



The learned author makes a painstaking analysis of the celebrated *Forgery* case, which led to the trial and execution of Nandkumar in June-August 1775. According to him, we have been misled by Burke and Macaulay, into viewing this merely as an incident in which Hastings had to act on the defensive, to save his repute and prestige. The author refers to what Macaulay wrote in the *Edinburgh Review*, about a letter which appears to warrant the inference that "Impey hanged Nuncomar, in order to support Hastings." Dr. Pandey exposes this as a facile, erroneous and unjust summary of the events. He stresses that, though Impey was convinced of the prisoner's guilt, his charge to the jury tended towards acquittal, in more than one passage. The fact that all subsequent attempts to save the life of Nandkumar failed, was really a symptom that the rule of law was assuming its rightful place in the country, irrespective of the status, caste or dignity of the accused.

I cannot pretend to possess the equipment to judge the thesis of the learned author from the historical point of view. It is based on an extensive research into all contemporary and modern sources, including unpublished papers, and only an expert in the period can either refute or corroborate the author. But the work is a fascinating one, and it very amply repays perusal. A student of law might be tempted to add, that it probably over-emphasizes the importance of human personalities in legal evolution. Even the author does not claim that Sir Elijah always acted from the highest of motives, or with any definite perspective about the introduction of the rule of law into India. Partly, no doubt, he shaped that introduction, to a greater extent than has probably been realized; but, equally significantly, his acts, springing from personal motives, might have unconsciously tended to foster the Rule. However this work might be viewed, it is a contribution of great interest and value to the knowledge of a period of Indian history, which is still very obscure, and beset with controversies.

*M. Anantanarayanan\**

ISLAMIC REFORM, THE POLITICAL AND LEGAL THEORIES OF MUHAMMAD ABDUH AND RASHID RIDA. By Malcolm H. Kerr, University of California at Los Angeles/University of Cambridge, England. 1966. Pp. 249. 42 sh.

WHEN A GREAT SOCIAL, religious or philosophical movement is described, there are two ways to do it: to be with it; to feel and analyze all the difficulties, to exult over the successes and to weep over

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\*Chief Justice, Madras High Court, Madras.



the failures; or, to be an “outsider”, to see with microscopical clarity the lines of distinction and to dissect with a surgeon’s eye and to put in figures with criss-cross lines to be found on the notice boards of a leading airways corporation, or in a flourishing trading company. But words; chapters and books; rhetoric, simile and metaphor; figures, lines and charts unilluminated by understanding are useless. So, in both methods, understanding—as preached by Dicey, the constitutional lawyer, and Massignon, the peerless orientalist—is the crux of the matter. This book is written by a scholarly outsider, but is replete with understanding, and thus indispensable both for the student trying to grasp historical truth and the reformer who desires to deal with petrification in Islam.

The book is concerned with the main problems facing six hundred million Muslims spread all over the world. The major issues, put simply, would seem to be as follows: (1) what is the unchangeable kernel of *shari‘a* the sacred path of law, religion and morality? and (2) assuming it requires a change, what are the principles of reform, and what, the *quantum*? Muhammad ‘Abduh and Rashid Rida were the two most vocal and influential of the many writers on Islamic movements of reform in Egypt.

No recent Islamic reformer has achieved world stature. In the reviewer’s estimation, this is due to the fact that no single thinker can master unerringly the manifold problems that confront Muslims in some twenty five countries of the world. It seems unrealistic to hold on to the mystic unity of a “world community” (*umma*); far better to realize that the Kashghar peasant, the frontier Pathan, the desert Bedouin and the Kerala fisherman have little in common; and merely the accident of birth does not make them run to the *shari‘a* ideals like a hawk bulleting after a sparrow.

The book in its inception was a Ph. D. dissertation prepared under the guidance of Professors Majid Khadduri and H. A. R. Gibb. There is no blurb telling us who the author is, but if the book is any guide, he is a good Arabist who has arranged his material in sound order.

