

THEMES IN ISLAMIC LAW

The Origins and Evolution of Islamic Law

WAEEL B. HALLAQ

CAMBRIDGE

CAMBRIDGE

www.cambridge.org/9780521803328

Glossary of key terms

- āḥād*: solitary *ḥadīth*s transmitted through fewer channels than *mutawātir*; as such, the knowledge of their contents is probable; see *tawātur*.
- ‘*abd*’: a royal decree of judicial appointment; see also *kitāb*.
- ahl al-ḥadīth*: the traditionalists, those who held that the law must rest squarely on the Quran and Prophetic *ḥadīth*.
- ahl al-ra’y*: the rationalists, those who held that the law may be derived through human reason as guided by social and worldly experience.
- akhbārī*: one who collected reports of ancient events and recorded genealogies and poetry; see also *quṣṣās*.
- amīn al-ḥukm* (pl. *umanā’ al-ḥukm*): trustee of the court who was in charge of the safekeeping of records, of confidential information and documents, and of property and cash.
- aṣḥāb* (sing. *ṣāhib*): associates, colleagues or students; scholars who study and debate with each other, or students of a master; followers of a leading jurist without having studied under him or even having known him in person.
- aṣḥāb al-masā’il* (sg. *ṣāhib al-masā’il*): court examiners who investigated the character of witnesses.
- dīnār*: a gold coin, equivalent to ten or twelve *dirhams* (q.v.).
- dirham*: a silver coin; see *dīnār*.
- dīwān* (*al-qāḍī*): the court register in which the scribe recorded minutes of court sessions, judgments and a variety of documents, such as contracts, pledges and acknowledgments; see also *mahḍar*, *sijill*.
- faqīh* (pl. *fuqahā’*): an expert in the law.
- fatwā*: a legal opinion issued by a *muftī* (q.v.); although formally non-binding, judges adhered to *fatwās* routinely.
- ḥadīth*: Prophetic traditions; reports of what the Prophet had said, done or tacitly approved; see also *sunan*, *Sunna*.
- ḥakam* (pl. *ḥukkām*): pre-Islamic arbiter whose decision, although non-binding, was usually accepted by the two parties.
- ḥalaqa* (or *ḥalqa*; pl. *ḥalaqāt*): scholarly or teaching circle.
- Ḥanīf: pre-Islamic monotheistic religion that formed around the figure of Abraham.
- ijmā’*: consensus of the scholars of a particular region as embodying their sunnaic practice, by definition exemplary; in later theory, consensus of

- the *mujtahids* (q.v.) – as representatives of the community of Muslims – on a legal matter.
- ijtihād*: a process of legal reasoning and hermeneutics through which the jurist-*mujtahid* derives or rationalizes law on the basis of the Quran and the Sunna; during the early period, the exercise of one's discretionary opinion (*ra'ʿy*) on the basis of '*ilm* (q.v.).
- ikhtilāf*: juristic disagreement; the science of juristic disagreement (also '*ilm al-khilāf*').
- '*illa* (lit., cause): see *ratio legis*.
- '*ilm*: knowledge of precedent, consisting, in the early period, of *sunan* (q.v.), but later of the Quran and Prophetic Sunna.
- imam: generally, prayer leader; in the doctrinal schools, the eponym or master-jurist who is presumed to have constructed the methodological foundations and the positive and theoretical principles of the *madhhab* (q.v.).
- istihsām*: juristic preference based, in the early period, upon practical considerations, and later, on a particularized textual *ratio legis* (q.v.).
- istiṣlāḥ*: legal reasoning dictated by considerations of public interest that are, in turn, grounded in universal legal principles.
- jihwāz*: court sheriff or bailiff.
- kātib*: court scribe.
- khilāf*: see *ikhtilāf*.
- kitāb*: generally, an epistle; juridically, a written instrument sent by one judge to another demanding the enforcement of a decision or a right; also, a letter of judicial appointment; see also '*abd*.
- madhhab*: legal opinion or legal doctrine espoused by a jurist; after the third/ninth century, it also referred to a doctrinal school.
- madhhab*-opinion: a legal opinion held to be the most authoritative by a doctrinal school.
- madrasa*: law college.
- majlis al-qādā'*: the place where the activity of *qaḍā'*, performed by the judge, takes place. By extension, it is any place where the judge sits to adjudicate cases.
- maḥḍar* (pl. *maḥāḍir*): records made by the court's scribe and signed by the judge, containing a summary of actions and claims adduced by litigating parties; also, records of statements made by court witnesses to the effect that a certain action, such as a sale or a pledge, had taken place; see also *dīwān*.
- mansūkh* (lit. abrogated): see *naskh*.
- maṣlaḥa*: public interest; see *istiṣlāḥ*.
- mawlā*: non-Arab convert to Islam who entered into legal patron–client relations that created an artificial kinship with the Arabs.
- maẓālim*: extra-judicial tribunals held by the ruler but usually presided over by *qādīs*.
- Miḥna: the Inquisition, pursued by the caliphs and rationalists between 218/833 and 234/848; it revolved around the issue of whether or not the Quran was created.
- muftī*: jurisprudent who issues *fatwās* (q.v.); see also *mujtahid*.

- mujtahid*: often interchangeable with *mufīṭī*, one who is competent to reason from the revealed texts, fashion new rules or justify and rationalize preexistent law; see also *ijtihād*.
- mukharrījūn* (sg. *mukharrīj*): leading jurists who contributed to the formation of doctrinal schools; also independent and semi-independent *mujtahids* (q.v.) whose legal doctrine, or a part thereof, was appropriated by the doctrinal schools; see also *takhrīj*.
- munādir*: court official whose task, *inter alia*, was to call publicly on defendants or witnesses to appear before the court.
- muqallid*: a jurist or layman who follows a *mujtahid* (q.v.).
- mushāwar*: a jurist advising the court in Andalusia and the Maghrib.
- mutawātir*: see *tauwātur*.
- muwaththiq*: private notary who drafted legal formulae; syn. *shurūṭī*.
- nā'ib*: judge's deputy.
- naskh*: abrogation.
- naṣṣ*: unambiguous language of the Quran; language capable of yielding only one meaning.
- qaḍā'*: judgeship, the entire range of the judge's judicial activities.
- qāḍī al-quḍāt*: chief justice.
- qāṣṣ*: see *quṣṣā*.
- qimaṭr*: a bookcase in which court documents are preserved; a court register in which documents are recorded.
- qiyās*: a collective name for a variety of legal arguments including, *inter alia*, analogy, *argumentum a fortiori*, *reductio ad absurdum*, or deductive arguments; see also *ratio legis*.
- quṣṣās* (sg. *qāṣṣ*): story-tellers.
- ratio legis*: "cause" or "factor" occasioning – in analogical *qiyās* (q.v.) – a rule in the original case; the presence of the same *ratio* in the new case requires the transfer of the rule from the original case to the new.
- ra'y*: discretionary opinion or reasoning based on precedent ('*ilm*, q.v.) or, at times, on subjective considerations.
- ṣāḥib al-masā'il*: see *aṣḥāb al-masā'il*.
- shāhid* (pl. *shuhūd*): witness.
- Sharī'a: Islamic law, including legal doctrine and the judiciary.
- shurūṭī*: private notary who drafted legal formulae; syn. *muwaththiq*.
- sijill* (pl. *sijillāt*): witnessed record of the contents of *mahḍar* (q.v.), together with the judge's decision on each case.
- sīra*: the Prophet's biography.
- siyāsa shar'iyya*: law legislated and administered by the ruler.
- sunan* (sg. *sunna*): exemplary conduct of both groups and individuals that, over time, became a model to be emulated and followed by others.
- sunna*: see *sunan*.
- Sunna: the Prophet's conduct that had been established as a model for others to follow; this conduct may be expressed in the Prophet's own practices, his utterances or his tacit approval of events or pronouncements made in his

presence; with the passage of time it became, after the Quran, the second source of Islamic law.

sunna māḍiya (pl. *sunan māḍiya*): established, continuous practice that had become a model to follow.

sunnaic practice: continuous practice based upon the *sunan* (q.v.).

tābūt al-ḥukm (also *tābūt al-qudāʾ*): security box in which the judge kept cash and other valuables.

takhrīj: legal reasoning (*ijtihād*, q.v.) derived from, and based upon, earlier, authoritative law; see also *mukharrijūn*.

taqlīd: following the authority of a *mujtahid* (q.v.) or of one's school, with or without the ability to practice *ijtihād*.

tawātur: recurrent Prophetic traditions, transmitted through so many channels and by so many people that collusion upon forgery is inconceivable; as such, their contents are known with certainty.

traditionalist: a proponent of the view that law must squarely rest on the revealed sources.

tradition(al)ist: a legist who is both a traditionist and a traditionalist.

traditionist: a specialist in *ḥadīth* collection, transmission and authentication.

umānāʾ al-ḥukm: see *amīn al-ḥukm*.

Umma: the Muslim community.

uṣūl al-fiqh: legal theory that laid down the principles of linguistic–legal interpretation, theory of abrogation (*naskh*), consensus and juristic reasoning, among others.

waqf (pl. *awqāf*): a perpetual charitable trust or endowment for the benefit of family members or the public at large.

zakāt: alms-tax.

Short biographies

- ‘Abd Allāh b. Nawfal: proto-judge in Medina during the late 60s/680s.
‘Abd Allāh al-‘Umarī: see ‘Umarī.
‘Abd Allāh b. ‘Utba (d. 98/716): Medinan legal specialist.
‘Abd al-Malik: Umayyad caliph (r. 65/685–86/705).
Abū Ayyūb al-Sakhtiyānī (d. 131/748): Baṣran jurist.
Abū Bakr (d. 13/634): the Prophet’s Companion and the first caliph of Islam.
Abū Ḥanīfa (d. 150/767): leading Kūfan jurist and eponym of the Ḥanafite legal school.
Abū Hurayra: Companion of the Prophet.
Abū Ṭāhir Muḥammad b. Aḥmad: judge in Ikhshīdid Egypt around 348/959.
Abū Thawr, Ibrāhīm b. Khālid (d. 240/854): leading Iraqīan jurist and founder of an extinct legal school.
Abū Yūsuf, Ya‘qūb (d. 182/798): leading Kūfan jurist, first chief justice in Islam and co-founder of the Ḥanafite legal school.
Abū Zur‘a, Muḥammad b. ‘Uthmān (d. 302/914): Shāfi‘ite scholar, appointed in 284/897 as chief justice of both Syria and Egypt.
‘Adī b. Arṭa’a: Baṣran judge appointed by ‘Umar II (r. 99/717–101/720).
‘Alī b. Abī Ṭālib (d. 40/661): cousin of the Prophet and fourth caliph of Islam.
Amīn: ‘Abbāsīd caliph, the son of Hārūn al-Rashīd (r. 193/809–198/813).
‘Āmir al-Sha‘bī: see Sha‘bī.
‘Amr b. Dīnār (d. 126/743): Meccan legal specialist.
Anas b. Mālīk: Companion of the Prophet.
‘Anbarī, ‘Ubayd Allāh b. al-Ḥasan: judge of Baṣra between 156/772 and 166/782.
Anmāṭī, Abū al-Qāsim (d. 288/900): leading Shāfi‘ite jurist.
Anṣārī, Abū Bakr b. Ḥazm: judge of Medina in and after 94/712.
‘Aṭā’ b. Abī Rabāḥ (d. 105/723): Meccan/Medinan legal specialist.
Athram, Abū Bakr (d. 261/874): student of Aḥmad b. Ḥanbal.
‘Aṭṭāf b. Ghazwān: *maẓālim* judge in Fuṣṭāṭ between 211/826 and 212/827.
Awzā‘ī (d. 157/773): leading Syrian jurist and founder of the Awzā‘ian legal school.
Azdī: see ‘Iyāḍ.
Bakkār b. Qutayba: Kūfan Ḥanafite judge serving in Egypt between 246/860 and 270/883, when he died.
Baṣrī, al-Ḥasan (d. 110/728): Baṣran intellectual and proto-theologian.

