

ISLAMIC JURISPRUDENCE IN THE MODERN WORLD. By A. A. Qadri.  
[Bombay: Tripathi. 1963. xii + 366 pp. Rs. 25.]

It has been difficult to review this book as it is not easy to see for whom it is meant. The author describes it "as a humble attempt with a view to appraise and elucidate the principles of Islamic jurisprudence". The book contains a wealth of information about Muslim jurisprudence but the facts appear to be ill-digested and the understanding of the book is not helped by the rather involved and inapt expressions used to present them. The book is therefore more useful for a scholar who can pick up the valuable references in the footnotes — especially to articles in American legal journals — and unravel the author's thoughts and ideas than for the student or the practitioner.

The student will not find this an easy book to understand. To take an example what is the student to make of the discussion of the procedure of *talak*:

There are two modes of a talaq. The first is called talaq-sunna, or a divorce in the approved form with the methods approved by the Shari'a. It may be Ahsan or best or Husn or good. The second is called Budee or irregular form of divorce which is held valid but sinful. It is also divided into two kinds with reference to the number of pronouncements in time. The Shari'a Schools do not recognise a Budee form of divorce, but only recognise the Ahsan form.

The book will not be useful for a practitioner as not all the decided cases are referred to. The attitude of the author may be seen by the note at the end of the Table of Cases "The above list is not exhaustive, as various authorities may be noted

throughout the book". The book will certainly not be very helpful in the search for the latest authorities for example on *khula* or the necessity of a court decree for the exercise of the option of puberty.

The scholar will find this book useful for reference although it certainly cannot be regarded as a book of authority. On many points the book is sketchy and uncritical. The hadith of Muadh, for example, related in detail at pages 27-28 of the book is referred to as a famous tradition at page 71-72 of the book, but it is not stated that it is a *mursal* hadith and probably not genuine. The author seeks to show that Muslim Law because of "its evaluated comparative nature being an automatic adjustable intellectual science of the rule of human conduct remains of much value for the laws in a modern changing society." (p. 12). The author can be quite violent in his views as where he says in relation to the law of wakf. "In India and other nearby countries where the Islamic law is applied generally in more or less its pure form, it is disgusting to note that although various legislations have been adopted which give more scope for state controls, yet the changes of time have not been kept in view." (page 248). The author's main thesis seems to be that it should be the function of the judicial authorities while administering the Muslim law to take into account the circumstances of actual life, changes in people's habits, modes of living, necessity and wants of social life of the time; and that in so doing they should be aware of the dangers in picking out illustrations from their context and applying them literally, but they should try and deduce the principle which underlined the illustration, (page 295). We agree with the author but would have wished that this thesis were better presented and better argued.