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Articles, Books, and Chapters

- Abdelkader, Deina. *Social Justice in Islam*. Herndon, VA: IIIT, 2000.
- Abdul-Rauf, Feisal. *Islam: A Sacred Law, What Every Muslim Should Know about the Shari`ah*. Qiblah Books (Threshold Books), 2000.
- Abou El Fadl, Khaled. "Ahkam al-Bughat: Irregular Warfare and the Law of Rebellion in Islam," in James Turner Johnson and John Kelsay, *Cross, Crescent and Sword: the Justification and Limitation of War in Western and Islamic Tradition*.
----- . *The Authoritative and the Authoritarian in Islamic Discourses: a Contemporary Case Study*. 2nd. Ed. Austin, TX: Dar Taiba, 1997.
- . "Islamic Law and Muslim Minorities: The Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries," *Islamic Law and Society* 1,2 (August 1994):141-187.
- . "Political Crime in Islamic Jurisprudence and Western Legal History," 4(1) UC Davis J. of Int'l Law and Pol 1 (Winter 1998).
- . *Rebellion and Violence in Islamic Law*. Cambridge University Press, 2001.
- . "Striking a Balance: Islamic Legal Discourse on Muslim Minorities," cpt. in *Muslims on the Americanization Path?* Ed. Y. Haddad.
- Abu-Lughod, Janet. *Before European Hegemony: the World System A.D. 1250-1350*. Oxford University Press, 1989.
- Al `Alwani, Taha Jabir. "The Crisis in Fiqh and the Methodology of Ijtihad," *The American Journal of Islamic Social Science* 8,2 (1991): 317-337.
- . *The Ethics of Disagreement in Islam*. Herndon, VA: The International Institute of Islamic Thought, 1993.
- . *Usul al Fiqh al-Islami: Source Methodology in Islamic Jurisprudence: Methodology for Research and Knowledge*. Herndon, VA: The International Institute of Islamic Thought, 1990.
- al-`Ashmawi, Muhammad Sa`id. "Shari`a: The Codification of Islamic Law," cpt. in *Liberal Islam*.
- Al-Azami, M. Mustafa. *On Schacht's Origins of Muhammadan Jurisprudence*. Cambridge: The Islamic Texts Society, 1996.
- Ahmed, Akbar S. *Islam Today: a Short Introduction to the Muslim World*. New York: St. Martins Press, 1999.
- Al-Hibri, Azizah. "Islamic, Law and Custom: Redefining Muslim Women's Rights," *American University Journal of International Law and Policy*. (vol? date?)

- Ali, Shaheen Sardar. *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal before Man?* The Hague/London/Boston: Kluwer Law International, 2002.
- Anderson, Norman. *Law Reform in the Muslim World*. London: The Athlone Press, 1976.
- Antoun, Richard T. "The Islamic Court, the Islamic Judge, and the Accommodation of Tradition," *International Journal of Middle East Studies* 12 (1980): 455-67.
- Anwarullah, Prof. Dr. *The Criminal Law of Islam*. Kuala Lumpur: A.S. Noordeen, 1997.
- Arabi, Oussama. "Intention and Method in Sanhuri's Fiqh: Cause as Ulterior Motive," *Islamic Law and Society* 4,2 (1997): 200-223.ⁱ
- Atabani, Ghazi Salahuddin. "Islamic Shari`ah and the Status of Non-Muslims," cpt. in *Religion, Law and Society*.
- Ayoub, Mahmoud M. "Dhimmah in Qur'an and Hadith," *Arab Studies Quarterly*, 5 (1983): 172-182.
- Badawi, Jamal. *Gender Equity in Islam: basic principles*. Plainfield, IN: American Trust Publications, 1995.
- Baer, Gabriel. "The Waqf as a Prop for the Social System (Sixteenth-Twentieth Centuries)," *Islamic Law and Society* 4,3 (1997): 264-297.
- Ballantyne, William. "A Reassertion of the Shari`ah: The Jurisprudence of the Gulf States," cpt. in *Islamic Law and Jurisprudence*.
- Beekun, Rafik Issa. *Islamic Business Ethics*. Herndon, VA: International Institute of Islamic Thought, 1997.
- Bowen, Donna. "Abortion, Islam, and the 1994 Cairo Conference," *International Journal of Middle East Studies* 29/2 (1997): 161-184.
- Bravmann, M.M. "The Community's Participation in the Punishment of Crime in Early Arab Society," cpt. in *The Spiritual Background of Early Islam*.
- . *The Spiritual Background of Early Islam: Studies in Ancient Arab Concepts*. Leiden: E.J. Brill: 1972.
- Breiner, Bert. "Shari`ah and Religious Pluralism," cpt. in *Religion, Law and Society*.
- Brockopp, J.E. *Early Maliki Law: Ibn 'Abd al-Hakam and his major Compendium of Jurisprudence*. Leiden: Brill, 2000.
- Calder, Norman. "Accommodation and Revolution in Imami Shi`i Jurisprudence: Khumayni and the Classical Tradition," *Middle Eastern Studies* 18 (1982): 3-20.
- . "Al-Nawawi's Typology of Muftis and its Significance for a General Theory of Islamic Law," *Islamic Law and Society* 3,2 (1996): 137-164.
- Carroll, Lucy. "Qur'an 2:229: "A Charter Granted to the Wife"? Judicial Khul` in Pakistan," *Islamic Law and Society* 3,1 (1996): 91-126.
- Cohen, Amnon. "Communal Legal Entities in a Muslim Setting Theory and Practice: The Jewish Community in Sixteenth-Century Jerusalem," *Islamic Law and Society* 3,1 (1996): 75-90.
- Coulson, N.J. "Foreign Influences: the Reception of European Laws," and "Administration of Shari`a Law in Contemporary Islam," cpts. In *A History of Islamic Law* (pp. 149-181).ⁱⁱ
- . *A History of Islamic Law*. Edinburgh University Press, 1964.
- . "Muslim Custom and Case-Law," *Die Welt des Islam* 6 (1959): 13-24.