- Burnī, Aḥmad b. ʿĪsā: judge appointed to the east side of Baghdad around 170/786.
 Dāwūd b. Khalaf al-Zāhirī (d. 270/883): leading Baghdadian jurist and eponym of the Zāhirite legal school, later extinct.
- Faḍāla b. ʿUbayd al-Anṣārī: proto-*qāḍī* and governor of Syria in or around 38/658.
 Faḍl b. Ghānim: judge of Fuṣṭāṭ between 198/813 and 199/814.
 Fārisī, Abū Bakr (fl. ca. 350/960): leading Shāfiʿite jurist and student of Ibn Surayj.
 Ghawth b. Sulaymān: appointed twice as judge in Egypt between 135/752 and 144/761.
 Ḥabīb b. Thābit (d. 119/737): weak traditionist.
 Hādī: ʿAbbāsīd caliph (r. 169/785–170/786).
 Ḥammād b. Ishāq (d. 267/880): leading Mālikite jurist and judge in Baghdad.
 Ḥammād b. Abī Sulaymān (d. 120/737): distinguished Kūfan jurist.
 Ḥarbī, Ibrāhīm b. Ishāq (d. 285/898): follower of Ibn Ḥanbal and a proto-Ḥanbalite.
- Ḥārith b. Miskīn: judge in Egypt between 237/851 and 245/859.
 Ḥārithī, Khālīd b. Ḥusayn: Baṣran judge between 158/774 and 169/785.
 Ḥarmala (d. 243/857): student of Shāfiʿī and a leading jurist whose own nascent school did not survive.
- Hārūn b. ʿAbd Allāh: judge in Egypt between 216/831 and 226/840.
 Hārūn al-Rashīd: ʿAbbāsīd caliph (r. 170/786–193/809).
 Ḥasan b. Ziyād (d. 204/819): leading Kūfan jurist, judge and traditionist, and Abū Ḥanīfa’s student.
- Hāshim al-Bakrī: Iraqian Ḥanafite judge appointed in Egypt between 194/809 and 196/811.
- Hazmī, ʿAbd Allāh b. Ṭāhir: judge in Egypt between 169/785 and 174/790.
 Ibn ʿAbbād, Muḥammad: *mazālim* judge in Egypt between 215/830 and 216/831.
 Ibn ʿAbbās: Companion of the Prophet.
- Ibn ʿAbd al-Ḥakam, ʿAbd Allāh (d. 214/829): Egyptian judge and witness examiner.
- Ibn Abī Dāwūd (d. 240/854): chief justice and chief inquisitor during the Miḥna.
 Ibn Abī Laylā (d. 148/765): distinguished Kūfan judge and jurist.
 Ibn Burayda, ʿAbd Allāh: judge in Khurāsān (probably early second/eighth century).
- Ibn al-Furāt, Ishāq: judge in Egypt between 184/800 and 185/801.
 Ibn Ḥafṣ, Ḥusayn (d. 212/827): Hanafite jurist who operated in Iṣfahān.
 Ibn Ḥanbal, Aḥmad (d. 241/855): distinguished traditionist and traditionalist, and the eponym of the Ḥanbalite school of law.
- Ibn Harbawayh, Abū ʿUbayd (d. 319/931): leading Thawrian jurist. See Abū Thawr.
- Ibn Ḥaykawayh (d. 318/930): Shāfiʿite jurist and student of Ibn Surayj.
 Ibn Ḥujayra, ʿAbd al-Raḥmān: Egyptian judge between 70/689 or 71/690 and 83/702, when he died.
- Ibn Jarrāḥ, Ibrāhīm: Ḥanafite judge, served in Egypt between 205/820 and 211/826.
 Ibn Jubayr, Saʿīd: judge in Kūfa after 105/723.
 Ibn Khadij, ʿAbd al-Raḥmān: judge serving in Egypt for six months during 86/705–87/706.

- Ibn Khayrān, Abū ‘Alī (d. 320/932): Shāfi‘ite jurist and student of Anmāṭī.
 Ibn Mas‘ūd (d. 32/652): Companion of the Prophet.
 Ibn Maymūn, Yahyā: judge serving in Egypt between 105/723 and 115/733.
 Ibn al-Mu‘adhhdhīl (d. ca. 240/854): leading Mālikite jurist in Baṣra.
 Ibn al-Mubārak, ‘Abd Allāh (d. ca. 185/801): leading Khurāsānian, and later Iraqiān, jurist, and student of Sufyān al-Thawrī and Mālik.
 Ibn al-Munkadir, ‘Īsā: judge of Fuṣṭāṭ between 212/827 and 214/829.
 Ibn al-Muqaffa‘ (d. ca. 139/756): Persian secretary during the first years of the ‘Abbāsids.
 Ibn al-Qāsim, Abū ‘Abd Allāh (d. 191/806): leading Medinan jurist and student of Mālik.
 Ibn al-Qāṣṣ al-Ṭabarī (d. 336/947): leading Shāfi‘ite jurist and student of Ibn Surayj.
 Ibn Ṣayfī, Yaḥyā b. Aktham (d. 242/856): Shāfi‘ite jurist and confidant of the caliph Ma‘mūn.
 Ibn Shabṭūn, Abū ‘Abd Allāh (d. 193/808 or 199/814): Medinan Mālikite jurist who, among others, introduced Mālikism to Andalusia.
 Ibn Shayba, Ya‘qūb (d. 262/875): leading Mālikite jurist in Baṣra and later in Baghdad.
 Ibn Shubruma: Kūfan judge during the 130s/750s.
 Ibn Surayj, Abū al-‘Abbās (d. 306/918): Baghdadian Shāfi‘ite jurist, one of the most important contributors to the formation of Shāfi‘ism.
 Ibn ‘Umar, ‘Abd Allāh (d. 73/692 or 74/693): Companion of the Prophet and Medinan authority.
 Ibn ‘Utba, ‘Abd Allāh: judge serving in Kūfa around 95/713.
 Ibn ‘Uyayna: see Sufyān.
 Ibn Yasār, Abū ‘Abd Allāh Muslim (d. ca. 110/728): leading Baṣran legal specialist.
 Ibn Yasār, Sulaymān: see Sulaymān.
 Ibrāhīm b. Ishāq: judge of Fuṣṭāṭ between 204/819 and 205/820, when he died.
 ‘Ikrima (d. 107/725 or 115/733): Meccan legal specialist.
 ‘Imrān b. ‘Abd Allāh al-Ḥasanī: appointed as judge of Fuṣṭāṭ in 86/705.
 ‘Īsā b. Dīnār (d. 212/827): leading Mālikite jurist who introduced Mālikism to Andalusia.
 Ishāq b. Mūsā (d. ca. 290/902): Egyptian Shāfi‘ite scholar who introduced Shāfi‘ism to Astrabādh.
 Ismā‘īl b. Ishāq: appointed as judge to the west side of Baghdad around 170/786.
 Ismā‘īl b. Ishāq (d. 282/895): distinguished Mālikite judge and jurist in Baghdad.
 Ismā‘īl b. Yasa’: Iraqiān Ḥanafite judge serving in Egypt between 164/780 and 167/783.
 Iṣṭakhrī, Abū Sa‘īd (d. 328/939): Shāfi‘ite jurist and student of Anmāṭī.
 ‘Iyāḍ al-Azdī: judge in Egypt around 98/716.
 Iyās b. Mu‘āwiya: judge of Baṣra (d. 122/739).
 Jayshānī, ‘Abd al-Raḥmān: judge and tax-collector in Fuṣṭāṭ during the 130s/750s.
 Ka‘b b. Suwar al-Azdī: proto-*qāḍī* of Baṣra in around 14/635.
 Khallāl, Abū Bakr (d. 311/923): one of the chief founders of the Ḥanbalite legal school.

- Khārija b. Zayd (d. 99/717): distinguished Medinan jurist.
- Khayr b. Nu‘aym: judge and story-teller serving twice in Egypt, first between 120/737 and 127/744, and second between 133/750 and 135/752.
- Khuwārizmī, Muḥammad: Iraqi copyist, appointed as a judge in Egypt in 205/820.
- Khuzayma b. Ibrāhīm: served as judge in Egypt around 135/752.
- Lahī‘a b. ‘Īsā: judge serving twice in Egypt, first between 196/811 and 198/813, and second between 199/814 and 204/819.
- Laythī, Yaḥyā b. Yaḥyā (d. 234/849): Medinan Mālikite jurist who, among others, introduced Mālikism to Andalusia.
- Mahdī: the third ‘Abbāsīd caliph (r. 158/775–169/785).
- Makhūl, Abū ‘Abd Allāh (d. 113/731 or 118/736): Syrian legal specialist.
- Makhzūmī, Muḥammad b. ‘Abd Allāh: judge in Baghdad during Ma‘mūn’s reign.
- Mālik b. Anas (d. 179/795): leading Medinan jurist and eponym of the Mālikite school of law.
- Ma‘mūn: ‘Abbāsīd caliph between 198/813 and 218/833, and son of caliph Hārūn al-Rashīd.
- Maṣṣūr, Abū Ja‘far: the second ‘Abbāsīd caliph (r. 136/754–158/775).
- Maṣṣūr b. Ismā‘īl (d. 306/918): leading Thawriian jurist. See Abū Thawr.
- Marwān: Umayyad caliph (r. 64/683–65/684).
- Marwazī, Muḥammad b. Naṣr (d. 294/906): prominent Baghdadīan/Samarqandīan jurist and traditionist.
- Maydanī, Ḥusayn Abū Ja‘far (d. 212/827): Ḥanafite jurist in Iṣfahān.
- Maymūnī, ‘Abd Allāh (d. 274/887): student of Aḥmad b. Ḥanbal.
- Mu‘adh b. Jabal: governor/commander/proto-*qādī* of Yemen during the Prophet’s lifetime.
- Mu‘āwiya b. Abī Sufyān: the first Umayyad caliph (r. 41/661–60/680).
- Mufaḍḍal b. Faḍāla: appointed judge of Fustāṭ twice, first between 168/784 and 169/785, and second between 174/790 and 177/793.
- Muḥammad b. Abī al-Layth: judge in Fustāṭ between 226/840 and 235/849.
- Muḥammad b. Sīrīn (d. 110/728): Kūfan legal specialist.
- Muḥammad b. Yūsuf: judge of Baghdad around 301/913.
- Mujāhid b. Jabr (d. between 100/718 and 104/722): Meccan legal specialist.
- Murādī, ‘Ābis b. Sa‘īd: proto-*qādī* of Fustāṭ around 65/684.
- Murādī, al-Rabī‘ b. Sulaymān (d. 270/884): leading Shāfi‘ite jurist in Egypt.
- Muslim b. Yasār, Abū ‘Abd Allāh (d. 101/719): distinguished Baṣran jurist.
- Muzanī, Ibrāhīm (d. 264/877): Egyptian Shāfi‘ite jurist.
- Nāfi‘ (d. 118/736): Medinan legal specialist.
- Nakha‘ī, Ibrāhīm (d. 96/714): proto-Ḥanafite Kūfan jurist.
- Nawfal b. Musāḥiq: Medinan judge around 76/695.
- Nisābūrī, Muḥammad b. al-Mundhir (d. 318/930): leading, semi-independent jurist, later claimed by the Shāfi‘ite school.
- Nisābūrī, Ya‘qūb b. Iṣḥāq (d. 313/925 or 316/928): Egyptian Shāfi‘ite jurist who introduced his school to Isfarā‘īn.

