

# ***UNDERSTANDING ISLAMIC LAW (SHARĪ'A)***

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### **PART ONE: ORIGINS**

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## CHAPTER 2: MUHAMMAD (PBUH) AS PROPHET (610 – 632 A.D.)

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## **PART TWO: GOLDEN AGE**

### **CHAPTER 4: CALIPHS OF MECCA AND MEDINA (*RASHIDUN*) (632 – 660 A.D.)**

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1. AL-ṬABARĪ, ABŪ JA‘FAR MUHAMMAD BIN JARĪR, THE HISTORY OF AL-TABARĪ, VOLUME VI: MUḤAMMAD AT MECCA, VOLUME VII: THE FOUNDATION OF THE COMMUNITY, AND VOLUME XXXIX: BIOGRAPHIES OF THE PROPHET’S COMPANIONS AND THEIR SUCCESSORS (Albany, New York: State University of New York Press, W. Montgomery Watt & M.V. McDonald, trans. 1988). (Al-Ṭabarī lived and wrote his monumental 38 volume classic between 839 and 923 A.D.)
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3. ASLAN, REZA, NO GOD BUT GOD: THE ORIGINS, EVOLUTION, AND FUTURE OF ISLAM (New York, New York: Random House, 2005) (especially Chapter 5, *The Rightly Guided Ones – The Successors to Muhammad*).
4. BADCOTT, NICHOLAS, POCKET TIMELINE OF ISLAMIC CIVILIZATIONS (Northampton, Massachusetts: Interlink Books, 2009) (especially *Early Islamic World*).
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## CHAPTER 5: Umayyad Caliphate (660 – 750 A.D.)

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1. AN-NA‘IM, ‘ABDULLAHI AHMED, ISLAM AND THE SECULAR STATE: NEGOTIATING THE FUTURE OF SHARĪ‘A (Cambridge, Massachusetts: Harvard University Press, 2008). *See also* the review of this book, Mohammad Fadel, *Islamic Politics and Secular Politics: Can They Co-Exist?*, 25 JOURNAL OF LAW AND RELIGION 187-204 (2009-2010)
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3. Grimm, Dieter, *Conflicts between General Laws and Religious Norms*, 30 CARDOZO LAW REVIEW 2369-2382 (2009).
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## CHAPTER 9:        *SHĪ'ĪSM AND ITS IMĀMS (680 – 940 A.D.)*

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8. LAPIDUS, IRA M., A HISTORY OF ISLAMIC SOCIETIES (Cambridge, England: Cambridge University Press, 2<sup>nd</sup> ed. 2002) (especially Chapter 22, *Iran: State and Religion in the Modern Era*).
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3. Grimm, Dieter, *Conflicts between General Laws and Religious Norms*, 30 CARDOZO LAW REVIEW 2369-2382 (2009).
4. Ladeur, Karl-Heinz, *The Myth of The Neutral State and the Individualization of Religion: The Relationship between State and Religion in the Face of Fundamentalism*, 30 CARDOZO LAW REVIEW 2445-2471 (2009).
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## **PART FOUR: LAST GREAT ERA?**

### **CHAPTER 10: OTTOMAN TURKISH EMPIRE (11<sup>TH</sup> CENTURY A.D. – 1923)**

#### **Books –**

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9. HOURANI, ALBERT, A HISTORY OF THE ARAB PEOPLES (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2002 ed.) (especially Part II, *The Ottoman Age (Sixteenth – Eighteenth Century)*).
10. KHADDURI, MAJID & HERBERT J. LIEBESNY EDS., LAW IN THE MIDDLE EAST: VOL. I – ORIGIN AND DEVELOPMENT OF ISLAMIC LAW (Washington, D.C., The Middle East Institute, 1955) (especially Chapter XI, Ebül’ulâ Mardin, *Development of the Sharī’a under the Ottoman Empire*, Chapter XII, S.S. Onar, *The Majalla*, and Chapter XIII, Herbert J. Liebesny, *The Development of Western Judicial Privileges*).
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13. LAPIDUS, IRA M., A HISTORY OF ISLAMIC SOCIETIES (Cambridge, England: Cambridge University Press, 2<sup>nd</sup> ed. 2002) (especially Part II, *The Worldwide Diffusion of Islamic Societies from the Tenth to the Nineteenth Century* and Chapter 23, *The Dissolution of the Ottoman Empire and the Modernization of Turkey*).
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## CHAPTER 11: MOGHUL INDIAN EMPIRE (1504 – 1857 A.D.)

