these include one very special individual, our German teacher, Eva Hund (now Mrs. Eva von Kugelgen). It would be less than accurate to say that we have become fluent speakers of the German

language, but my wife and I have both made significant inroads into it. Eva von Kügelgen knows that we developed a special liking for this very rich language, and we depart with the purpose to continue with it in Malaysia. This is naturally due partly to her personal impact on us. We shall also remember the warmth and courtesy of Barbara Sanders, not to mention the useful tips she gave us on various things, and the many questions we asked and her responses, which we always appreciated.