- Qabīṣa b. Dhu'ayb, Abū Sa'īd (d. 86/705 or 87/706): prominent Medinan legal specialist.
- Qaffāl al-Shāshī (d. 336/947): leading Shāfi'ite jurist and student of Ibn Surayj.
- Qāsim b. Muḥammad (d. 110/728): Medinan legal specialist.
- Qatāda b. Dī'āma al-Sadūsī (d. 117/735): leading Baṣran legal specialist.
- Rabī' b. Sulaymān: see Murādī.
- Rabī'a (Rabī'at al-Ra'y) b. Abī 'Abd al-Raḥmān (d. 136/753): Medinan legal authority.
- Ru'aynī, Abū Khuzayma: judge in Egypt between 144/761 and 154/770.
- Sa'īd b. Jubayr (d. 95/713): Kūfan legal specialist.
- Sa'īd b. al-Musayyab (d. 94/712): Medinan legal authority.
- Sakhtiyānī: see Abū Ayyūb.
- Šāliḥ b. Kayṣān: Medinan traditionist (fl. ca. 100/718–120/737).
- Sawwār b. 'Abd Allāh: Baṣran judge serving during the late 130s/750s.
- Šayrafi, Abū Bakr (d. 330/942): leading Shāfi'ite jurist and student of Ibn Surayj.
- Sha'bī, 'Āmir (d. 110/728): distinguished Kūfan legal specialist.
- Shāfi'ī, Muḥammad b. Idrīs (d. 204/819): leading jurist and eponym of the Shāfi'ite legal school.
- Sharik b. 'Abd Allāh: Kūfan judge during the 160s/780s.
- Shāshī: see Qaffāl.
- Shāshī, Abū 'Alī (d. 344/955): Ḥanafite jurist and legal theoretician.
- Shaybānī, Muḥammad b. al-Ḥasan (d. 189/804): leading Kūfan jurist and co-founder of the Ḥanafite legal school.
- Shurayh: proto-*qāḍī* of Kūfa (d. sometime between 63/682 and 78/705).
- Sufyān b. 'Uyayna (d. 198/814): distinguished traditionist and teacher of Shāfi'ī.
- Sulamī, 'Umar b. 'Āmir: Baṣran judge during the 130s/750s.
- Sulaym b. 'Itr: Egyptian proto-*qāḍī* between 40/660 and 60/680.
- Sulaymān b. Yasār (d. 110/728): Medinan legal specialist.
- Ṭabarī, Muḥammad b. Jarīr (d. 310/922): leading Baghdadian jurist whose nascent school did not survive.
- Ṭalḥa b. 'Abd Allāh b. 'Awf: proto-*qāḍī* of Medina between 60/679 and 72/691.
- Tamīmī, Maṣṣūr (d. before 320/932): Shāfi'ite jurist and student of Anmāḥī.
- Ṭāwūs (d. 106/724): Yemenite legal specialist.
- Thaljī, Muḥammad b. Shujā' (d. 267/880): leading Iraqian Ḥanafite jurist.
- Thawrī, Sufyān (d. 161/777): leading Kūfan jurist and an eponym of an extinct legal school.
- 'Ubayd Allāh b. Bakara: commander and proto-*qāḍī* of nascent Baṣra.
- 'Udharī, 'Abd al-Raḥmān: military commander and *qāḍī* of Damascus around 100/718.
- 'Umar I, b. al-Khaṭṭāb: the second caliph after the Prophet (r. 13/632–23/644) and one of his Companions.
- 'Umar II, b. 'Abd al-'Azīz: Ummayyad caliph (r. 99/717–101/720).
- 'Umarī, 'Abd Allāh: judge in Egypt between 185/801 and 194/809.
- 'Urwa b. al-Zubayr (d. 94/712): Medinan legal specialist.

‘Uthmān b. ‘Affān: the third caliph of Islam (r. 23/644–35/655) and a Companion of the Prophet.

Yaḥyā b. Sa‘īd: judge of Baghdad during Maṣṣūr’s reign (136/754–158/775).

Yaḥyā b. Yaḥyā: see Laythī.

Yazīd b. ‘Abd al-Malik: Umayyad caliph (r. 101/718–105/723).

Yazīd b. Bilāl (d. 140/757): Egyptian judge.

Zayd b. Thābit: the Prophet’s scribe.

Ziyād b. ‘Abd al-Raḥmān (d. ca. 200/815): Medinan Mālikite jurist who introduced Mālikism to Andalusia.

Zufar b. Hudhayl (d. 158/774): leading Kūfan jurist and student of Abū Ḥanīfa.

Zuhri, Abū Muṣ‘ab (d. 242/857): Medinan jurist.

Zuhri, Ibn Shihāb al-Dīn (d. 124/742): leading Medinan jurist.

Zuraqī, ‘Umar b. Khalda: judge of Medina around 80/699.

Bibliography

In classifying entries no account is taken of the letter *‘ayn* or the Arabic definite article *al-*.

PRIMARY SOURCES

Abū Zur‘a, see Dimashqī.

‘Asqalānī, Ibn Ḥajar, *Raf‘ al-Ḥijāb ‘an Quḍāt Miṣr*, ed. Ḥāmid ‘Abd al-Majīd, 2 vols. (Cairo: al-Hay‘a al-‘Āmma li-Shu‘ūn al-Maṭābī‘ al-Amiriyya, 1966).

Raf‘ al-Ḥijāb ‘an Quḍāt Miṣr, printed with Kindī, *Akhhbār*.

Baghdādī, al-Khaṭīb, *Tārīkh Baghdād*, 14 vols. (Cairo: Maṭba‘at al-Sa‘āda, 1931).

Bāji, Abū al-Walīd, *Iḥkām al-Fuṣūl fī Aḥkām al-Uṣūl*, ed. ‘Abd al-Majīd Turkī (Beirut: Dār al-Gharb al-Islāmī, 1986).

Dhahabī, Shams al-Dīn, *Siyar A‘lām al-Nubalā’*, ed. B. Ma‘rūf and M. H. Sarḥān, 23 vols. (Beirut: Mu‘assasat al-Risāla, 1986).

Tārīkh al-Islām, ed. ‘Umar Tadmurī, 52 vols. (Beirut: Dār al-Kitāb al-‘Arabī, 1987–2000).

Dimashqī, Abū Zur‘a, *Tārīkh*, ed. Shukr Allāh al-Qawjānī, 2 vols. (n.p., n.p., 1970).

Hāshimī, Sayyid Aḥmad, *Jawābir al-Adab fī Adabiyāt wa-Inshā’ Lughat al-‘Arab*, 2 vols. (Beirut: Mu‘assasat al-Risāla, n.d.).

Ḥaṭṭāb, Muḥammad, *Mawāhib al-Jalīl li-Sharḥ Mukhtaṣar Khalīl*, 6 vols. (Ṭarāblus, Libya: Maktabat al-Najāḥ, 1969).

Ḥusām al-Shahīd, Ibn Māza, *Sharḥ Adab al-Qāḍī lil-Khaṣṣāf* (Beirut: Dār al-Kutub al-‘Ilmiyya, 1994).

Ibn ‘Abd al-Barr, Abū ‘Umar Yūsuf, *Jāmi‘ Bayān al-‘Ilm wa-Faḍlihi*, 2 vols. (Beirut: Dar al-Kutub al-‘Ilmiyya, n.d.).

Ibn ‘Abd Rabbih, Aḥmad b. Muḥammad, *al-‘Iqd al-Farīd*, ed. Muḥammad al-‘Aryān, 8 vols. (Cairo: Maṭba‘at al-Istiḳāma, 1953).

Ibn A‘tham, Abū Muḥammad Aḥmad, *al-Futūḥ*, 8 vols. (Beirut: Dār al-Kutub al-‘Ilmiyya, 1986).

Ibn al-Farrā’, Muḥammad b. Abī Ya‘lā, *Ṭabaqāt al-Ḥanābila*, ed. Muḥammad al-Fiḳī, 2 vols. (Cairo: Maṭba‘at al-Sunna al-Muḥammadiyya, 1952).

- Ibn Ḥazm, Muḥammad, *Mu'jam al-Fiqh*, 2 vols. (Damascus: Maṭba'at Jāmi'at Dimashq, 1966).
- Ibn Ḥibbān, Muḥammad, *Kitāb Mashābir 'Ulamā' al-Amsār*, ed. M. Fleischhammer (Cairo: Maṭba'at Lajnat al-Ta'lif wal-Tarjama wal-Nashr, 1379/1959).
- Kitāb al-Thiqāt* (Hyderabad: 'Abd al-Khālīq al-Afghānī, 1388/1968).
- Ibn Kathīr, Ismā'il b. 'Umar, *al-Bidāya wal-Nihāya*, 14 vols. (Beirut: Dār al-Kutub al-'Ilmiyya, 1985–88).
- Ibn Khallikān, Shams al-Dīn Aḥmad, *Wafayāt al-A'yān*, 4 vols. (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 1417/1997).
- Ibn Māza, see al-Ḥusām al-Shahīd.
- Ibn al-Nadīm, *al-Fihrist* (Beirut: Dār al-Ma'rifa lil-Ṭibā'a wal-Nashr, 1398/1978); trans. B. Dodge, *The Fihrist of al-Nadim: A Tenth-Century Survey of Muslim Culture* (New York: Columbia University Press, 1970).
- Ibn al-Najjār, Taqī al-Dīn, *Muntahā al-Irādāt*, ed. 'Abd al-Mughnī 'Abd al-Khālīq, 2 vols. (Cairo: Maktabat Dār al-'Urūba, 1381/1962).
- Ibn Naqīb al-Miṣrī, 'Umdat al-Sālik, trans. N. H. M. Keller, *The Reliance of the Traveller* (Evanston: Sunna Books, 1993).
- Ibn Qāḍī Shubha, Taqī al-Dīn, *Ṭabaqāt al-Shāfi'iyya*, 4 vols. (Hyderabad: Maṭba'at Majlis Dā'irat al-Ma'ārif al-'Uthmāniyya, 1398/1978).
- Ibn al-Qāṣṣ, Aḥmad b. Muḥammad, *Adab al-Qāḍī*, ed. Ḥusayn Jabbūrī, 2 vols. (Ṭā'if: Maktabat al-Ṣiddīq, 1409/1989).
- Ibn Qudāma, Muwaffaq al-Dīn, *Mughnī*, 14 vols. (Beirut: Dār al-Kutub al-'Ilmiyya, 1973).
- Ibn Quṭlūbughā, Zayn al-Dīn, *Tāj al-Tarājim* (Baghdad: Maktabat al-Muthannā, 1962).
- Ibn Sa'd, Muḥammad, *al-Ṭabaqāt al-Kubrā*, 8 vols. (Beirut: Dār Bayrūt lil-Ṭibā'a wal-Nashr, 1958).
- Jammā'īlī, 'Abd al-Ghanī b. 'Abd al-Wāḥid, *al-'Umda fi al-Aḥkām*, ed. Muṣṭafā 'Aṭā' (Beirut: Dār al-Kutub al-'Ilmiyya, 1986).
- Jaṣṣāṣ, *Sharḥ Adab al-Qāḍī*, see Ḥusām al-Shahīd.
- Kindī, Muḥammad b. Yūsuf, *Akhbār Quḍāt Miṣr*, ed. R. Guest (Cairo: Mu'assasat Qurṭuba, n.d.).
- Laknawī, 'Abd al-Ḥayy, *al-Fawā'id al-Bahiyya fi Tarājim al-Ḥanafīyya* (Benares: Maktabat Nadwat al-Ma'ārif, 1967).
- Mālik b. Anas, *al-Muwatta'* (Beirut: Dār al-Jīl, 1414/1993).
- Nawawī, Muḥyi al-Dīn Sharaf al-Dīn, *Tahdhīb al-Asmā' wal-Lughāt*, 2 vols. (Cairo: Idārat al-Ṭibā'a al-Muniriyya, n.d.).
- Nizām, al-Shaykh, et al., *al-Fatāwā al-Hindiyya*, 6 vols. (repr.; Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 1400/1980).
- Qalqashandī, Aḥmad b. 'Alī, *Ṣubḥ al-A'shā fi Ṣinā'at al-Inshā'*, 14 vols. (Beirut: Dār al-Kutub al-'Ilmiyya, 1987).
- al-Qur'ān al-Karīm* (Kuwait: Wizārat al-Awqāf, 1981), trans. M. M. Pickthall, *The Meanings of the Glorious Koran* (New York: Mentor, n.d.).