- . . *Succession in the Muslim Family*. Cambridge University Press, 1971.
- Courbage, Youssef and Philippe Fargues. *Christians and Jews under Islam*. New York: St. Martins Press, 1997.
- Cross, Crescent and Sword: *the Justification and Limitation of War in Western and Islamic Tradition*. Eds. James Turner Johnson and John Kelsay.
- Doi, ‘Abdur Rahman I. *Shari’ah: the Islamic Law*. Kuala Lumpur: A.S. Noordeen, 1984.
- Donaldson, William J. *Sharecropping in the Yemen: a study of Islamic theory, custom and pragmatism*. Brill, 2000.
- Dutton, Yasin. “Amal v. Hadith in Islamic Law: The Case of *Sadl al-Yadayn* (Holding One’s Hands By One’s Sides) When Doing the Prayer,” *Islamic Law and Society* 3,1 (1996): 13-40.
- . *The Origins of Islamic Law: The Qur’an, the Muwatta’ and Madinian ‘Amal* (London: Curzon Press, 1999).
- . Review of John Burton, *The Sources of Islamic Law: Islamic Theories of Abrogation* in
- El Alami, Dawoud S. *The Marriage Contract in Islamic Law in the Shari’ah and Personal Status Laws of Egypt and Morocco*. London: Graham and Trotman, 1992.
- El Alami, Dawoud S. and Doreen Hinchcliffe. *Islamic Marriage and Divorce Laws of the Arab World*. London: Kluwer Law International, 1996.
- El-Awa, Mohammad. *Punishment in Islamic Law*. Indianapolis: American Trust Publications, 1982.ⁱⁱⁱ
- Eliash, Joseph. “The Ithna ‘Ashari-Shi/I Juristic Theory of Political and Legal Authority,” *Studia Islamica*, 29 (1969): 17-30.
- Esposito, John L. *Women in Muslim Family Law*. Syracuse University Press, 1982.
- Fadel, Mohammad. “Reinterpreting the Guardian’s Role in the Islamic Contract of Marriage: the Case of the Maliki School,” *Journal of Islamic Law* 3/1 (1998): 1-26.
- . “The Social Logic of *Taqlid* and the Rise of the *Mukhtasar*, *Islamic Law and Society* 3,2 (1996): 195-233.^{iv}
- . “Two Women, One Man: Knowledge, Power, and Gender in Medieval Sunni Legal Thought,” *IJMES* v. 29, no. 2 (May, 1997): 185-204.
- Fahmy, Khaled. “The Anatomy of Justice: Forensic Medicine and Criminal Law in Nineteenth-Century Egypt,” *Islamic Law and Society*, 6/2 (June, 1999): 224-271.
- Fareed, Muneer Goolam. *Legal Reform in the Muslim World: the Anatomy of a Scholarly Dispute in the 19th and 20th Centuries on the Usage of Ijtihad as a Legal Tool*. San Francisco: Austin and Winfield, 1996.
- Forte, David F. “Lost, Strayed, or Stolen: Chattel Recovery in Islamic Law,” cpt. in *Islamic Law and Jurisprudence*.
- . *Studies in Islamic Law: classical and contemporary applications*. Austin and Winfield, 2000.
- Frank, Jerome. “The Judging Process,” in *Readings in Philosophy of Law*.
- Freamon, Bernard K. “Slavery, freedom, and the doctrine of consensus in Islamic jurisprudence” *Harvard Human Rights Journal* 11 (Spring, 1998): 1-64.

