BOOK REVIEW:

SHARI'AH INTELLIGENCE: THE BASIC PRINCIPLES AND OBJECTIVES OF ISLAMIC JURISPRUDENCE

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The book was the product of a team work by selected academics and practitioners under the auspices of Da'wah Institute of Nigeria (DIN), of the Islamic Education Trust (IET), Minna, Nigeria. As the title indicates, the book is a brief Introduction to the Science of *Uṣūl al-Fiqh*, particularly the general theory of *Maqāṣid al-Sharī'ah* (Objectives of Islamic Law). The book is divided into eight sections, which are further subdivided into forty-six chapters/lessons, four appendices and a glossary of terms. It has also a foreword written by the IET President himself, Dr. Sheikh Ahmed Lemu (the 2014 King Faisal Prize-Winner for Service to Islam).

The work under review is designed to serve as standard course modules; hence, the first section begins with objectives and expectations to be used as bench marks for measuring the level of impact on the reader/learner. Just as the subsequent sections are also replete with what the authors term as "discussion questions", aimed at gauging the overall learning outcome of each of the forty-six lessons contained in the book.

The book combines the simplicity of a typical learning and teaching material with the erudition of detailed academic referencing of virtually every fact or

piece of information. The footnotes are so rich in such a manner that puts the work, although primarily prepared as a textbook, on the same pedestal as any standard academic writing on either *Uṣūl al-Fiqh* or *Maqāṣid al-Sharī'ah*. The references used cut across classical works of the early jurists, as well as modern intellectual adaptations by the contemporary luminaries.

The focus of the book is to develop a better understanding, not only of diversity in Muslim scholarship, but also of the varying classical juristic approaches to the interpretation of religious texts vis a vis their application to the challenges of our time. And to a very large extent the authors have succeeded in pressing home the fact that: far from being analogous to the field of Mathematics, Islamic Jurisprudence can better be compared to the field of Medicine, where multiple forms of treatment are valid. Doctors may all agree on a diagnosis but differ in their prescriptions based on the patient's medical history, the treatments available and their potential interaction with other medications being taken by the patient.

The book seems to have targeted non expert readers originally, as that is unmistakably evident even in the introduction, but yet aims to be an easy read for both experts and non-experts alike. The clarity in the authors' style of writing, the lucidity of discussion, and the logical flow of issues examined make the work suitable for a wide spectrum of audience. The authors' effort to cover as much area of the subject matter as possible is quite commendable. The content as it is, looks acceptable for the purpose of an introductory course manual; however, adding some basic rules of interpretation under *Uṣūl al-Fiqh* will be very useful as well. Short notes ought to have been be given on how Shariah textual authorities are classified as either manifest (*dhāhir*) or explicit (*naṣ*); ambivalent (*mujmal*) or unequivocal (*mufassar*); obscure (*khafi*) or difficult (*mushkil*); perspicuous (*muḥkam*) or intricate (*mutashābih*); general (*'ām*) or specific (*khāss*); and absolute (*muṭlaq*) or qualified (*muqayyad*). Similarly, as part of the authors' discussion of '*amr* and *nahy*', it is advisable that something be added on the most common benchmarks for inventing meanings different from obligation or prohibition into an *amr* or a *nahy* respectively. Dr. Khalid Shujaa's work entitled: '*Ḍawābiṭu Ṣarf al-Amr an al-Wujūb*' may be a useful guide on this, to be considered by the authors for subsequent editions.

Some of the examples given in the book may need further elaboration. For instance, being in a state of wudu' (generally) was given as an example of *mustahab*. It may be necessary to add *"...even when one is not observing ṣalāt/prayer"*. Being in a state of *wuḍu'* when one is to offer *ṣalāt* is not a recommendation (*mustaḥab*) but a condition (*sharṭ*) for the validity of *ṣalāt* itself. Elsewhere, 'describing the nature of Allah', '*qadar*' etc are cited as examples of uncertainty in meaning (*ẓannī dillālat*). It may be safer to avoid

giving examples relating to *aqīdah* (faith) in a book meant to introduce *Uṣūl al-Fiqh*, unless one is prepared to elaborate on the implications thereof in relation to the Muslims' orthodox belief.

The book's approach to some Shariah technical issues also calls for rethinking. It is unacceptable from the technical viewpoint to start with a *mawqūf ḥadīth*, then a Qur'anic verse, then a *marfū' ḥadīth*. Authorities of Shariah are usually arranged in the order of their strength (Quranic verse, then *marfū' ḥadīth*, before *mawqūf ḥadīth*). Also, the age-long tradition of chronological order of mentioning the schools of Islamic jurisprudence (Hanafi, then Maliki, then Shafii, then Hanbali) is sometimes not respected in the book. Similarly, as pure technical terms, 'Schools of thought' (المذاهب الفكرية) and 'schools of law/jurisprudence'(المذاهب الفقهية) are two different entities. While the former covers ideological schools like *Mu'tazlites, ashiirites, maturidtes etc,* the latter is usually confined to schools of Islamic law or jurisprudence: Hanafi, Maliki, etc. Moreover, interpreting "*al-Aḥkām al-Amaliyyah*" or "*Fiqh*" as relating to mundane affairs is incorrect. *Fiqh* encompasses both mundane and non-mundane (divine) affairs. Hence, the usual classification of Fiqh by jurists into: *Fiqh al-Ibādāt*, *Fiqh al-Mu'āmalāt*, etc.

Although one may see some wisdom in the approach adopted in the book by mentioning other schools like Ja'farī, Zaidi, alongside the orthodox mainstream Sunni schools (Ḥanafī, Malikī, Shāfi'ī, Hanbalī and Ẓahirī) without discrimination. There is danger inherent in trying to blur the fundamental differences in issues of faith/belief between the Sunni and Shia schools. In other words, mentioning Ja'farī school in particular as if it is just a school of Islamic jurisprudence (like Hanafī, Malikī etc) may be counter-productive eventually. The same thing applies to where in the book tafsir and other works of Shiite scholars like Qummi, al-Kulaynī, Ibn Baabawahyī, al-Majlisī and al-Aamilī are listed as authorities on Shariah. This will certainly create more confusion when the readers one day get access to those books and read in them that the Companions of the Prophet (May peace and blessings be on him) were disbelievers (*kufār*), or that his beloved wife was an adulterer, or that the Sunni Imams (Abū Ḥanifah and others) were infidels.

Despite the few shortcomings mentioned above, the book is a worthwhile piece, as it represents an important and creative addition to the body of knowledge in the chosen area.