- Saḥnūn b. Sa'īd al-Tanūkhī, *al-Mudawwana al-Kubrā*, ed. Aḥmad 'Abd al-Salām, 5 vols. (Beirut: Dār al-Kutub al-'Ilmiyya, 1415/1994).
- Samarqandī, Abū Naṣr, *Rusūm al-Quḍāt*, ed. M. Jāsim al-Ḥadīthī (Baghdad: Dār al-Ḥurriyya lil-Ṭibā'a, 1985).
- Shāfi'ī, Muḥammad b. Idrīs, *al-Risāla*, ed. M. Kīlānī (Cairo: Muṣṭafā Bābī al-Ḥalabī, 1969), trans. M. Khadduri, *Islamic Jurisprudence: Shafi'i's Risala* (Baltimore: Johns Hopkins University Press, 1961).
- Shāshī, Abū 'Alī, *Uṣūl* (Beirut: Dār al-Kitāb al-'Arabī, 1402/1982).
- Shaybānī, Muḥammad b. al-Ḥasan, *al-Aṣl*, 5 vols. (Beirut: 'Ālam al-Kutub, 1990).
- Shīrāzī, Abū Ishāq Ibrāhīm, *Sharḥ al-Luma'*, ed. 'Abd al-Majīd Turkī, 2 vols. (Beirut: Dār al-Gharb al-Islāmī, 1988).
- Ṭabaqāt al-Fuqahā'*, ed. Iḥsān 'Abbās (Beirut: Dār al-Rā'id al-'Arabī, 1970).
- Simnānī, Abū al-Qāsim, *Rawḍat al-Quḍāt*, ed. Ṣalāḥ al-Dīn Nāhī, 4 vols. (Beirut and Amman: Mu'assasat al-Risāla, 1404/1984).
- Subkī, Tāj al-Dīn b. Taqī al-Dīn, *Ṭabaqāt al-Shāfi'iyya al-Kubrā*, 6 vols. (Cairo: al-Maktaba al-Ḥusayniyya, 1906).
- Suyūṭī, Jalāl al-Dīn 'Abd al-Raḥmān, *al-Radd 'alā man Akhlada ilā al-Arḍ wa-Jahila anna al-Ijribāda fī Kullī 'Aṣrin Farḍ*, ed. Khalīl al-Mays (Beirut: Dār al-Kutub al-'Ilmiyya, 1983).
- Tanūkhī, 'Alī b. al-Muḥassin, *Nishwār al-Muḥāḍara*, 8 vols. (n.p., n.p., 1971–).
- Ṭūfī, Najm al-Dīn Sulaymān, *Sharḥ Mukhtaṣar al-Rawḍa*, ed. 'Abd Allāh al-Turkī, 3 vols. (Beirut: Mu'assasat al-Risāla, 1407/1987).
- Wakī', Muḥammad b. Khalaf, *Akhbār al-Quḍāt*, 3 vols. (Beirut: 'Ālam al-Kutub, n.d.).

SECONDARY SOURCES

- Abbott, Nabia, *Studies in Arabic Literary Papyri*, vol. II: *Qur'ānic Commentary and Tradition* (Chicago: University of Chicago Press, 1967).
- Abu-Lughod, Janet L., *Cairo: 1001 Years of the City Victorious* (Princeton: Princeton University Press, 1971).
- 'Alī, Jawād, *al-Mufaṣṣal fī Tārīkh al-'Arab Qabl al-Islām*, 10 vols. (Beirut: Dār al-'Ilm lil-Malāyīn, 1970–76).
- Ansari, Zafar I., "The Authenticity of Traditions: A Critique of Joseph Schacht's Argument *e silentio*," *Hamdard Islamicus*, 7 (1984): 51–61.
- "Islamic Juristic Terminology before Šāfi'ī: A Semantic Analysis with Special Reference to Kūfa," *Arabica*, 19 (1972): 255–300.
- 'Athamina, K., "Al-Qasas: Its Emergence, Religious Origin and its Socio-Political Impact on Early Muslim Society," *Studia Islamica*, 76 (1992): 53–74.
- "The 'Ulama in the Opposition: The 'Stick and the Carrot' Policy in Early Islam," *Islamic Quarterly*, 36, 3 (1992): 153–78.
- Azami, M. M., *On Schacht's Origins of Muhammadan Jurisprudence* (New York: John Wiley, 1985).
- Studies in Early Ḥadīth Literature* (Beirut: al-Maktab al-Islami, 1968).

- Bakar, Mohd D., "A Note on Muslim Judges and the Professional Certificate," *al-Qanṭara*, 20, 2 (1999): 467–85.
- Ball, Warwick, *Rome in the East: The Transformation of an Empire* (London and New York: Routledge, 2000).
- Beeston, A. F. L., "Judaism and Christianity in Pre-Islamic Yemen," *L'Arabie du sud*, vol. I (Paris: Editions G.-P. Maisonneuve et Larose, 1984), 271–78.
- "The Religions of Pre-Islamic Yemen," *L'Arabie du sud*, vol. I (Paris: Editions G.-P. Maisonneuve et Larose, 1984), 259–69.
- Black's Law Dictionary*, 5th ed. (St Paul: West Publishing Co. 1979).
- Bligh-Abramsky, Irit, "The Judiciary (Qāḍīs) as a Governmental-Administrative Tool in Early Islam," *Journal of the Economic and Social History of the Orient*, 35 (1992): 40–71.
- Bravmann, M. M., *The Spiritual Background of Early Islam* (Leiden: E. J. Brill, 1972).
- Brock, S. P., "Syriac Views of Emergent Islam," in G. H. A. Juynboll, ed., *Studies on the First Century of Islamic Society* (Carbondale: Southern Illinois University Press, 1982), 9–21.
- Brockopp, J., *Early Māliki Law: Ibn 'Abd al-Ḥakam and his Major Compendium of Jurisprudence* (Leiden: Brill, 2000).
- Burton, J., *The Collection of the Qur'ān* (Cambridge: Cambridge University Press, 1977).
- Caspers, E. C. L. During, "Further Evidence for 'Central Asian' Materials from the Arabian Gulf," *Journal of the Economic and Social History of the Orient*, 37 (1994): 33–53.
- Cohen, Hayyim, "The Economic Background and the Secular Occupations of Muslim Jurisprudents and Traditionists in the Classical Period of Islam (Until the Middle of the Eleventh Century)," *Journal of the Economic and Social History of the Orient*, 13 (1970): 16–61.
- Coulson, N. J., *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964).
- Crone, Patricia, "Two Legal Problems Bearing on the Early History of the Qur'ān," *Jerusalem Studies in Arabic and Islam*, 18 (1994): 1–37.
- Crone, Patricia and M. Cook, *Hagarism: The Making of the Muslim World* (Cambridge: Cambridge University Press, 1977).
- Crone, Patricia, and M. Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1986).
- Donner, Fred, "The Role of Nomads in the Near East in Late Antiquity (400–800 C.E.)," in F. M. Clover and R. S. Humphreys, eds., *Tradition and Innovation in Late Antiquity* (Madison: University of Wisconsin Press, 1989), 73–88.
- Dussaud, René, *La Pénétration des arabes en Syrie avant l'Islam* (Paris: Paul Geuthner, 1955).
- Dutton, Yasin, "'Amal v. Ḥadīth in Islamic Law: The Case of *Saḍl al-Yadayn* (Holding One's Hands by One's Sides) When Doing Prayer," *Islamic Law and Society*, 3, 1 (1996): 13–40.

- The Origins of Islamic Law: The Qur'an, the Muwaṭṭa' and Medinan 'Amal* (Richmond: Curzon, 1999).
- Edens, C. and Garth Bawden, "History of Taymā' and Hejazi Trade During the First Millennium B.C.," *Journal of the Economic and Social History of the Orient*, 32 (1989): 48–97.
- Goitein, S. D., "The Birth-Hour of Muslim Law," *Muslim World*, 50, 1 (1960): 23–29.
- Studies in Islamic History and Institutions* (Leiden: E. J. Brill, 1966).
- "A Turning Point in the History of the Islamic State," *Islamic Culture*, 23 (1949): 120–35.
- Goldziher, I., *The Zāhirīs: Their Doctrine and their History*, trans. Wolfgang Behn (Leiden: E. J. Brill, 1971).
- Hallaq, Wael, "The Authenticity of Prophetic Ḥadīth: A Pseudo-Problem," *Studia Islamica*, 89 (1999): 75–90.
- Authority, Continuity and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001).
- ed., *The Formation of Islamic Law, The Formation of the Classical Islamic World*, edited by L. Conrad, no. 27 (Aldershot: Ashgate Publishing, 2004).
- "From *Fatwās* to *Furū'*: Growth and Change in Islamic Substantive Law," *Islamic Law and Society*, 1 (1994): 17–56.
- A History of Islamic Legal Theories* (Cambridge: Cambridge University Press, 1997).
- "Muslim Rage' and Islamic Law," *Hastings Law Journal*, 54 (August 2003): 1–17.
- "On the Authoritativeness of Sunni Consensus," *International Journal of Middle East Studies*, 18 (1986): 427–54.
- "On Dating Mālik's *Muwaṭṭa'*," *UCLA Journal of Islamic and Near Eastern Law*, 1, 1 (2002): 47–65.
- "On Inductive Corroboration, Probability and Certainty in Sunnī Legal Thought," in N. Heer, ed., *Islamic Law and Jurisprudence* (Seattle: University of Washington Press, 1990), 3–31.
- "Qāḍīs Communicating: Legal Change and the Law of Documentary Evidence," *al-Qanṭara*, 20, 2 (1999): 437–66.
- "The Qāḍī's *Dīwān* (*sijill*) before the Ottomans," *Bulletin of the School of Oriental and African Studies*, 61, 3 (1998): 415–36.
- "The Quest for Origins or Doctrine? Islamic Legal Studies as Colonialist Discourse," *UCLA Journal of Islamic and Near Eastern Law*, 2, 1 (2002–03): 1–31.
- "A Tenth–Eleventh Century Treatise on Juridical Dialect," *The Muslim World*, 77, 2–3 (1987): 189–227.
- "Use and Abuse of Evidence: The Question of Roman and Provincial Influences on Early Islamic Law," *Journal of the American Oriental Society*, 110 (1989): 79–91; reproduced in W. Hallaq, *Law and Legal Theory in Classical and Medieval Islam* (Aldershot: Variorum, 1994), article IX, 1–36.