- Gerber, Haim. . "Rigidity versus Openness in Late Classical Islamic Law: the Case of the Seventeenth-Century Palestinian Mufti Khayr al-Din al-Ramli," *Islamic Law and Society* 5,2 (1998): 165-195.
- . *State, Society, and Law in Islam: Ottoman Law in Comparative Perspective*. Albany: State University of New York, 1994.
- Ghannouchi, Rachid. "Participation in Non-Islamic Government," Cpt. in *Liberal Islam*.
- Goddard, Hugh. "Law and Ethics," cpt. in *Christians and Muslims: from double standards to mutual understanding*. Surrey, U.K.: Curzon Press, 1995. (pp. 67-81)
- Gradeva, Rossitsa. "Orthodox Christians in the Kadi Courts: The Practice of the Sofia Sheriat Court, Seventeenth Century," *Islamic Law and Society* 4,1 (1997): 37-69.
- Haddad, Yvonne Yazbeck. "Operation Desert Storm and the War of Fatwas," cpt. in *Islamic Legal Interpretation: Muftis and Their Fatwas*.
- Haeri, Shahla. *Law of Desire: Temporary Marriage in Shii Iran*. Syracuse University Press, 1989.
- Hallaq, Wael B. *Authority, Continuity and Change in Islamic Law*. Cambridge Univeristy Press, 2001.
- . *A History of Islamic Legal Theories*. Cambridge University Press, 1997.
- . "Model *Shurut* Works and the Dialectic of Doctrine and Practice," *Islamic Law and Society* 2,2 (1995): 109-134.
- Hamidullah, M. "Jurisprudence," chapter in *A History of Muslim Philosophy*, v. 2. Ed. M. M. Sharif. Delhi: Low Price Publications, 1995.
- Hammad, Ahmad Zaki. *Islamic Law: Understanding Juristic Differences*. Indianapolis: American Trust Publications, 1992.
- Hart, H.L.A. "Law as the Union of Primary and Secondary Rules," selection in *Readings in Philosophy of Law*. Ed. John Arthur and William H. Shaw. New Jersey: Prentice Hall, 1984.
- Hasan, Ahmad. *Analogical Reasoning in Islamic Jurisprudence*. Islamabad: Islamic Research Institute: 1986.
- Hodgson, Marshall. "Family law: pressure toward equality in personal status," in *The Venture of Islam*, v. 1, 340-344.
- . "Legal Fiqh," from *The Venture of Islam*, v. 1, 332-340.
- Hoodfar, Homa. "In the Absence of Legal Equity: Mahr and Marriage Negotiation in Egyptian Low Income Communities," *Arab Studies Journal*, vols. 6&7 (Fall 1998/Spring 1999): 98-111.
- Hourani, Georges F. "The Basis of Authority of Consensus in Sunnite Islam," *Studia Islamica*, 21 (1964): 13-60.
- Herbert, David. *Religion and Civil Society: Rethinking public religion in the contemporary world*. Ashgate Press, 2003.
- Hirsch, Susan F. *Pronouncing and Persevering: gender and the discourses of disputing in an African Islamic Court*. University of Chicago Press, 1998.
- Hodgson, Marshall G.S. *The Venture of Islam: Conscience and History in a World Civilization*, v. 1, *The Classical Age of Islam*. The University of Chicago Press, 1974.
- Huxley, Andrew. *Religion, Law and Tradition: Comparative Studies in Religious Law*. Routledge/Curzon, 2002.