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2. ANSARY, TAMIM, DESTINY DISRUPTED – A HISTORY OF THE WORLD THROUGH ISLAMIC EYES (New York, New York: PublicAffairs, 2009) (especially Chapter 12, *West Comes East – 905-1266 A.H., 1500-1850 C.E.*).
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  12. ROY, ARUNDHATI & HAMISH HAMILTON, *LISTENING TO GRASSHOPPERS – FIELD NOTES ON DEMOCRACY* (London, England: Hamish Hamilton, 2009). *See also* the review of this book, Amy Kazmin, *Grim Picture of India Needs Balance*, FINANCIAL TIMES, 6 July 2009, at 6.

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5. Khosla, Madhav, *Addressing Judicial Activism in the Indian Supreme Court: Towards an Evolved Debate*, 32 HASTINGS INTERNATIONAL AND COMPARATIVE LAW REVIEW 55-99 (2009).
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**PART FIVE:  
THEORY –  
CLASSICAL SOURCES OF JURISPRUDENCE (UŞŪL AL-FIQH)**

**CHAPTER 12: FUNDAMENTAL SOURCES:  
HOLY QUR'ĀN AND SUNNAH**

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2. ALI, MAULANA MUHAMMAD, A MANUAL OF HADITH (Lahore, Pakistan: The Ahmadiyya Anjuman Ishaat Islam, 1<sup>st</sup> ed. 1941, 2<sup>nd</sup> ed. 2001).
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- Background and Early Development of Jurisprudence*, and Chapter IV, S.G. Vesey-Fitzgerald, *Nature and Sources of the Sharī‘a*).
12. LIEBESNY, HERBERT J., THE LAW OF THE NEAR & MIDDLE EAST: READINGS, CASES, & MATERIALS (Albany, New York: State University of New York Press, 1975) (especially Chapter 2, *Historical Development & Sources of Islamic Law*).
  13. RAMADAN, HISHAM M., ED., UNDERSTANDING ISLAMIC LAW – FROM CLASSICAL TO CONTEMPORARY (Oxford, England: AltaMira Press, 2010) (especially Chapter 1, Irshad Abdal-Haqq, *Islamic Law: An Overview of its Origin and Elements*, and Chapter 7, Ali Khan, *Islam as Intellectual Property: “My Lord! Increase me in Knowledge”*).
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  16. WEERAMANTRY, C.G., ISLAMIC JURISPRUDENCE – AN INTERNATIONAL PERSPECTIVE (1988, Kuala Lumpur, Malaysia: The Other Press, 2001 ed.) (especially Chapter 3, *The Sources of Law*).
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14. Symposium, *The Rule of Law*, 72 UNIVERSITY OF PITTSBURGH LAW REVIEW 163-360 (2010).

**CHAPTER 13:        SECONDARY SOURCES:  
                              ĪJMA' AND QIYĀS**

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3.     HALLAQ, WAEL B., AN INTRODUCTION TO ISLAMIC LAW (Cambridge, England: Cambridge University Press, 2009) (especially Part I, *Tradition and Continuity*).
4.     HALLAQ, WAEL B., SHARĪ'A – THEORY, PRACTICE, TRANSFORMATIONS (Cambridge, England: Cambridge University Press, 2009) (especially Chapter 12, *Courts of Justice, Suits, and Evidence*).
5.     HASAN, AHMAD, THE DOCTRINE OF IJMĀ' IN ISLAM – A STUDY OF THE JURIDICAL PRINCIPLE OF CONSENSUS (New Delhi, India: Kitab Bhavan, reprinted ed., 2003).
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8.     KHADDURI, MAJID & HERBERT J. LIEBESNY EDS., LAW IN THE MIDDLE EAST: VOL. I – ORIGIN AND DEVELOPMENT OF ISLAMIC LAW (Washington, D.C., The Middle East Institute, 1955) (especially Chapter II, Joseph Schacht, *Pre-Islamic Background and Early Development of Jurisprudence*, Chapter IV, S.G. Vesey-Fitzgerald, *Nature and Sources of the Sharī'a*, and Chapter X, Emile Tyan, *Judicial Organization*).
9.     LIEBESNY, HERBERT J., THE LAW OF THE NEAR & MIDDLE EAST: READINGS, CASES, & MATERIALS (Albany, New York: State University of New York Press, 1975) (especially Chapter 2, *Historical Development & Sources of Islamic Law*, Chapter 11, *Procedure Before the Westernization of the Law*, and Chapter 12, *Procedure in Present-Day Near Eastern Countries*).