- “Was al-Shafī‘ī the Master Architect of Islamic Jurisprudence?” *International Journal of Middle East Studies*, 25 (1993): 587–605.
- Halm, Heinz, *Die Ausbreitung der šāfi‘itischen Rechtsschule von den Anfängen bis zum 8./14. Jahrhundert* (Wiesbaden: Dr. Ludwig Reichert Verlag, 1974).
- Hennigan, P., “The Birth of a Legal Institution: The Formation of the *Waaf* in Third Century AH Ḥanafī Legal Discourse” (Ph.D. dissertation, Cornell University, 1999).
- Hodgson, M., *The Venture of Islam: Conscience and History in a World Civilization*, 3 vols. (Chicago: University of Chicago Press, 1974).
- Hoyland, R. G., *Seeing Islam as Others Saw it: A Survey and Evaluation of Christian, Jewish and Zoroastrian Writings on Early Islam* (Princeton: The Darwin Press, 1997).
- Juynboll, G. H. A., *Muslim Tradition: Studies in Chronology, Provenance and Authorship of early Ḥadīth* (Cambridge: Cambridge University Press, 1983).
ed., *Studies on the First Century of Islamic Society* (Carbondale and Edwardsville: Southern Illinois University Press, 1982).
- King, G. R. D., “Settlement in Western and Central Arabia and the Gulf in the Sixth-Eighth Centuries AD,” in G. R. D. King and A. Cameron, eds., *The Byzantine and Early Islamic Near East*, vol. II (Princeton: The Darwin Press, 1994), 181–212.
- Kister, M. J., “al-Ḥīra: Some Notes on its Relations with Arabia,” *Arabica*, 15 (1968): 143–69.
“... *lā taqrā’ū l-qur’āna ‘alā l-muṣḥafīyyīn wa-lā taḥmilū l-‘ilma ‘ani l-ṣaḥafīyyīn*...: Some Notes of the Transmission of Ḥadīth,” *Jerusalem Studies in Arabic and Islam*, 22 (1998): 127–62.
“The Market of the Prophet,” *Journal of the Economic and Social History of the Orient*, 8 (1965): 272–76.
- Landau-Tasserou, Ella, “The Cyclical Reform: A Study of the *Mujaddid* Tradition,” *Studia Islamica*, 70 (1989): 79–117.
- Lapidus, Ira M., “The Arab Conquests and the Formation of Islamic Society,” in Juynboll, ed., *Studies on the First Century of Islamic Society*, 49–72.
- Lecker, Michael, “On the Markets of Medina (Yathrib) in Pre-Islamic and Early Islamic Times,” in M. Lecker, *Jews and Arabs in Pre- and Early Islamic Arabia* (Aldershot: Variorum, 1998), 133–46.
- Levenson, J., *European Expansion and the Counter-Example of Asia, 1300–1600* (Englewood Cliffs, N.J.: Prentice Hall, 1967).
- Lowry, Joseph, “The Legal–Theoretical Content of the *Risāla* of Muḥammad b. Idrīs al-Shāfi‘ī” (Ph.D. dissertation, University of Pennsylvania, 1999).
- Madelung, Wilferd, “The Early Murji’a in Khurāsān and Transoxania and the Spread of Ḥanafism,” *Der Islam*, 59, 1 (1982): 32–39.
- Maghen, Z., “Dead Tradition: Joseph Schacht and the Origins of ‘Popular Practice,’” *Islamic Law and Society*, 10, 3 (2003): 276–347.
- Makdisi, George, “The Significance of the Schools of Law in Islamic Religious History,” *International Journal of Middle East Studies*, 10 (1979): 1–8.

- Melchert, Christopher, *The Formation of the Sunni Schools of Law* (Leiden: E. J. Brill, 1997).
- Mohammed, Khaleel Iqbal, "Development of an Archetype: Studies in the Shurayḥ Traditions" (Ph.D. dissertation, McGill University, 2001).
- Motzki, Harald, *Die Anfänge der islamischen Jurisprudenz: Ihr Entwicklung in Mekka bis zur Mitte des 2./8. Jahrhunderts* (Stuttgart: Franz Steiner, 1991); trans. Marion H. Katz, *The Origins of Islamic Jurisprudence: Meccan Fiqh before the Classical Schools* (Leiden: Brill, 2002).
- "Der Fiqh des-Zuhrī: die Quellenproblematik," *Der Islam*, 68, 1 (1991): 1–44.
- "The Role of Non-Arab Converts in the Development of Early Islamic Law," *Islamic Law and Society*, 6, 3 (1999): 293–317.
- Piotrovsky, Mikhail B., "Late Ancient and Early Medieval Yemen: Settlement, Traditions and Innovations," in G. R. D. King and Avril Cameron, eds., *The Byzantine and Early Islamic Near East*, vol. II (Princeton: The Darwin Press, 1994), 213–20.
- Potts, D. T., *The Arabian Gulf in Antiquity*, 2 vols. (Oxford: Clarendon Press, 1990).
- Powers, David, "The Exegetical Genre *Nāsikh al-Qurʾān wa-Mansūkhuh*," in Andrew Rippin, ed., *Approaches to the History of the Interpretation of the Qurʾān* (Oxford: Clarendon Press, 1988), 117–38.
- "On Judicial Review in Islamic Law," *Law and Society Review*, 26 (1992): 315–41.
- Organizing Justice in the Muslim World 1250–1750*, Themes in Islamic Law, edited by Wael B. Hallaq, no. 2 (Cambridge: Cambridge University Press, in progress).
- Rashid, Saad, *Darb Zubayda: The Pilgrim Road from Kufa to Mecca* (Riyadh: Riyadh University Libraries, 1980).
- Rippin, Andrew, "al-Zuhrī, *Naskh al-Qurʾān* and the Early *Tafsīr* Texts," *Bulletin of the School of Oriental and African Studies*, 47 (1984): 22–43.
- Rubin, Uri, "*Hanīfiyya* and Kaʿba: An Inquiry into the Arabian Pre-Islamic Background of *Dīn Ibrāhīm*," *Jerusalem Studies in Arabic and Islam*, 13 (1990): 85–112.
- Sālim, Sayyid, *Tārīkh al-ʿArab fī ʿAṣr al-Jāhiliyya* (Alexandria: Muʿassasat Shabāb al-Jāmiʿa, 1990).
- Sartre, Maurice, *L'Orient romain* (Paris: Seuil, 1991).
- Schacht, Joseph, "From Babylonian to Islamic Law," in *Yearbook of Islamic and Middle Eastern Law* (London and Boston: Kluwer Law International, 1995), 29–33.
- An Introduction to Islamic Law* (Oxford: Clarendon Press, 1964).
- The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950).
- Schoeler, Gregor, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds* (Berlin: W. de Gruyter, 1996).
- Serjeant, R. B., "The Constitution of Medina," *Islamic Quarterly*, 8 (1964): 3–16.
- Shahid, Irfan, *Byzantium and the Arabs in the Fifth Century* (Washington, D.C.: Dumbarton Oaks Research Library and Collection, 1989).

- Byzantium and the Arabs in the Sixth Century* (Washington, D.C.: Dumbarton Oaks Library and Collection, 1995).
- “Pre-Islamic Arabia,” in *The Cambridge History of Islam*, ed. P. M. Holt et al., vol. I A (Cambridge: Cambridge University Press, 1970), 3–29.
- Spectorsky, Susan, “*Sunnah* in the Responses of Iṣḥāq B. Rāhawayh,” in Weiss, ed., *Studies in Islamic Legal Theory*, 51–74.
- Stol, M., “Women in Mesopotamia,” *Journal of the Economic and Social History of the Orient*, 32, 2 (1995): 123–44.
- Sudairī, ‘Abd al-Raḥmān, *The Desert Frontier of Arabia: al-Jawf through the Ages* (London: Stacey International, 1995).
- Thung, Michael, “Written Obligations from the 2nd/8th to the 4th Century,” *Islamic Law and Society*, 3, 1 (1996): 1–12.
- Tsafirir, N., “The Beginnings of the Ḥanafī School in Iṣfahān,” *Islamic Law and Society*, 5, 1 (1998): 1–21.
- “The Spread of the Ḥanafī School in the Western Regions of the ‘Abbāsīd Caliphate up to the End of the Third Century AH.” (Ph.D. dissertation, Princeton University, 1993).
- Tyan, E., *Histoire de l’organisation judiciaire en pays d’Islam*, 2 vols. 2nd ed. (Leiden: E. J. Brill, 1960).
- “Judicial Organization,” in M. Khadduri and H. Liebesny, eds., *Law in the Middle East* (Washington, D.C.: The Middle East Institute, 1955), 236–78.
- VerSteeg, Russ, *Early Mesopotamian Law* (Durham, N. C.: Carolina Academic Press, 2000).
- Wansbrough, J., *Qur’ānic Studies* (Oxford: Oxford University Press, 1977).
- The Sectarīan Milieu* (Oxford: Oxford University Press, 1978).
- Watt, Montgomery, “The Arabian Background of the Qur’ān,” *Studies in the History of Arabia*, vol. I (Riyadh: University of Riyadh Press, 1399/1979), 3–13.
- The Formative Period of Islamic Thought* (Edinburgh: Edinburgh University Press, 1973).
- Weiss, Bernard, “Knowledge of the Past: The Theory of *Tawātūr* According to Ghazālī,” *Studia Islamica*, 61 (1985): 81–105.
- ed., *Studies in Islamic Legal Theory* (Leiden: Brill, 2002).
- Young, Walter, “*Zinā, Qadhf* and *Sariqa*: Exploring the Origins of Islamic Penal Law and its Evolution in Relation to Qur’ānic Rulings” (MA thesis, McGill University, in progress).
- Zaman, Muhammad Qasim, *Religion and Politics under the Early ‘Abbāsīds* (Leiden: Brill, 1997).

Suggested further reading

CHAPTER I

- Ball, Warwick, *Rome in the East: The Transformation of an Empire* (London and New York: Routledge, 2000).
- Berkey, Jonathan, *The Formation of Islam: Religion and Society in the Near East, 600–1800* (Cambridge: Cambridge University Press, 2003), 3–53.
- Coulson, N. J., *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964), 9–20. Otherwise, largely dated for the classical and medieval periods; but also see relevant pages under chapter 2, below.
- King, G. R. D. and A. Cameron, eds., *The Byzantine and Early Islamic Near East*, vol. II (Princeton: The Darwin Press, 1994), 181–212.
- Kister, M. J., “Mecca and Tamīm,” *Journal of the Economic and Social History of the Orient*, 3 (1965): 113–62.
- Lecker, M., *Jews and Arabs in Pre- and Early Islamic Arabia* (Aldershot: Variorum, 1998).
- Peters, F. E., ed., *The Arabs and Arabia on the Eve of Islam*, The Formation of the Classical Islamic World, edited by L. Conrad, no. 3 (Aldershot: Variorum, 1999).
- Rubin, Uri, ed., *The Life of Muhammad*, The Formation of the Classical Islamic World, edited by L. Conrad, no. 4 (Aldershot: Variorum, 1998).
- Schacht, Joseph, “From Babylonian to Islamic Law,” in *Yearbook of Islamic and Middle Eastern Law* (London and Boston: Kluwer Law International, 1995), 29–33.
- Shahid, Irfan, *Byzantium and the Semitic Orient before the Rise of Islam* (London: Variorum, 1988).
- Smith, Sidney, “Events in Arabia in the 6th Century AD,” *Bulletin of the School of Oriental and African Studies*, 16, 3 (1954): 419–68.
- VerSteeg, Russ, *Early Mesopotamian Law* (Durham, N. C.: Carolina Academic Press, 2000).

CHAPTER 2

- ‘Athamina, K., “al-Qasas: Its Emergence, Religious Origin and its Socio-Political Impact on Early Muslim Society,” *Studia Islamica*, 76 (1992): 53–74.

- Bravmann, M. M., *The Spiritual Background of Early Islam* (Leiden: E. J. Brill, 1972), 123–98.
- Coulson, N. J., *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964), 21–35. Otherwise, largely dated for the classical and medieval periods.
- Hallaq, Wael B., ed., *The Formation of Islamic Law, The Formation of the Classical Islamic World*, edited by L. Conrad, no. 27 (Aldershot: Ashgate Publishing, 2004).
- Juynboll, G. H. A., ed., *Studies on the First Century of Islamic Society* (Carbondale and Edwardsville: Southern Illinois University Press, 1982).
- Tyan, E., *Histoire de l'organisation judiciaire en pays d'Islam*, 2 vols., 2nd ed. (Leiden: E. J. Brill, 1960).