- Islam and European Legal Systems*. Ed. Silvio Ferrari and Anthony Bradney. Ashgate Press, 2000.
- The Islamic Criminal Justice System*. Ed. M. Cherif Bassiouni. London: Oceana Publications.
- Islamic Law and Jurisprudence*. Ed. Nicholas Heer. Seattle and Washington: University of Washington Press, 1990.
- Islamic Law Reform and Human Rights: Challenges and Rejoinders*. Ed. Tore Lindholm and Kari Vogt. Copenhagen: Nordic Human Rights Publications, 1993.
- Islamic Law: Theory and Practice*. Eds. Robert Gleave and Eugenia Kermeli. New York: I.B. Taurus, 1997.
- Islamic Legal Interpretation: Muftis and Their Fatwas*. Ed. by Muhammad Khalid Masud, Brinkley Messick and David S. Powers. Harvard University Press, 1996.
- Islamic Political Ethics: civil society, pluralism and conflict*. Ed. Sohail H. Hashmi. Princeton University Press, 2002.
- Izutsu, Toshihiku. *Ethico-Religious Concepts in the Qur'an*. Montreal: McGill University Press, 1966.
- Jackson, Sherman. "The Alchemy of Domination? Some Ash'arite Responses to Mu'tazilite Ethics," *IJMES*, 31/2 (1999): 185-201.
- . *Islamic Law and the State: the Constitutional Jurisprudence of Shihab al-Din al-Qarafi*. Vol. 1 in series, *Islamic Law and Society*. Eds. Rudd Peters and Bernard Weiss. Leiden: E.J. Brill, 1996.
- . "Taqlid, Legal Scaffolding and the Scope of Legal Injunctions in Post-Formative Theory: *Mutlaq* and *'Amm* in the Jurisprudence of Shihab al-Din al-Qarafi," *Islamic Law and Society* 3,2 (1996): 165-192.^v
- Johansen, Baber. *Contingency in Sacred Law: Legal and Ethical Norms in the Muslim Fiqh*. Brill, 1998.
- . *The Islamic Law on Land Tax and Rent: the peasants' loss of property rights as interpreted in the Hanafite literature of the Mamluk and Ottoman Period*. London and New York: Methuen, 1988.
- Kamali, Mohammed Hashim. "The Approved and Disapproved Varieties of *Ra'y* (Personal Opinion) in Islam," *The American Journal of Islamic Social Sciences* 7/1 (1990): 39-63.
- . *Freedom of Expression in Islam*. Rev. ed. Cambridge: Islamic Texts Society, 1997.
- . *Islamic Commercial Law: An Analysis of Futures and Options*. Islamic Texts Society, 2000.
- . *Principles of Islamic Jurisprudence*. Cambridge: Islamic Texts Society, 1991.
- . "Siyasah Shar'iyah or the Policies of Islamic Government," *The American Journal of Islamic Social Sciences* 6,1 (1989): 59-80.
- Kassim, Husain. *Sarakhsi: Concepts of Treaties and the Doctrine of Juristic Preference in Islamic Jurisprudence*. University Press of America, 1995.
- . "Sarakhsi's Doctrine of Juristic Preference (*Istihsan*) as a Methodological Approach Toward Worldly Affairs (*Ahkam al-Dunya*)," *American Journal of Islamic Social Sciences* 5/2 (1988): 181-204.

