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**ABSTRACT**

**The Right to Lawful Personal Defence: A Comparative Study with**

**Positive Law**

حق الدفاع الشرعي «الخاص»: *دراسة مقارنة بالقانون الوضعي*

The author of this book, al-Siddiq Abu al-Hasan Muhammad, is an appeal judge within the Sudanese courts. His book is an abridged version of a Master’s thesis submitted in 1978.

Muhammad’s preface clarifies the intention behind a person’s right to personal defence. According to Muhammad, personal defence occurs when “man finds himself confronted by danger from which he cannot seek the protection of authorities, or unable to take steps in order to prevent this danger”. A person has the right to “defend himself along with his dignity and assets; as well as combating and killing aggressors, assailants and rebels by warding off evil and aggression... [their actions] results in the eradication of sources of danger and injury, all of which are forbidden by Islamic law”. The author also discusses the difficulty that researchers have encountered in finding Islamic sources about lawful personal defence, as none refer to this subject.

Muhammad discusses the reasons for the permissibility of personal defence, by comparing sharia and Sudanese law.

He first defines legal defence according to Islamic jurisprudence by observing the term “assault” according to common usage and jurisprudential terminology. He also provides a definition of “aggressor” and “legal defence” according to modern jurists and secular law.

Muhammad looks at the right to legal defence in Islamic jurisprudence throughout history and the origins of its legitimacy in secular law.

The last chapters present the limits of the limits of legal defence according to Islamic jurisprudence and the conditions placed upon the use of lawful defence without supporting evidence. The author discusses here the rules of self-defence, the rules for protecting one’s life, defending honour, defending the sanctity of the home, defending assets and defending others.

Given that this work was originally an academic thesis, it is surprising that it lacks a list of references; however, the author has provided some reference information in the footnotes. Despite minor flaws, those interested in the subject of personal defence or the comparison between criminal jurisprudence in Sudan and the four Islamic schools of thought will benefit from reading this work.

Dahlia Sabry

Translated by Hugh Lovatt