CHAPTER 3

- Azami, M. M., *On Schacht's Origins of Muhammadan Jurisprudence* (New York: John Wiley, 1985).
- Goldfeld, Y., "The Development of Theory on Qur'anic Exegesis in Islamic Scholarship," *Studia Islamica*, 67 (1988): 5–27.
- Hallaq, Wael, "Use and Abuse of Evidence: The Question of Roman and Provincial Influences on Early Islamic Law," *Journal of the American Oriental Society*, 110 (1989): 79–91; reproduced in W. Hallaq, *Law and Legal Theory in Classical and Medieval Islam* (Aldershot: Variorum, 1994), article IX, 30–31.
- Maghen, Z., "Dead Tradition: Joseph Schacht and the Origins of 'Popular Practice'," *Islamic Law and Society*, 10, 3 (2003): 276–347.
- Masud, M. K., "Procedural Law between Traditionalists, Jurists and Judges: The Problem of *Yamīn ma' al-Shāhid*," *al-Qantara*, 20, 2 (1999): 389–416.
- Mitter, Ulrike, "Unconditional Manumission of Slaves in Early Islamic Law: A *Ḥadīth* Analysis," *Der Islam*, 78 (2001): 35–72.
- Motzki, Harald, *The Origins of Islamic Jurisprudence: Meccan Fiqh before the Classical Schools*, trans. Marion H. Katz (Leiden: Brill, 2002).
- "The Role of Non-Arab Converts in the Development of Early Islamic Law," *Islamic Law and Society*, 6, 3 (1999): 293–317.
- Nawas, J., "The Birth of an Elite: *Mawālī* and Arab Ulama," *Israel Oriental Studies* (forthcoming).
- "The Emergence of *Fiqh* as a Distinct Discipline and the Ethnic Identity of the *Fuqahā* in Early and Classical Islam," in S. Leder, et al., eds., *Studies in Arabic and Islam* (Leuven and Paris: U. Peeters, 2002), 491–99.
- Powers, David, *Studies in Qur'ān and Ḥadīth: The Formation of the Islamic Law of Inheritance* (Berkeley: University of California Press, 1986).

CHAPTER 4

- Nielsen, J., *Secular Justice in an Islamic State: Mazālim under the Bahṛī Mamlūks: 662/1264–789/1387* (Leiden: Nederlands Historisch-Archaeologisch Instituut, 1985), 1–33.
- Tyan, E., *Histoire de l'organisation judiciaire en pays d'Islam*, 2 vols. 2nd ed. (Leiden: E. J. Brill, 1960).
- “Judicial Organization,” in M. Khadduri and H. Liebesny, eds., *Law in the Middle East* (Washington, D.C.: The Middle East Institute, 1955), 236–78.

CHAPTER 5

- Dutton, Yasin, “‘Amal v. *Ḥadīth* in Islamic Law: The Case of *Sadl al-Yadayn* (Holding One’s Hands by One’s Sides) When Doing Prayer,” *Islamic Law and Society*, 3, 1 (1996): 13–40.
- The Origins of Islamic Law: The Qur’an, the Muwaṭṭa’ and Medinan ‘Amal* (Richmond: Curzon, 1999).
- Hallaq, Wael, “From Regional to Personal Schools of Law? A Reevaluation,” *Islamic Law and Society*, 8, 1 (2001): 1–26.
- Spectorsky, Susan, “*Sunnah* in the Responses of Iṣḥāq B. Rāḥawayh,” in Bernard Weiss, ed., *Studies in Islamic Legal Theory* (Leiden: Brill, 2002), 51–74.

CHAPTER 6

- Calder, Norman, “*Ikhtilāf* and *Ijmā’* in Shāfi’ī’s *Risāla*,” *Studia Islamica*, 58 (1983): 55–81.
- Hallaq, Wael, *A History of Islamic Legal Theories* (Cambridge: Cambridge University Press, 1997).
- Law and Legal Theory in Classical and Medieval Islam* (Aldershot: Variorum, 1994).
- “Was al-Shafi’i the Master Architect of Islamic Jurisprudence?” *International Journal of Middle East Studies*, 25 (1993): 587–605.
- Lowry, Joseph, “Does Shāfi’i Have a Theory of Four Sources of Law?” in Bernard Weiss, ed., *Studies in Islamic Legal Theory* (Leiden: Brill, 2002), 23–50.
- Melchert, C., “Traditionist-Jurisprudents and the Framing of Islamic Law” (MS).

CHAPTER 7

- Conrad, Gerhard, *Die Quḍāt Dimāšq und der Maḍhab al-Auzā’i* (Beirut: Franz Steiner, 1994).
- Halkin, A. S., “The Ḥashwiyya,” *Journal of the American Oriental Society*, 54 (1934): 1–28.
- Hallaq, W. B., *Authority, Continuity and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001).

- Hurvitz, Nimrod, *The Formation of Ḥanbalism: Piety into Power* (London: Routledge Curzon, 2002).
- Melchert, Christopher, *The Formation of the Sunni Schools of Law* (Leiden: E. J. Brill, 1997).
- “The Formation of the Sunni Schools of Law,” in Wael B. Hallaq, ed., *The Formation of Islamic Law. The Formation of the Classical Islamic World*, edited by L. Conrad, no. 27 (Aldershot: Ashgate Publishing, 2003), article XIII. In part a revision of findings in his *Formation*.

CHAPTER 8

- Hinds, Martin, “Miḥna,” in Jere Bacharach et al., eds., *Studies in Early Islamic History* (Princeton: The Darwin Press, 1996), 232–45.
- Melchert, Christopher, “Religious Policies of the Caliphs from al-Mutawakkil to al-Muqtadir, AH 232–295/AD 847–908,” *Islamic Law and Society*, 3, 3 (1996): 316–42.
- Zaman, Muhammad Qasim, *Religion and Politics under the Early ‘Abbāsids* (Leiden: Brill, 1997).

ON DATING EARLY LEGAL TEXTS

- Calder, Norman, *Studies in Early Muslim Jurisprudence* (Oxford: Oxford University Press, 1993).
- Dutton, Yasin, “‘Amal v. *Ḥadīth* in Islamic Law: The Case of *Sadl al-Yadayn* (Holding One’s Hands by One’s Sides) When Doing Prayer,” *Islamic Law and Society*, 3, 1 (1996): 13–40.
- Hallaq, Wael, “On Dating Mālik’s *Muwattaʾa*,” *UCLA Journal of Islamic and Near Eastern Law*, 1, 1 (2002): 47–65.
- Lowry, Joseph, “The Legal Hermeneutics of al-Shāfiʿī and Ibn Qutayba: A Reconsideration,” *Islamic Law and Society*, 11, 1 (2004; forthcoming).
- Motzki, Harald, “The Prophet and the Cat: On Dating Mālik’s *Muwattaʾa* and Legal Traditions,” *Jerusalem Studies in Arabic and Islam*, 22 (1998): 18–83.
- Muranyi, M., “Die frühe Rechtsliteratur zwischen Quellenanalyse und Fiktion,” *Islamic Law and Society*, 4 (1997): 224–41.
- Zaman, Muhammad Qasim, *Religion and Politics under the Early ‘Abbāsids* (Leiden: Brill, 1997), 91–101.

Index

In classifying entries no account is taken of the letter *‘ayn* and the Arabic definite article *al-*.

- ‘Abbāsids, 73, 79, 80, 81, 84, 86, 89, 91, 99, 169,
170, 173, 184, 185
‘Abd Allāh b. Dhakwān, 72
‘Abd Allāh b. Ḥanbal, 159
‘Abd Allāh b. Lahī’a, 58
‘Abd Allāh b. Nawfal, 45
‘Abd Allāh al-‘Umarī, *see* ‘Umarī
‘Abd al-Malik b. Marwān, 65
‘Abd Qays, 10, 14, 15
‘Abd al-Raḥmān II, 175
‘Abdān b. Muḥammad, 176–177
Abraha, 9
Abraham, 19, 20, 195, 196
abrogation, 66–67, 136–138, 148
Abū Ayyūb al-Sakhtiyānī, 65, 166
Abū Bakr, caliph, 29, 32, 33, 34, 36, 40, 43, 45, 48,
49, 52, 56, 103, 184, 196, 199
Abū Bakr b. ‘Abd al-Rahmān, 65
Abū Ḥanīfa, 94, 154, 155, 156, 157, 159–160, 161,
162, 166, 170, 172, 173, 181, 183
Abū Hurayra, 72
Abu-Lughod, J., 30
Abū Mūsā al-Ash‘arī, 34
Abū Ṭāhir Muḥammad b. Aḥmad, 81
Abū Thawr, Ibrāhīm b. Khālīd, 123, 168, 170
Abū Yūsuf, Ya‘qūb, 80, 154, 155, 156, 166, 173,
185–186, 191
Abū Zur‘a, Muḥammad b. ‘Uthmān, 176
Abyssinians, 9, 13, 15, 20–21
‘Adī b. Arṭa’a, 52, 53
‘adl, 135
‘Āfiya (judge), 95
Aflāj, 16
āḥād, 135 *see also* *ḥadīth*
ahl al-ra’y, *see* rationalists
Aḥmad b. Sayyār, 176
Aḥsā’, 16
akhbārīs, 39, 180
Alexandria, 58
‘Alī b. Abī Ṭālib, 34, 35, 52, 72
Amīn, caliph, 189
‘Amīr al-Sha‘bī, *see* Sha‘bī
‘Amr b. al-‘Āṣṣ, 30, 53
‘Amr b. Dīnār, 64, 65
analogy, 113, 141 *see also* *qiyās*
Anas b. Mālik, 72
‘Anbarī, ‘Ubayd Allāh, 185–186
Andalusia, *see* Iberian peninsula
Anmāfī, Abū Qāsim, 168, 177
Anṣārī, Abū Bakr b. Ḥazm, 44, 45
arbitration, *see* *ḥakam*
Arethas, 11
argumentum a fortiori, 113, 115, 116, 142, 143,
see also *qiyās*
‘Ariq, 16
‘arif, 37
aṣḥāb al-masā’il, *see* witness examiners
Assyrians, 18, 23
Astrabādh, 177
‘Aṭā’ b. Abī Rabāḥ, 64, 65
Athram, Abū Bakr, 159
‘Aṭṭāf b. Ghazwān, 100
Awzā’ī, 107, 154, 156, 166, 171
Awzā’ite school, 170, 172, 173, 175, 176
Ayyūbids, 174, 176
Azd, 10
Azdi: *see* ‘Iyād

Babylon, 30
Babylonia, 18
Bactria, 13
Baghdad, 80, 81, 82, 126, 127, 168, 172, 173, 175,
177, 182, 188, 190
Bahrain, 12, 16
Bakkār b. Qutayba, 155, 174, 190–191
Bakr b. Wā’il, 10
Balkh, 174
Ball, W., 26
Baluchistan, 13
Banū Qunayqā’, 20
Baṣra, 30, 34, 35, 37, 62, 64, 65, 72, 73, 75, 81, 96,
107, 126, 173, 175, 181, 189