- Katz, June S. and Ronald S. Katz. "Legislating Social Change in a Developing Country: the New Indonesian Marriage Law Revisited," *The American Journal of Comparative Law* 26/2 (1978): 307-320.
- . "New Indonesian Marriage law: A Mirror of Indonesia's Political, Cultural and Legal Systems," *The American Journal of Comparative Law* 23/4 (1975): 653-681.
- Khadduri, Majid. "Nature and Sources of Islamic Law," *The George Washington Law Review*, 22 (1953): 3-23.
- Khan, Mohammed A. Muqtedar. "Islam as an Ethical Tradition of International Relations," *Islam and Christian-Muslim Relations* 8,2 (1997): 173-188.
- Khadduri, Majid. *War and Peace in the Law of Islam*. Baltimore: The Johns Hopkins Press, 1955.
- Khalilieh, Hassan S. *Islamic Maritime Law: an Introduction*. Leiden: Brill, 1998.
- Law in the Middle East: Origin and Development of Islamic Law*. Ed. M. Khadduri and H.J. Liebesny. Washington, D.C., 1955.
- Layish, Aharon. "Bequests as an Instrument for Accomodating Inheritance Rules: Israel as a Case Study," *Islamic Law and Society*, 2,3 (1995): 282-319.
- . "The Contribution of the Modernists to the Secularization of Islamic Law," *Middle Eastern Studies*, 14 (1978): 263-277.
- . *Divorce in the Libyan Family: a study based on the sijils of the Shari`ah courts of Ajdabiyya and Kufra*. New York University Press, 1991.
- . "The Family Waqf and the Shari`a Law of Succession in Modern Times," *Islamic Law and Society* 4, 3 (1997): 352-388.
- Lev, Daniel S. *Islamic Courts in Indonesia: A Study in the Political Bases of Legal Institutions*. Los Angeles: University of California Press, 1972.
- Liberal Islam: a Sourcebook*. Ed. Charles Kurzman. Oxford University Press, 1998.
- Liebesny, Herbert J. *The Law of the Near and Middle East: Readings, Cases, and Materials*. Albany: State University of New York Press, 1975.
- Malekian, Farhad. *The Concept of Islamic International Criminal Law: a comparative study*. Graham and Trotman, 1994.
- Maqdisi, George. *Religion, Law and Learning in Classical Islam*. Collected Studies Series. London: Variorum, 1991. Maqdisi, George. "Magisterium and Academic Freedom in Classical Islam and Medieval Christianity." Cpt. in *Islamic Law and Jurisprudence*.
- Makdisi, John. "Legal Logic and Equity in Islamic Law," *The American Journal of Comparative Law*, 33 (1985): 63-92.
- Mallat, Chibli. "Tantawi on Banking Operations in Egypt," cpt. in *Islamic Legal Interpretation: Muftis and Their Fatwas*.
- Masud, Muhammad Khalid. *Shatibi's Philosophy of Islamic Law*. Islamabad: the Islamic Research Institute, 1995.
- Mattson, Ingrid. *A Believing Slave is Better than an Unbeliever: Status and Community in Early Islamic Law and Society*. University of Chicago doctoral dissertation, 1999.
- Mayer, Ann E. *Islam and Human Rights: Tradition and Politics*. Boulder: Westview Press, 1991.

- , "The Shari`a: A Methodology or a Body of Substantive Rules?" Cpt. in *Islamic Law and Jurisprudence*.
- Mehdi, Rubya. *The Islamization of the Law in Pakistan*. Nordic Institute of Asian Studies Monograph Series No. 60. Surrey: Curzon Press, 1994.
- Melchert, Christopher. *The Formation of the Sunni Schools of Law, 9th-10th Centuries C.E.* Leiden: Brill, 1997.
- Messick, Brinkley. *The Calligraphic State: Textual Domination and History in a Muslim Society*. Berkeley: University of California Press, 1993.
- Mills, Paul S. and John R. Presley. *Islamic Finance: Theory and Practice*. Palgrave, 1999.
- Mir-Hosseini, Ziba. *Marriage on Trial: a Study of Islamic Family Law: Iran and Morocco Compared*. London, New York: I.B. Tauris, 1993.
- Modarressi, Hossein. *Introduction to Shi`i Law: a bibliographical study*. London: Ithaca Press, 1994.
- Moghul, Umar F. "Approximating Certainty in Ratiocination: How to Ascertain the 'Illah (Effective Cause) in the Islamic Legal System and How to Determine the Ratio Decidendi in the Anglo-American Common Law," *Journal of Islamic Law*, v. 4 (Fall/Winter 1999): 125-200.
- Moors, Annelies. *Women, Property and Islam: Palestinian Experiences 1920-1990*. Cambridge University Press, 1995.
- Moosa, Ebrahim. "Shaykh Ahmad Shakir and the Adoption of a Scientifically-Based Lunar Calendar," *Islamic Law and Society* 5, 1 57-89.
- Motzki, Harald. *The Origins of Islamic Jurisprudence: Meccan Fiqh before the Classical Schools*. Leiden: Brill, 2001.
- Moustafa, Tamir. "Conflict and Cooperation Between the State and Religious Institutions in Contemporary Egypt," *International Journal of Middle East Studies*, 32 (2000), 3-22.
- An-Na`im, Abdullahi. "Shari`a and Basic Human Rights Concerns," cpt. in *Liberal Islam*.
- , *Towards and Islamic Reformation: Civil Liberties, Human Rights and International Law*. Syracuse: Syracuse University Press, 1990.
- Nasir, Jamal J. *The Islamic Law of Personal Status* (London: Graham and Trotman, 1986).
- Neusner, Jacob and Tamara Sonn. *Comparing Religions Through Law: Judaism and Islam*. Routledge, 1999.
- Owsia, Parviz. *Formatin of Contract: a comparative study under English, French, Islamic and Iranian Law*. Graham and Trotman, 1994.
- Peters, Rudolph. "Islamic and Secular Criminal Law in Nineteenth Century Egypt: the Role and Function of the Qadi," *Islamic Law and Society* 4,1 (1997): 70-90.
- , "Islamic Law and Human Rights: a contribution to an ongoing debate," *Islam and Christian-Muslim Relations* 10/1 (1999): 5-14.
- Philips, Abu Ameenah Bilal. *The Evolution of Fiqh (Islamic Law & the Madh-habs)*. Riyadh: Tawheed Publications, 1988.
- Powers, David S. *Law, Society and Culture in the Maghrib, 1300-1500*. Cambridge University Press, 2002.
- Qaradawi, Yusuf. *Fiqh az-Zakat: a Comparative Study*.

