

BOOK REVIEW

TOWARDS THE RENAISSANCE: SHIBLI AND MAULANA THANVI ON SHARIA (2018). by Furqan Ahmad, The Indian Law Institute, New Delhi, pp. xix+563, Rs.600/-

THE BOOK under review begins with a 'foreword' by Prof. Manoj Kumar Sinha, Director, Indian Law Institute, New Delhi pointing out that it endeavours to project the contribution of the two Muslim jurists viz. Shibli Numani and Maulana Ashraf Ali Thanvi of pre-independent India towards the clarification of various tenets of Islamic law as is needed in the contemporary context. The foreword is followed by 'preface' in which the author makes obvious the importance of 'original Islamic texts in the enrichment of Muslim law rather than 'secondary sources' which may give space to misconceived notions. According to the author, as stated in the preface to the book, "Islamic Renaissance would mean the process of modernisation i.e. intellectual, economic, political and technological development of Muslim world provided that the scheme of modernisation must conform to basic Islamic values". Thus, according to him, "the jurists have always had quite an influence in determining the ways in which laws have to be interpreted under Islam." The book carries an Introduction by Prof. Werner Menski, Professor Emeritus, School of Law, School of Oriental and African Studies (SOAS), University of London. His broad conclusion is that the Muslim scholars can be progressive interlocutors for human development in today's world. "But in doing so, Islamic law and Muslim scholars need to work in conjunction with the state...."

The author has interestingly added to the book a 'prologue' in which importance of *ijtihad* has been highlighted. It notes: "The British imperialists quietly attempted to displace the penal, commercial and procedural laws of this country and succeeded in that attempt. But the displacement of the family law of Muslims and traditional laws of Hindus was not an easy job for them as these laws were intimately connected with the lives of the people in this country."

The book is divided into two parts comprising seven chapters. Chapters 1 to 3 in Part I are related to the life and contribution of Shibli Numani while as the chapters 4 to 7 in Part II are dealing with the life and works of Maulana Ashraf Ali Thanvi. That is followed by an 'epilogue'. The book, to end up, carries some appendices, glossary, bibliography, table of cases and index.

About Shibli Numani, in its chapter 1, the book gives his brief life sketch and references to his works covering books like *Al Mamun*, *Al Farooq*, *Al Numan*, *Sirat al Nabi* and his other writings along with travel accounts describing him as a legal historian. According to Shibli, Abu Hanifa was with the possession of the qualities of a *mujtahid* with those of a historian and *muhadith*. He has rejected the idea about Abu Hanifa's borrowing from Roman law as no translated work of that law in Arabic existed then. Shibli's

contribution to sustenance of *Waqf Al al Aulad* during British period has been reflected in the chapter. His opinions on polygamy, rights of non-muslims in a Muslim State and Duties of Muslims in a non-muslim State have also been covered. Some more elaborate view of the thoughts of Shibli on important issues like the role of Hadith in law-making, role of usages and customs in the formulation of Shariah, *ijtihad*, *takbayar*, polygamy, *talaq*, inheritance, *baquq* of *zimmis*, *jisya*, democracy, communalism, rights of women, economic matters, judicial administration have been covered in chapter 2 of the book. The chapter 3 of the book is extensively on ‘*Waqf* Movement and Contribution of Shibli’ whose reference was given by Muhammad Ali Jinnah also in his speech while moving the Musalman Wakf Validating Bill, 1911 in the Council of Governor General of India for the revalidation of *Waqf Al al Aulad* in India. The content of these chapters helps in understanding the relevance of Shariah to present times and Shibli’s approach to legal issues generally coming across in modern times.

The Part II of the book, in chapters 4 and 5, dealing with Maulana Thanvi’s life, works and his legal thought give a rich account on the matters covered thereunder. The works which have been referred include Imdad al Fatawa, Bahishti Zewar, Al Masalih al Aqliyah lil Ahkam al Naqliyah, Tarjih al Rajesh, al Hilat al Najizah lil al Hilat al Ajizah and his other writings in different forms. The author has made references to his works highlighting his rationalised approach to legal issues describing his belief in “efficiency, utility, and permissibility of the doctrine of *takbayar* (eclectic choice) between the parallel rules of various schools of Islamic law”. Maulana Thanvi’s views on widow re-marriage, polygamy, *talaq*, *khula*, property rights of women, labour welfare, bank interest, etc. have been incorporated in this part of the book. Chapter 6 of the book gives details about the contribution of Maulana Thanvi in the movement for women’s right to inheritance as they are being denied their share in property though fixed under Shariah. Maulana Thanvi, it has been clarified, was not in favour of retaining the customary provisions relating to succession in the Muslim Personal Law (*Shariat*) Application Act, 1937 which are restricting the property rights of women in certain cases. Chapter 7 of the book is highlighting the role of Maulana Thanvi he has played in securing statutory right to women in obtaining judicial divorce as is found in the Dissolution of Muslim Marriages Act, 1939.

The book in its epilogue sums up the impact of the thought of the two jurists on the development of law and jurisprudence in India in the areas of their application and relevance of that to present legal trends in the country.

The work is appreciable and as, requested by the author, suggestions may be advanced to him for further carrying forward this work as may be expected.

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