- Baṣran jurists, 75, 88, 92, 96, 112, 126, 173, 175, 189
 Baṣrī, al-Ḥasan, 64, 67, 71, 73
 Beirut, 27
 Beirut's law school, 26–27
 Birkat al-Ḥabash, 30
 Bravmann, M. M., 47
 Burnī, Aḥmad b. ʿĪsā, 81
 Busra Askisham, 10, 17, 19
 Byzantium, 4, 9, 10, 11, 12, 15, 26–28, 29, 30, 194
- caliph, 6, 43, 44, 45–46, 47, 51, 52, 54, 55, 57, 58,
 63, 68, 71, 73, 79–82, 83, 84, 91, 96, 97, 99,
 100, 103, 113, 124, 173, 178–192, 179, 180, 182,
 184, 185, 195–196
- Central Asia, 15
 chief justice, 80–83, 173, 186, 187
 China, 8, 13
 Christ, 20, 43
 Christianity, 10, 19, 20–22, 195
 Christians, 9, 19, 55, 58, 142
 Companions, 33, 43, 45, 50, 52, 55, 67, 68, 70, 72,
 74, 76, 78, 102–103, 104, 105, 106, 107,
 111–112, 120, 129, 138, 139, 196, 196–197, 200,
 201–202
 consensus, 39, 54, 56, 110, 110–112, 111, 119, 120,
 121, 129, 137, 138–140, 142, 145, 148
 considered opinion, *see ra'y*
 Copts, 15, 58
 court assistants, 85–94
 court of law, *see qāḍī*
 court register, *see dīwān*
 court sheriff, 60, 85–94, 89, 90, 98
- Damascus, 30, 37, 57, 64, 73, 107, 126, 166
 Darb Zubayda, 16
 Dāwūd b. Khalaf al-Ẓāhirī, 124, 168
 Dhū Nuwās, 9
 Dhū Yazan, 9
 Dibba, 13
 disagreement, 111, 141
 discretionary reasoning, *see ra'y*
dīwān, 60, 92–96, 93–94
 Dūmat al-Jandal, 13
- Edessa, 12
 Egypt, 9, 26, 29, 30, 38, 41, 44, 45, 57, 58, 60, 65,
 72, 81, 82, 100, 126, 154, 172, 173, 174, 175,
 176, 177, 191
 Egyptian judges, *see Egypt; qāḍī*
 Emesa, 27
 Ethiopian kingdom, 9
- Faḍāla b. ʿUbayd al-Anṣārī, 37
 Faḍl b. Ghānim, 98, 182
 Fārisī, Abū Bakr, 128
- Fārs, 174
 Fāṭimids, 176, 186
fatwā, *see muftī*
 Four Muḥammads, 168
 Fustāt, 29, 30, 36, 37, 39, 41, 64, 65, 83, 93, 96, 97,
 98, 166, 187, 188, 190
- garrison towns, 29, 30, 31, 38, 54, 71, 107, 126, 196,
 198, 199; *see also* Baṣra; Egypt; Fustāt; Kūfa
- Ghassānids, 10, 10–11, 14, 15, 17, 25
 Ghawth b. Sulaymān, 62, 86, 95
 Goitein, S. D., 21
 Great Synthesis, 5, 78, 122, 124, 127, 128, 148,
 170, 171
 Greece, 26–28
 Greek empire, 9
- Ḥabīb b. Thābit, 73
 Hādī, caliph, 81
ḥadīth, 5, 42, 49, 69–74, 74–76, 78, 102, 103,
 103–109, 120, 121, 123, 126–127, 129, 133,
 135–136, 137–139, 140, 141, 144, 145, 146,
 147, 157, 159, 181, 183, 187, 197, 200–201;
see also Prophetic Sunna; traditionists
- Ḥaḍramawt, 12, 13, 30
ḥakam, 24, 35, 55, 57, 58
ḥalaqa, 63–64
 Ḥammād b. Abī Sulaymān, 63–64, 65, 154, 166
 Ḥammād b. Iṣḥāq, 154, 175
 Ḥanafite scholars, *see* Ḥanafite school
 Ḥanafite school, 116, 117, 125, 127, 138, 139, 140,
 143, 144, 145, 150–177, 190
 Ḥanbalite school, 117, 124, 127, 129, 144, 151–177
 Ḥanifiyya, 19, 20, 22, 195
 Ḥarb al-Kirmānī, 159
 Ḥarbī, Ibrāhīm b. Iṣḥāq, 159, 160
 Ḥārith b. Jabāla, *see* Arethas
 Ḥārith b. Miskīn, 83, 190
 Ḥārithī, Khālid b. Ḥusayn, 95
 Ḥarmala, 168
 Hārūn b. ʿAbd Allāh, 83, 89, 91, 100, 101, 190
 Hārūn al-Rashīd, caliph, 80, 183, 184, 185, 186,
 188, 191
 Ḥasan, b. Šāliḥ, 166
 Ḥasan b. Ziyād, 173
 Ḥāshim al-Bakrī, 83, 174
 Ḥazmī, ʿAbd Allāh b. Ṭāhir, 154
 Hejaz, 4, 9, 12, 14, 16, 17, 25, 26, 32, 35, 54, 65, 73,
 104, 107, 108, 194, 196, 199
- Ḥimṣ, 58
 Ḥimyarite kingdom, 9, 12, 14
 Ḥīra, 10, 11, 12, 14, 17, 19
 Hishām b. Ḥubayra, 35, 53
 Hodgson, M., 11
 Homs, 15

- Hubal, 14
Hūd, 13
Hudhayl, 14
Hufūf, 12, 16
Ḥūrān, 10
- Iberian peninsula, 8, 89, 90, 126, 172, 174, 175, 176, 177
- Ibn 'Abbād, Muḥammad, 100, 101
Ibn 'Abbās, 72
Ibn 'Abd al-Ḥakam, 86, 88
Ibn 'Abd al-Malik, 41
Ibn Abī Dāwūd, 187, 192
Ibn Abī Laylā, 61, 87, 93, 94, 156, 166, 172
Ibn Abī al-Layth, M., 83, 91, 190
Ibn Burayda, 'Abd Allāh, 81
Ibn al-Furāt, Ishāq, 154, 187
Ibn Ḥafṣ, Husayn, 174
Ibn Ḥanbal, Aḥmad, 124–125, 127, 157, 159–160, 168, 171
Ibn Ḥarawayh, Abū 'Ubayd, 168
Ibn Ḥaykawayh, 177
Ibn Ḥujayra, 37
Ibn Jarrāh, Ibrāhīm, 94, 100, 174
Ibn Jubayr, Sa'īd, 61
Ibn Khadij, 'Abd al-Raḥmān, 60
Ibn Khayrān, Abū 'Alī, 177
Ibn Mas'ūd, 72
Ibn Maymūn, Yaḥyā, 60
Ibn Māza, al-Ḥusām, 93
Ibn al-Mu'adhhdhīl, 175
Ibn al-Mubārak, 'Abd Allāh, 166, 183
Ibn al-Mundhir, *see* Nisābūrī
Ibn al-Munkadir, 'Īsā, 86, 88, 100, 182, 183
Ibn al-Muqaffa', 184
Ibn al-Qāsim, Abū 'Abd Allāh, 105, 154
Ibn al-Qāṣṣ, 128, 161, 177
Ibn al-Rashīd, Abū Ishāq, 183
Ibn al-Sā'iḥ, Ishāq, 190
Ibn Ṣayfi, Yaḥyā b. Aktham, 187
Ibn Sayyār, 176, 177
Ibn Shabtūn, Abū 'Abd Allāh, 175
Ibn Shayba, Ya'qūb, 175
Ibn Shubruma, 87, 93, 166
Ibn Surayj, Abū al-'Abbās, 127, 128, 161–162, 167, 168, 177
Ibn Ṭāhir, 'Abd Allāh, 100
Ibn Ṭūlūn, 176, 191, 191
Ibn 'Umar, 'Abd Allāh, 72
Ibn 'Utba, 'Abd Allāh, 61, 65
Ibn 'Uyayna: *see* Sufyān
Ibn Yasār, Muslim, 64, 65
Ibn Yasār, Sulaymān, 64, 65
Ibn Yazīd, 'Abd Allāh, 82
Ibrāhīm b. al-Jarrāh, *see* Ibn Jarrāh
- ijmā'*, *see* consensus
ijtihād, 5, 54, 114, 130, 138, 140, 146–147, 148, 149, 151–152, 157, 158, 162, 163, 165, 169, 202, 203, 204
ijtihād al-ra'y, 114
Ikhshīdids (dynasty), 81
ikhṭilāf, *see* disagreement
'Ikrima, 65
'illa, *see* ratio legis
'ilm, 53–54, 76, 113, 199, 200
imperatives, 133–134
'Imrān b. 'Abd Allāh al-Ḥasanī, 41, 42, 188
India, 9, 12–13, 15
Indonesia, 9
Inquisition, *see* Miḥna
Iran, 29
Iraq, 4, 10, 12, 13, 19, 29, 30, 35, 39, 65, 72, 108, 109, 114, 126, 145, 169, 172, 174, 177, 194
Iraqian scholars, 106–107, 111–112, 115, 116, 123, 126, 127, 140, 172 *see also* Kūfan jurists
'Īsā b. Dīnār, 175
'Īsā b. al-Munkadir, *see* Ibn al-Munkadir
Iṣfahān, 174
Isfarā'in, 177
Ishāq b. Mūsā, 177
Ishmael, 196
Ismā'il b. Ishāq, 81, 175
Ismā'il b. Yasa', 173
Iṣṭakhrī, Abū Sa'īd, 177
istiḥṣān, 116–118, 127, 144–145
'Iyād al-Azdī, 45, 57
'Iyād b. Ghunm, 46
Iyās b. Mu'āwiya, 44, 45, 52–53, 75
- Jacobites, 10
Jaifar, 16
Jarīrite school, 171
Jarmī, Abū Qilāba, 181
Jayshānī, 'Abd al-Raḥmān, 57
Jerusalem, 20, 46
Jewish law, 4
Jews, 10, 13, 19, 20–22, 55, 58
Jibāl, 174
jilwāz, *see* court sheriff
John bar Penkaye, 50
Judaism, 19, 195
judges, *see* *qāḍī*
judiciary, *see* *qāḍī*
Julanda, 16
Julius Galus, 14
Justinian, 10, 27
- Ka'b b. Suwar al-Azdī, 34–35
Ka'ba, 14, 19, 20

- Kāfūr, 81
kātib, see scribe
 Khallāl, Abū Bakr, 160–161
 Khārija b. Zayd, 64, 65, 66, 92
 Kharj, 16
 Khayr b. Nu'aym, 58, 60, 82, 188
 Khurāsān, 58, 64, 65, 72, 81, 126, 170, 174, 176
 Khurayba, 16
 Khuzayma b. Ibrāhīm, 97
 Kinda, 12, 13, 15, 17
 Kindī, 186
 King, G., 16
 Kūfa, 30, 61, 64, 65, 66, 72, 73, 91, 106, 107, 112, 126, 166, 172, 173, 198
 Kūfan jurists, 40, 64, 65, 66, 87, 93, 97, 110, 112, 114, 116, 123, 126, 155, 172, 190

 Lahī'a b. ʿĪsā, 87
 Lakhmids, 10–12, 14, 15, 17, 25
 language, 132–136, 148
 Lāt, 14
 Laythī, Yahyā, 175
 legal methodology, see legal theory
 legal specialists, 6, 62, 63–68, 70, 72, 73, 77, 78, 88, 89, 110, 113, 120, 153, 165, 178, 179, 184, 202, 203
 legal theory, 3, 5, 115, 119, 122–149, 140, 145, 157, 203
 Liḥyān, 18

 Ma'biyyāt, 16
 Madā'in Šālīh, 16
madhhab, see schools
madhhab-opinion, 152
 Madhhij, 17
madrasa, 164
 Magians, 10
maḥdar, see *dīwān*
 Maḥdī, caliph, 82, 91, 96, 100, 173, 185
 Ma'inite kingdom, 9
 Makḥūl, Abū 'Abd Allāh, 65
 Makhzūmī, Muḥammad, 188–189
 Mālik b. Anas, 94, 106, 111, 112, 120, 140, 145, 154, 155, 156, 157, 159, 166, 175
 Mālikite school, 109, 140, 145, 152–176, 169, 172, 175, 190
 Ma'mūn, caliph, 186, 187, 189, 192
 Manāt, 14
 Maṣūr, Abū Ja'far, 81, 96, 182, 186, 189
 Maṣūr b. Ismā'il, 168
 Margiana, 13
 markets, 12, 13, 14
 Marrūdhī, Abū Bakr, 159
 Marw, 176, 177
 Marwān, caliph, 43