- . *The Lawful and the Prohibited in Islam*. Indianapolis, American Trust Publications.
- Al-Qattan, Najwa. "Dhimmis in the Muslim Court: Legal Autonomy and Religious Discrimination," *IJMES*, 31 (1999): 429-444.^{vi}
- Quraishi, Asifa. "Her Honor: An Islamic Critique of the Rape Laws of Pakistan from a woman-sensitive perspective," *Michigan Journal of International Law* v. 18 (Winter 1997): 287-320.
- Rahbar, David. *God of Justice: A Study of the Ethical Doctrine of the Qur'an*. Leiden: Brill, 1960.
- Ramadan, Tariq. *To be a European Muslim*. Leicester: the Islamic Foundation, 1999.
- Readings in Philosophy of Law*. Ed. John Arthur and William H. Shaw. New Jersey: Prentice-Hall, 1984.
- Rebstock, Ulrich. "A Qadi's Errors," *Islamic Law and Society*, 6/1 (1999): 1-37.
- Reinhart, A. Kevin. *Before Revelation: the Boundaries of Muslim Moral Thought*. Albany: State University of New York Press, 1995.
- Reiter, Ytzhak. *Islamic Institutions in Jerusalem: Palestinian Muslim organization under Jordanian and Israeli Rule*. Kluwer Law Intl., 1997.
- Religion, Law and Society: A Christian-Muslim Discussion*. Ed. Tarek Mitri. Geneva: WCC Publications, 1995.
- Rogers, Therisa. "The Islamic Ethics of Abortion in the Traditional Islamic Sources," *Muslim World* (April 1999): 122-129.
- Rosen, Lawrence. *The Anthropology of Justice: Law as Culture in Islamic Society*. Cambridge University Press, 1989.
- . *The Justice of Islam: Comparative Perspectives on Islamic Law and Society*. Oxford University Press, 2000.
- Sachedina, Abdulaziz. *The Islamic Roots of Democratic Pluralism*. New York: Oxford University Press, 2001.
- Saeed, Abdullah. *Freedom of Religion, Apostacy and Islam*. Ashgate Press, 2003.
- . *Islamic Banking and Interest: a study of the prohibition of riba and its contemporary interpretation*. Leiden: Brill, 1997.
- Safi, Louay. *Peace and the limits of war: transcending classical conception of jihad*. Herndon, VA: International Institute of Islamic Thought, 2001.
- Saleh, Nabil A. *Unlawful Gain and Legitimate Profit in Islamic Law: Riba, Gharar and Islamic Banking*. Graham and Trotman, 1992.
- Schacht, Joseph. *An Introduction to Islamic Law*. Oxford: The Clarendon Press, 1964.
- Schneider, Irene. "Imprisonment in Pre-Classical and Classical Islamic Law," *Islamic Law and Society* 2/2 (1995): 157-173.
- Shaham, Ron. "Custom, Islamic Law, and Statutory Legislation: Marriage Registration and Minimum Age at Marriage in the Egyptian Shari'a Court," *Islamic Law and Society*, 2,3 (1995): 258-281.
- . "Judicial Divorce at the Wife's Initiative: the Shari'a Courts of Egypt, 1920-1955," *Islamic Law and Society* 1,2 (1994): 217-257.
- . "A Woman's Place: A Confrontation with Bedouin Custom in the Shari'a Court," *Journal of the American Oriental Society* (1993): 192-197.
- Shehadeh, Lamia Rustum. "The Legal Status of Married Women in Lebanon," *International Journal of Middle East Studies* 30/4 (1998): 501-519.

