

THE MUSLIM MATRIMONIAL COURT IN SINGAPORE. By Judith Djamour.
(London School of Economics, Monographs on Social Anthropology
No. 31). [London: The Athlone Press. 1966. x + 189 pp.
35s.].

Miss Djamour, who is already well-known for her book *Malayan Kinship and Marriage in Singapore*, has now produced a book on the working of what she calls the Muslim Matrimonial Court in Singapore; the court which is more properly referred to as the Shariah Court. This volume appears as one of the London School of Economics' Monographs on Social Anthropology, and it is important to stress that although this book is on a legal subject, it is by a social anthropologist writing for social anthropologists. This review, however, is by a lawyer written for lawyers. Whatever the value and significance of this work may be for social anthropologists, these are not matters upon which we are competent to comment. We are only concerned here with the value and significance of this book for lawyers.

The work upon which this book is based was, according to the introduction, done in Singapore between the months of February and July 1963, said little has been attempted in the way of bringing it up to date despite the three-year gap between the time the work was done, and the date of publication. The only attempt to bring the book up to date occurs in two page postscript on pages 183 to 184, which is hopelessly inadequate for this purpose. This is regrettable, as the publication of three-year old work in a subject such as this is of rather limited value. As merely one example, it may be pointed out that Miss Djamour has failed to note the publication in 1965 of Dr. Ahmad bin Mohamed Ibrahim's book *Islamic Law in Malaya*, and this is despite the fact that she has worked closely with Dr. Ahmad, who indeed read the page proofs of her book.

It is particularly unfortunate that in the very year in which Miss Djamour's book was published, the legislation concerning the Shariah Court was substantially altered. The Muslims Ordinance 1957 as amended by the Muslims (Amendment) Ordinance 1960, which were the relevant Ordinances when Miss Djamour was working

in Singapore, were repealed and replaced by the Administration of Muslim Law Act 1966. Much of what she says, therefore, regarding the provisions establishing the Court and dealing with its jurisdiction, is now out of date.

This fact, however, is not quite so serious as it might otherwise be, for Miss Djamour is essentially concerned with the actual working of the Court, and her work on this remains of significant value despite the fact that the relevant legislation has now been changed. It is remarkable, however, that Miss Djamour does not, when discussing actual decisions of the Court, provide any form of documentation, so that there is absolutely no means of tracing the records of the cases to which she refers. This is extremely unfortunate, for as she herself points out in her introduction, there are no published records of decided cases in the Shariah Court, and had she taken the trouble to indicate more specifically the source of the cases to which she refers, such as the nature of the file from which the case was extracted, its date or folio number, and so forth, the value of her book would have been immeasurably enhanced, at least so far as the lawyer is concerned.

Her book does, however, highlight the urgent need for some form of reporting to be extended to the Shariah Court. For, so far as the lawyer is concerned, there is at the moment almost no method of discovering what decisions are reached by this Court.

The first chapter of Miss Djamour's work is entitled "General Background" and is the least satisfactory part of her work. It consists of an over-brief introduction to both Islamic Law and to Singapore. Most of the information contained in it is available elsewhere rather more adequately expressed, for this is a rather disjointed chapter, and gives the impression of having been rather hurriedly put together. It is particularly noticeable that Miss Djamour gives little consideration to the actual extent to which Muslim Law does apply in Singapore, beyond a rather bald statement on page 13 to the effect that:

"Singapore Muslims are subject to some of the broad principles of Muslim Law only in the fields of marriage, divorce, and inheritance. The law of contract, and tort, and criminal law closely follow English Law, and apply to all residents of the State whatever their religion."

This is so over-simplified a statement as to be positively misleading. In her next five chapters, Miss Djamour discusses the four forms of divorce which are distinguished in the records of the Shariah Court, namely Ta'alik, Fasah, Khula, and Talak, and revocation of divorce known as Rojo. In these chapters, she discusses the actual procedure followed by the Court, the types of cases which arise, and the results achieved. In these chapters she is at her most interesting and informative, for bearing in mind the lack of reports from the Shariah Court, this is the first attempt to examine the actual working of the Court. Her last two chapters are entitled "Description" and "Conclusion", and again, these are not among the most successful parts of her work, for Miss Djamour does not appear to be very well-informed as to the precise state of the law, and she is at her least successful when she turns from a descriptive account of cases to an attempt to analyse the law itself. Thus to give but one example, she seems seriously to confuse maintenance and alimony on pages 175 and 176.

Notwithstanding these defects however, the fact remains that the main part of this book is the first comprehensive treatment of the work of the Shariah Court which brings together a large amount of information not otherwise easily available, and as such, it may be regarded as a valuable addition to the legal literature of Singapore.