 Marwān b. al-Ḥasan, 38, 39
 Marwazī, Ibrāhīm, 177
 Marwazī, Muḥammad b. Naṣr, 155, 168
mashbūr, 139; see also *ḥadīth maṣlaḥa*, 145–146
 Maydanī, Ḥusayn Abū Ja'far, 174
 Maymūnī, 'Abd Allāh, 159
maẓālim tribunals, 99–101
 Mecca, 8, 9, 12, 13, 14–15, 19–20, 22, 23, 26, 30, 32, 33, 64–65, 72, 73, 112, 126, 195
 Medina, 8, 13, 14, 19–22, 24, 26, 30, 31, 32, 34, 39, 42, 44, 64, 65, 71, 72, 104, 105, 106, 107, 110, 111–112, 126, 140, 166, 174, 175, 190, 195, 196, 198, 199, 201
 Medinan scholars, 45, 66, 106–107, 109, 110, 111–112, 113, 126, 145, 154, 155, 171, 173, 175
 Mesopotamia, 4, 18, 23, 26, 27, 35, 194
 Miḥna, 124–125, 160, 170, 171, 187, 192–193
minhāj (Hebr. *minhāg*), 21, 22
 Moses, 20
 Mu'adh b. Jabal, 34
 Mu'āwiya b. Abī Sufyān, 36, 37, 38, 39
 Mubarrāz, 16
 Mufaḍḍal b. Faḍāla, 93
muftī, 62, 88, 89, 91, 130, 147, 149, 155, 156, 166, 168, 192
 Muḥammad b. 'Abdah, 101
 Muḥammad b. Abī al-Layth, see Ibn Abī al-Layth
 Muḥammad b. Sirīn, 65
 Muḥammad b. Yūsuf, 81
 Mu'izz, caliph, 186
 Mujāhid b. Jabr, 65, 67
mujtahid, see *ijtihād mukharrīj(ūn)*, see *takhrīj munādi*, 90, 98
muqallid, see *taqlīd*
 Murādi, 'Abis b. Sa'īd, 36, 38, 39
 Murādi, al-Rabī' b. Sulaymān, 177
 Murji'ites, 170
 Mushaqqar, 12
mushāwars, 89
 Muslim b. Yasār, 67
 Mutawakkil, caliph, 190
 Mu'tazz, caliph, 186
 Muzani, 'Alī b. 'Abd Allāh, 181
 Muzani, Ibrāhīm, 167, 168, 177

 Nabateans, 10, 13, 14
 Nāfi', 64
 Nahrwān, 81
nā'ib (-*qāḍī*), 80, 82
 Najd, 12, 13, 14, 16, 17
 Najrān, 9
 Nakha'ī, Ibn Abī Sharīk, 166
 Nakha'ī, Ibrāhīm, 65, 67, 154

- naskh*, see abrogation
 Nawfal b. Musāhiq, 42
 Nestorians, 10
 Nisābūrī, Ibn Khuzayma, 168
 Nisābūrī, Ibn al-Mundhir, 168, 171
 Nisābūrī, Ya'qūb b. Ishāq, 177
 notary, 92, 97
 Nufūd oasis, 13
- Oman, 13, 16
- pagans, 10, 22
 Palestine, 26, 48
 Palmyra, 10, 12, 17
 Papinian, 27
 Phoenicians, 27
 Piotrovsky, M. B., 18
 Potts, D. T., 13
 Prophet Muḥammad, 4, 5, 8, 9, 14, 18–20, 22, 24, 25, 29, 31, 32, 33, 34, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47–52, 54, 55, 56, 63, 70, 73, 74, 84, 129, 130, 135, 178, 179, 183, 195, 196, 199, 202; see also Prophetic Sunna
 Prophetic Sunna, 5, 39, 42, 46–52, 51, 54, 64, 68, 70, 74, 75, 78, 99–101, 102–112, 129, 130, 137, 140, 145, 147, 148, 178, 179, 184, 185; see also Prophet Muḥammad
 proto-*qādi*, see *qādi*
- Qabiṣa b. Dhu'ayb, Abū Sa'īd, 65
qādi, 3, 4, 5, 34–40, 39, 41, 42–46, 49, 52, 53, 55, 56, 57–60, 58, 60, 61–63, 63, 68, 69, 75, 76, 77, 80–99, 99–101, 102–112, 113, 172, 174, 178, 178–192
qādi 'askar, 80
 Qaffāl al-Shāshī, 128, 177
 Qaḥṭān, 17
 Qaryat al-Faww, 17
 Qasīm, 16
 Qāsīm b. Muḥammad, 64, 65
 Qaṣr al-Sham', 30
qassām, 91
 Qaṭabānian kingdom, 18
 Qatāda b. Dī'āma al-Sadūsī, 64, 65, 67, 73, 75
 Qatīf, 16
 Qayrawān, 175, 177
qimaṭr, 92, 95
qiyās, 114–120, 124, 127, 129, 130, 132, 140–145, 146, 148, 162
- Quran, 4, 18, 19, 20, 21–25, 31, 32–34, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 55, 63, 64, 65, 66, 67–68, 69, 71, 74, 77, 78, 89, 97, 103, 109, 110, 111, 114, 117, 119, 120–121, 124, 129–130, 133, 135, 137, 137–139, 140, 141, 142, 143, 145, 146, 148, 153, 157, 178, 192, 195–196, 197, 200, 201–202
- Quraysh, 14–15
 Quṣayy, 14
quṣṣās, see story-tellers
- Rabadha, 16–17
 Rabī' b. Sulaymān, see Murādi
 Rabī'a (Rabī'at al-Ra'y), 64, 65, 154
 Rabiyya, 13
 Rahā, 46
ratio legis, 141–144, 146
 rationalists, 74–76, 78, 122–128, 148, 170, 204; see also Great Synthesis
ra'y, 5, 44, 45, 53–54, 68, 75–76, 78, 110, 112, 113, 113–118, 114–120, 119, 121, 123, 126, 144, 147, 178, 199, 200
reductio ad absurdum, 143
 Roman civilization, 4, 11, 15, 26–28
 Roman Empire, 9, 10, 13, 26–28
 Roman Empire, Eastern, 9
 Ru'aynī, Abū Khuzayma, 188
- Saba'ite kingdom, 19
 Saḥnūn b. Sa'īd, 159, 175
 Sa'īd b. Jubayr, 65
 Sa'īd b. al-Musayyab, 64, 65, 154
 Sa'īd b. Talid, 87
 Sakhtiyānī, see Abū Ayyūb.
 salaries of judges, 97, 98, 182
 Šāliḥ b. Ḥanbal, 159
 Šāliḥ b. Kaysān, 70
 Saljūqs, 174
 Sāmānids, 174
 Sasanians, 4, 9–10, 11, 12, 15, 29, 58, 194
 Sawwār b. 'Abd Allāh, 62, 81, 82, 88, 92, 96, 189–190
 Ṣayrafī, Abū Bakr, 128, 177
 Schacht, Joseph, 2, 103, 117
 schools, 3, 5, 6, 150–177, 203–204
 scribe, 60, 61, 91–93
 Sebeos, Bishop, 24
 Septimius Severus, 27
 Severan emperors, 27
 Sha'bi, 'Amir, 64, 65, 66
 Shāfi'ī, Muḥammad b. Idrīs, 109, 114–115, 116, 117–118, 119, 120, 121, 123, 124, 127, 128, 144, 145, 148–149, 154, 155, 156, 157, 161–162, 162, 166, 167–168, 177, 187, 203
 Shāfi'ite school, 127, 128, 144, 149, 152–177, 203
 Sharik b. 'Abd Allāh, 91, 97
 Shāshī, see Qaffāl
 Shāshī, Abū 'Alī, 138–139, 141
 Shaybānī, Muḥammad, 112, 116, 120, 156, 166, 173
 Shiḥr, 13

- Shirāzī, Abū Ishāq, 162
 Shurayḥ, 37, 40–41, 45, 53
shurūḥī, see notary
sijill, see *diwān*
 Sijistān, 174
sira, 39, 47, 56, 64, 69, 103, 104, 196, 202
 Spain, see Iberian peninsula
 story-tellers, 39–40, 42, 50–51, 55, 57, 71, 77, 104, 180, 181, 196, 202
 Successors, 68, 74, 201
 Ṣudayr, 16
 Sufyān b. ‘Uyayna, 166
 Suḥār, 16
ṣukūk, 94
 Sulamī, ‘Umar b. ‘Āmir, 81, 82
 Sulaym b. ‘Itr, 38, 40, 59
 Sulaymān b. ‘Abd al-Malik, 57, 58
 sunnaic practice, 5, 105–112, 119–121, 126, 138, 140;
 see also consensus
sunan, 5, 44, 45, 46–52, 53, 54, 55–56, 66, 68–74, 77, 78, 102–112, 139, 178, 179, 196–197, 199, 200–202
sunan māḍiya, 77, 102, 105, 178, 199, 201, 202; see also *sunan*
 Sunna of the Prophet, see Prophetic Sunna
 Syria, 4, 9, 10, 12, 13, 14, 15, 19, 26, 29, 30, 32, 36, 37, 58, 65, 72, 107, 108, 109, 112, 113, 169, 170, 172, 173, 176, 177, 194
- Ṭabari, Muḥammad b. Jarīr, 168, 171
 Ṭā’if, 14, 32
takhrīj, 160–163
 Ṭalḥa b. ‘Abd Allāh b. ‘Awf, 42
 Tamīm, 10, 12, 15
 Tamīmī, Maṣṣūr, 177
 Tanūkh, 10
taqlīd, 147
tawātur, 135, 138, 139
 Tawba b. Nimr, 58
 Ṭāwūs, 65
 Thalji, Muḥammad b. Shujā’, 126, 144, 170
 Thamūd, 18
 Thaqīf, 14
 Thawrī, Sufyān, 154, 156, 166, 182
 Torah, 15, 20–21
 traditionalism, 5, 74, 78, 108, 122–128, 147–148, 192, 204; see also Great Synthesis
 traditionists, 69–72, 72–76, 108, 180; see also *ḥadīth*, Prophetic Sunna
 Transoxania, 126, 170, 174
 trustees, 86, 89, 91, 98
 Ṭūfī, Najm al-Dīn, 159
- Ṭūlūnids, 170
 Tyre, 27
- ‘Ubayd Allāh b. Bakara, 37
 ‘Udhari, ‘Abd al-Raḥmān, 37
 ‘Ukāz, 13
 Ulpian, 27
 ‘Umar I, b. al-Khaṭṭāb, 29, 31, 32, 33, 34, 40, 43, 45, 46, 48, 49, 51, 52, 53, 55, 56, 72, 103, 180, 184, 188, 196, 199
 ‘Umar II, b. ‘Abd al-‘Azīz, 44, 45, 46, 52, 53, 58, 71, 72, 75, 165, 184
 ‘Umarī, ‘Abd Allāh, 83, 91
 ‘Umarī, ‘Abd al-Raḥmān, 188
 Umayyads, 36, 37, 43, 50, 57, 58, 68, 73, 86, 89, 90, 103, 165, 169, 170, 180, 184
 Umayyads, Spanish, 169, 171, 175
 Umma, 20, 21, 22, 24, 52, 196
 ‘Uqba b. Ṣālim, 189
 ‘Urwa b. al-Zubayr, 64, 65
uṣūl al-fiqh, see legal theory
 ‘Uthmān, caliph, 33, 34, 45, 47, 48, 52, 72
 ‘Uthmān b. Ḥāḍir, 72
 ‘Uways b. ‘Āmir, 73
- Wakī’, 41, 44
 Wasiṭ, 173
 witness examiners, 85, 86–88, 89, 90, 94, 98
 witnesses, 61, 86–88
- Yaḥyā al-Barmakī, 182
 Yaḥyā b. Sa’id, 182
 Yamāma, 14
 Yathrib, see Medina
 Yazīd b. ‘Abd al-Malik, 68
 Yazīd b. Abī Sufyān, 48
 Yazīd b. Bilāl, 95
 Yemen, 9–10, 12, 13, 14, 15, 17, 18, 19, 30, 34, 64, 65, 72, 73
- zābir*, 118
 Ṣāhirite school, 124, 127, 157, 170, 177
 Zaman, M. Q., 185
 Zayd b. ‘Amr, 19
 Zayd b. Thābit, 33
 Ziyād b. ‘Abd al-Raḥmān, 175
 Zoroastrians, 10
 Zufar b. al-Hudhayl, 123, 173, 174
 Zuhri, Abū Muṣ’ab, 174
 Zuhri, Ibn Shihāb al-Dīn, 42, 67, 70, 71, 72, 75, 154
 Zuraqī, ‘Umar b. Khalda, 42