- Shussman, Aviva. "The Legitimacy and Nature of *Mawlid al-Nabi*: (Analysis of a *Fatwa*)," *Islamic Law and Society* 5,2 : 214-234.
- Siddiqi, Muhammad Nejatullah. *Partnership and Profit-Sharing in Islamic Law*. London: The Islamic Foundation, 1985.
- Siddiqi, Faisal. "A Comparative View of the Islamic Law of *Sariqa* (Theft) and the American Law of Theft with Reference to the State of Maryland," *The Journal of Islamic Law* v. 2, n. 2 (1997): 179-208.
- Stewart, Devin. *Islamic Legal Orthodoxy: Twelver Shiite Responses to the Sunni Legal System*. University of Utah Press, 1998.
- Studies in Islamic Legal Theory*. Ed. Bernard G. Weiss. Leiden: Brill, 2001.
- Thung, Michael H. "Written Obligations from the 2nd/8th to the 4th/10th Century," *Islamic Law and Society* 3,1 (1996): 1-12.
- Tucker, Judith E. *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine*. Berkely: University of California Press, 1998.
- Vogel, Frank E. and Samuel L. Hayes, III. "The Complementarity of *Ifta'* and *Qada'*: Three Saudi Fatwas on Divorce," cpt. in *Islamic Legal Interpretation: Muftis and Their Fatwas*.
- . *Islamic Law and Finance: Religion, Risk, and Return*. The Hague: Kluwer Law International, 1998.
- (Saudi book?)
- Watson, Helen. "Separation and Reconciliation: Marital Conflict among the Muslim Poor in Cairo," *Muslim Women's Choices: Religious Belief and Social Reality*. Eds. Camillia Fawzi El-Solh and Judy Mabro. Oxford/Providence: Berg Publishers, 1994.
- Weiss, Bernard G. *The Search for God's Law: Islamic Jurisprudence in the Writings of Sayf al-Din al-Amidi*. Salt Lake City: University of Utah Press, 1992.
- . *The Spirit of Islamic Law*. Athens, GA: University of Georgia Press, 1998
- Wegner, Judith Romney. *Chattel or Person?: The Status of Women in the Mishnah*. New York: Oxford University Press, 1988.
- . "Islamic and Talmudic Jurisprudence: the four roots of Islamic Law and their Talmudic counterparts," *The American Journal of Legal History*, 26: 25-71. (Reprinted in *Islamic Law and Legal Theory*, ed. Ian Edge).
- Westbrook, David A. "Islamic International Law and Public International Law: Separate Expressions of World Order," *Virginia Journal of International Law* 33/4 (1993): 819-897.
- Women, the Family and Divorce Laws in Islamic History*. Ed. Amira El Azhary Sonbol. Syracuse University Press, 1996.
- Wurth, Anna. "A Sana`a Court: The Family and the Ability to Negotiate," *Islamic Law and Society* 2,3 (1995): 320-340.
- Yanagihashi, Hiroyuki. "The Judicial Functions of the *Sultan* in Civil Cases According to the Malikis up to the Sixth/Twelfth Century," *Islamic Law and Society* 3,1 (1996): 41-74.
- Zafar, S.M. "Accountability, Parliament, and *Ijtihad*," cpt. in *Liberal Islam*.
- Zaman, Muhammad Qasim. "The Caliphs, the 'Ulama', and the Law: Defining the Role and Function of the Caliph in the Early 'Abbasid Period," *Islamic Law and Society* 4,1 (1997): 1-36.

Ziadeh, Farhat. "Compelling Defendant's Appearance at Court in Islamic Law," *Islamic Law and Society* 3,3 (1996): 305-315.

Ziadeh, Farhat. "'Adalah in Classical Islamic Law.'" Cpt. in *Islamic Law and Society*.

Primary Sources and Translations

The Hedaya: commentary on the Islamic law. Trans. Charles Hamilton.

Ibn Rushd, Muhammad ibn Ahmed. *Bidayat al-Mujtahid.* Trans. by Imran Ahsan Khan Nyazee as *The Distinguished Jurist's Primer.* Reading, U.K.: The Centre for Muslim Contribution to Civilisation, 1994. Volumes One and Two.