In the earlier part of the book, the author deals with the classical theories of reform, and later with the great Egyptian reformer ‘Abduh and his disciple Rida. At page 10, he makes the erroneous statement that the *shari‘a*, as it deals with externals, is not positive law, and although it is religious in significance, it is not the kernel of the religious spirit. The fact is that the *shari‘a* is the *positive law* of Islam, and at the same time, the *kernel* of religion. It is positive law because it has to be followed and it has to be administered. At the same time, mere external actions do not constitute the kernel of Islam if *imān* (true belief), its essence, is absent. He makes another mistake at p. 13, when he fails to see the real dilemma. It is true that Islamic reformers,



while seeing that the *shari'a* rules are not suitable to the present, are not prepared to change the *shari'a* rules to suit the present. But our author fails to see that in their heart of hearts they wish *so to change modern life as to harmonize it with the shari'a values*. We may call it by whatever name we like—whether utopian, medieval, absurd, ill-conceived or impossible—but Mawdūdī and some others secretly cherish the hope that miraculously the world itself, from within, will in time become impressed with the values of *shari'a*. Only the minority, like the reviewer, believe that the river of destiny flows on and does not go back to its source; and that law and religion will have to part company, if Islam as a whole has to become a force in the twenty-first and twenty-second century. This is a tragedy, which only an “insider” can understand; an “outsider” can only write a masterly book like Malcolm H. Kerr.

In the first three chapters the author shows a mastery of traditional sources, and the principles of *maṣlaḥa* (the common weal) are well stated from such authors as Khallāf. After dealing with the first sources, Koran, *sunna*, *qiyās* and *ijmā'*, with all their classical ramifications, he turns to 'Abduh and Rida, the original impulse and the prolific result, the man who taught and the man who wrote, respectively.

'Abduh was born in 1849 in a village in the Nile Delta. He went to school in Tanta and later to the Azhar, and obtained the degree of 'ālim in 1877. He taught both at the Dār al-'Ulūm (specializing in Arabic literature) and the Azhar (school of theology), and came under the influence of the legendary figure Jamāl al-Din 'Afhānī who visited Cairo, and preached the doctrine of pan-Islamism. Later 'Abduh was inveigled into politics but returned to scholarship and the Azhar, becoming the Grand Mufti in 1899. He supervised religious courts and also gave individual *fatwas* (juristic opinions) in the manner of the classical jurists. He died laden with honours in 1905.

'Abduh was a great force in Egypt and the Arabic-speaking world. His position may be compared with that of Azad in the Indian sub-continent, who is disliked in Pakistan for his politics but admired for the freshness of his thought and the majesty of his style. 'Abduh was pragmatic and prudent, and still, within the four corners of the *shari'a*, he went as far as it was possible to go. His principles may be simplified to the following three :

- (a) Belief in the *shari'a* as a God-given path to salvation ;
- (b) Belief in its capacity of extension, within the meaning of the four sources—Koran, *sunna*, *ijmā'*, *qiyās*. Of these *ijmā'* is of special significance, as it is formed by consensus among *ulēma* and concerted action by the community.
- (c) Belief that beyond this there is no other source of action. It is with this proposition that the reviewer, as well as some other modern authors, are beginning to disagree.

'Abduh wrote little, but what he did write was in a classic style and much admired such as his *Risālat al-Tawhīd* (Tract on Monotheism;



which in reality is the basis of Islam). It is rooted in classical thought but has little to do with twentieth century thinking in Europe. 'Abduh, although he had learnt French, was not familiar with the present-day trends in theology in Europe and had no inkling of modern dialectic in philosophy or of modern concepts of history. That remains to this day the tragedy of Islam.

Islamic reformers do not know modern thought; and modern thinkers do not know the heart of Islam. It is only when we produce a *Muslim* Barth, a *Muslim* Tillich, a *Muslim* Maritain, a *Muslim* Swedenborg, or a *Muslim* Bonhoeffer that reform may be seen on the horizon. But not till then.

Rida (1805-1935), 'Abduh's pupil, was a prolific writer. A Syrian by extraction, he made Cairo his home and came under the influence of his Master. His most enduring contributions to fame are the thirty-five volumes of the *al-Manār (The Lighthouse)*—a periodical devoted to Islam in all its aspects which may well be considered an extensive commentary on the Koranic sciences. 'Abduh mastered French at the age of 44, and wrote: "No one can claim any knowledge enabling him to serve his country... unless he knows a European language." (cited at 154). But Rida acquired no European language, and yet his interpretation of Islam is fascinating in its Islamic spirit and sound reasoning.

The book is an excellent example of a thesis laid into a cellar to mature and become an elegant vintage. (I hope my Muslim brothers will forgive this impious simile.) It is full of sound sense, modesty combined with learning, and objectivity with understanding. The printing is excellent. I have discovered only one misprint which shall remain undivulged. Mr. Kerr's book deserves to be prescribed for all higher examinations in Islamic Law, and will be read with profit by all those who concern themselves with the vexed question of Islamic reform.

A. A. A. Fyzee\*

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The development of law adequate to encompass problems of world trade at a truly global level would clearly need to comprehend

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\*Author, *Outlines of Muhammadan Law* (3d ed. 1964).