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11. ŞAHEEH INTERNATIONAL, A BRIEF SUMMARY OF FIQH ESSENTIALS (Jeddah, Kingdom of Saudi Arabia: Abul-Qasim Publishing House, 2000).
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2. Forsyth, Miranda, *The Divorce or the Marriage of Morality and Law? The Defense of Necessity in Pacific Island Countries*, 21 CRIMINAL LAW FORUM 121-157 (2010).
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4. Hamoudi, Haider Ala, *Dream Palaces of Law: Western Constructions of the Muslim Legal World*, 32 HASTINGS INTERNATIONAL & COMPARATIVE LAW REVIEW 803-814 (2009).
5. Khan, Liaquat Ali, *Advocacy Under Islam and Common Law*, 45 SAN DIEGO LAW REVIEW 547-608 (2008).
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9. Note, *The Pakistani Lawyers’ Movement and the Popular Currency of Judicial Power*, 123 HARVARD LAW REVIEW 1705-1726 (2010).

10. Souaiaia, Ahmed, *On the Sources of Islamic Law and Practices*, 20 JOURNAL OF LAW & RELIGION 123-147 (2004-2005).
11. Symposium, *Higher Law*, 36 PEPPERDINE LAW REVIEW i-xi, 463-665 (2009) (containing articles on historic proponents and critics of higher law, law and economics, critical legal studies, and higher law, theology and higher law, and philosophy and higher law).



## CHAPTER 14: CONTROVERSIAL ADDITIONAL SOURCES

### Books –

1. ANSARY, TAMIM, DESTINY DISRUPTED – A HISTORY OF THE WORLD THROUGH ISLAMIC EYES (New York, New York: PublicAffairs, 2009) (especially Chapter 7, *Scholars, Philosophers and Sufis – 10-505 A.H., 632-1111 C.E.*, and Chapter 13 – *The Reform Movements, 1150-1336 A.H., 1737-1918 C.E.*).
2. ASLAN, REZA, NO GOD BUT GOD: THE ORIGINS, EVOLUTION, AND FUTURE OF ISLAM (New York, New York: Random House, 2005) (especially Chapter 6, *This Religion is a Science – The Development of Islamic Theology and Law*).
3. HALLAQ, WAEL B., AN INTRODUCTION TO ISLAMIC LAW (Cambridge, England: Cambridge University Press, 2009) (especially Part I, *Tradition and Continuity*).
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## **PART SIX: PRACTICE**

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**CHAPTER 17: ISLAM AND CAPITALIST ECONOMIC GROWTH**

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**CHAPTER 20: PROPERTY LAW:  
PROTECTING AND RESTRICTING PRIVATE  
OWNERSHIP**

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PERFORMANCE, TERMS, AND REMEDIES**

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**PART EIGHT:  
BANKING LAW, CAPITALISM, AND GLOBAL FINANCE**

**CHAPTER 26:      BANKING LAW:  
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LEGAL DEVICES (*HITYAL*) AND PROHIBITION ON  
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**CHAPTER 29: FINANCE (*TAMWEEL*):  
ISLAMIC BONDS (*ṢUKUK*) AND SECURITIZATION**

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**CHAPTER 30: FINANCE (*TAMWEEL*):  
TYPES AND RISKS OF ISLAMIC BONDS (*ŞUKUK*)**

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**CHAPTER 33: MARRIAGE AND DIVORCE**

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**CHAPTER 44: CLAIMS OF GOD (*HAQQ ALLĀH*):  
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DRINKING AND STEALING**

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## PART FOURTEEN: CONSTITUTIONAL LAW

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