Ibn Taymiyya, Taqi al-Deen Ahmed ibn 'Abd al-Halim. *The Medinan Way: the Soundness of the Basic Premises of the School of the People of Madina.* Trans. of *Sihhat usul madhab ahl al-madinah* by Aisha Bewley. Norwich, U.K.: Bookwork, 2000.

-----, *Al-Siyasah al-Sha'riyya.* Trans. by Omar A. Farrukh as *Ibn Taymiyya on Public and Private Law in Islam.* Beirut: Khayats, 1966.

Al-Khassaf, Abu Bakr Ahmed al-Shaybani (d. 261/875). *Adab al-Qadi: Islamic Legal and Judicial System.* Trans. by Munir Ahmad Mughal. Lahore, Pakistan: Kazi Publications, 1999.

Al-Mawardi. *al-Ahkam al-Sultaniyya.* Trans. as *The Ordinances of Government: a translation of al-Ahkam al-sultaniyya w'al-wilayat al-diniyya* by Wafaa H. Wahba. Reading: Center for Muslim Contribution to Civilization; London: Garnet Publishing Ltd., 1996. Also translated as *Al-Ahkam al-Sultaniyyah: the laws of Islamic Governance* by Asadullah Yate. London: Ta-Ha Publishers, 1996.

Al-Shafi'i, Muhammad ibn Idris. *al-Risala.* Trans. by Majid Khadduri as *al-Risala fi Usul al-Fiqh: Treatise on the Foundations of Islamic Jurisprudence.* 2nd ed. Cambridge: Islamic Texts Society, 1987.

Al-Shayzari, Abd al-Rahmaan B. Nasr. *The Book of the Islamic Market Inspector* trans. of *Nihayat al-Rutba fi Talab al-Hisba* by R.P. Buckley. Oxford University Press, 2000.

Web-sites

- National Association of Muslim Lawyers (NAML): www.namlnet.org
- Karamah: Muslim Women Lawyers for Human Rights: www.karamah.org
- Source for constitutional law and recent legislation in Arab world: <http://www.al-bab.com/>
- Some fatawa: www.islamonline.net/fatwa
<http://www.fatwa-online.com>
- Sheikh Yusuf al-Qaradawi: www.qaradawi.net
- *The Religion Case Reporter* (www.paradigmpub.com)
- The following sources are found at this site: <http://www.usc.edu/dept/MSA/law/>
[An introduction to the Shari'ah and Fiqh](#)
[Fiqh-us-Sunnah](#) by Sayyid Saabiq, may Allah have mercy on him

[Source Methodology in Islamic Jurisprudence \(Usul Al-Fiqh Al-Islami\)](#) by Taha Jabir Al'Alwani, courtesy of the [International Institute of Islamic Thought](#)
[The Ethics of Disagreement in Islam](#) by Taha Jabir Al'Alwani, courtesy of [IIIT](#)

Audio-Visual

“Divorce Iranian Style.” Ziba Mir-Hosseini.

“Foundations of Our Methodology”, (cassettes; CD) lessons given by Sheikh Abdullah Bin Bayya, translated by Hamza Yusuf. Hayward, CA: Zaytuna Institute.

ⁱ In an attempt to bring classical Islamic jurisprudence closer to the legal and judicial norms of modernity, an Egyptian jurist identifies a structural similarity between the doctrine of intention in Hanbali law and contemporary French law.

ⁱⁱ Many changes have occurred since Coulson wrote this book so the administration of law that he presents is in many cases no longer “contemporary.”

ⁱⁱⁱ “Classical theory” of punishment that neglects the fine distinctions in the way the law was actually applied. Perhaps due to his excessively theoretical approach to the subject, El-Awa seems compelled to present this system of punishment as the truly Islamically sound position, while on the other hand, equally determined to argue that it should not be applied—at least until a true “Islamic society” is in place—a prospect he does not seem optimistic about. El-Awa represents the confused state of many pious contemporary Muslims who have been cut off from wisdom of the way law was actually applied in Islamic societies.

^{iv} Fadel argues that taqlid resulted from the desire for uniform rules and that Islamic law in the age of mukhtasars is best understood as codified Common Law.

^v Close analysis of the writings of the 7th/13th c. jurist with respect to the ijihad/taqlid issue.

^{vi} Very good article. Shows how balanced and fair the Ottoman courts were to Dhimmis and how often they came to the shari'a courts—particularly Christian and Jewish women seeking more rights in marriage and divorce.