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BOOK REVIEWS

RECENT BOOKS ON ISLAMIC LAW

There has been a crop of books on Islamic law lately and the purpose of this note is to review these books particularly with reference to the law and practice and the study of Islamic law in Malaysia.

Professor N.J. Coulson is the Professor of Oriental Laws in the University of London and his earlier books and articles have shown that he is a sympathetic though critical scholar of the Muslim Law. His latest book *Succession in the Muslim Family* is to be welcomed especially as it is claimed to be the first comprehensive treatise on succession in the Muslim family in English and to be important for all those directly concerned with the legal affairs of the five hundred million Muslims of the Near and Middle East, India, Pakistan and West Africa, particularly in those countries where English is the language of the law. Significantly enough no mention is made of Indonesia or Malaysia or the Far East. Professor Coulson himself says that he has endeavoured throughout to deal with the subject as a living aspect of contemporary jurisprudence and in a manner which will be intelligible to the modern student of law. It is difficult however to decide for whom the book is meant. The practitioner will find that there are very few authorities cited in the book and the student might find that he is presumed to know quite a lot. There are many statements of the law for which no authority is cited. Thus at pages 14-15 it is stated that "a series of recent judicial decisions in India and Malaya had ratified marriages contracted by Shafii girls without their guardian's consent on the broad ground that it was admissible to apply the more liberal Hanafi doctrine in these cases". The decision in Malaya referred to is presumably the Singapore case of *Salmah v. Soolong* (1878) 1 Ky. 421 in which however the facts were that the girl renounced the tenets of the Shafii school and embraced those of the Hanafi school. At page 28 reference is made to the fact that the presumption of legitimacy in favour of a child born during the continuance of a valid marriage under the Evidence Act has replaced the six months' rule of traditional Shariah law in India and Pakistan. No reference is made to the position in Malaysia but more serious perhaps is the failure to refer to the Pakistan case of *In Abdul Ghani* P.L.D. (1962) Lah. 531 where it was held that the question of legitimacy should be decided with reference to Islamic law instead of the Evidence Act. Thus a practitioner or student will not find all that he needs in

¹Cambridge University Press, 1971.