In alphabetical order by authors' last names

Hakki Arslan

Bio

Hakki Arslan is a postdoctoral research associate at the collaborative research center Law and Literature. He teaches Islamic law at the Institute for Arabic and Islamic studies at the University of Münster. Prior to this, he has worked as a postdoc researcher at the institute for Islamic Theology at the University of Osnabrück (2014-19) where he had completed his PhD (2015) in the field of Islamic legal hermeneutics with a study on Mullā Ḫusraw's (d. 885/1480) *uṣūl al-fiqh* work *Mirqāt al-wuṣūl*. His current research project focuses on the relation between fatwa and *rasāʾil* literature in the 14th -19th centuries. More broadly Arslan is working on the interrelationship between the different genres of Islamic law in the postclassical period.

Abstract

From a Marginal Opinion to a Dominant Position: Molla Khusraw's Treatise on the Inheritance of the Patronate (*al-walāʾ*)

After the canonization and standardization of Islamic law between the 11th and 14th centuries we observe an increasing diversification of the legal literature. New genres and sub-disciplines emerged where legal discourses were negotiated. This diversification of the legal genres served as a strategy to generate stability and flexibility and to strike the balance between theory and practice. While law remained largely unchanged in certain genres such as commentaries and supercommentaries, other genres like treatises and responsa were used to negotiate new relevant issues. The inclusion and exclusion of new opinions were negotiated within this paradigm, whose parameters can be found in the *adab al-fatwa* literature. I propose that a holistic approach where these different genres and the functional interplay between them is taken into consideration will further our understanding of the legal discourses and the processes of rule determination.

This paper will demonstrate how a legal position was negotiated across various genres then integrated into the canon of prevailing opinions. How can a marginal opinion establish itself against a dominant one? How was the canonization process for certain opinions in the Ottoman Empire? To answer this question, I use a case study from the patronage law (*walāʾ*) in the work of Molla Khusraw, a famous ottoman jurist in the 15th century, who engaged many high-ranking scholars in the Ottoman Empire. Using this example, I show how a marginal opinion, which initially was vehemently rejected, gradually receives support, and becomes the dominant opinion after about 150 years. I argue that although there were many state regulations and structural interventions of the ottoman system, the law-making process was still dominated by the internal structures of the legal discourse. Which of course reflected the social circumstances but were not completely determined by them.

More information

https://www.uni-muenster.de/SFB1385/en/ueberuns/mitglieder/wissenschaftlichemitarbeitende/hakkiarslan.html

Samy Ayoub

Bio

Samy A. Ayoub is an Assistant Professor in the Department of Middle Eastern Studies and the University of Texas School of Law. He is a legal historian of the Ottoman Empire who specializes in Islamic law and issues concerning the interaction between religion and law, and the role of religion in legal and socio-political systems within a comparative perspective

Abstract

After Manumission: Islamic Inheritance Law and the Abolition of Slavery in Modern Egypt

Egypt was a center of slave trade and it struggled to bring it to an end by the mid 19th century CE whether by khedival imperial edicts, military campaigns, or enhanced criminal punishments. The litigation in Islamic courts in Egypt on issues of inheritance provides rare glimpses into the social life after manumission. The legal claims established by Islamic law in the context of inheritance of the patronate (*walāʾ al-ʿitq*), especially Ḥanafī jurisprudence, gives us access to the economic and social conditions after manumission, inaccessible through usual archival materials. Unlike government documents, Islamic courts do not speak about manumitted slaves as an object of study. Instead, they are active participants and actors. We learn about their life, family, economic conditions, marital status, and heirs. The inheritance of the patronate is one of the key doctrinal norms in Islamic Inheritance Law, where the manumitter (*muʿtiq*) takes the place of an agnatic relative of his freedman and inherits as his last agnate. Muslim jurists affirmed that *al-walāʾ* establishes a bond of loyalty, friendship, and support that triggers legal consequences regarding inheritance (*irth*). Islamic law authorized the manumitter to share wealth with his manumitted slaves (*ʿutaqāʾ*) in the form of inheritance and endowment. It also allowed the manumitter to inherit from his manumitted slave. I propose that the decisions by the Islamic Supreme Court (ISC) in Egypt reveal how the judicial system addressed the issue of inheritance in relation to manumitted slaves. I examine two court decisions regarding the inheritance of the patronate (*walāʾ al-ʿitq*) of manumitted slaves and their patrons in the early 20th century Egypt.

More information

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Murteza Bedir

Bio

Murteza Bedir holds a BA in Theology (1992) from the University of Marmara, Istanbul, an LLM from the University of London, SOAS (1995). He obtained his PhD from the University of Manchester Department of Middle Eastern Studies (Dec 1999). He is the author of several books including *Fiqh, Madhhab and Sunnah: The Authority of the Prophet in the Hanafi Legal Theory* (2004, in Turkish); and *Bukharan Law School: An Analysis on 10th-13th Centuries Central Asian Waqf Law* (2014 in Turkish). His research interests cover Islamic legal theory, reason and revelation, fatwa literature, law of religious endowments and bioethics. He is currently working on o project about 16th century Ottoman law.

Abstract

Revisiting Ottoman Qānūn- Sharīʿa Dichotomy: Secular Law vs. Religious Law?

Ottoman legal historians generally read the dichotomy of *sharīʿa* and *qānūn* by stating that the Ottoman law has in facts two types of law, hence two legal systems operating at the same time. *Qānūn* has been named as secular law while *sharīʿa* as religious law. This view is further bolstered by the fact that the source of *Qānūn* is the authority of the Ruler (Sultan) himself hence his legislation is secular, while *sharīʿa* is based on Islamic precepts hence it is a religious law. This way of reading the legal history of a pre-modern state is not only anachronistic but it also creates wrong assumptions as to the nature of this dichotomy of *sharīʿa* and *qānūn*.

This paper will argue that seeing *sharīʿa - qānūn* dichotomy as a reflection of dual legal systems, one secular the other religious is a backward projection of the late 19th century legal dualism. The terms of religious law and secular law in the Ottoman context are a neology of late 19th century when the Nizamiye courts emerged as a distinct national court system along with the already existing universal qadi courts gradually limiting the latter's jurisdiction to the so-called religious sphere. The modern theoretical classifications of legal systems as religious and secular ones probably helped to consolidate the idea in the minds of modern legal historians. That the religious laws are idealistic and have no relevance to the actual practice of law has been translated to the Islamic law. The local customs and practices led to a growing gap between written law and actual practice culminating in the *qānūn-sharīʿa* distinction.

The paper will argue that the Ottoman *sharīʿa-qānūn* distinction is a continuation of *sharīʿa-siyāsa* that has been ever present in the legal theory of Islam right from its early beginnings. The only difference was that Ottomans after Mehmed II produced a written documents of *siyāsa* and called it *qānūn* or *ʿurf* producing a very rich literature. I will argue that *siyāsa*/*qānūn*/*ʿurf* is a product of a deliberate gap finally leading to the separation of the roles of the ulema from that of the rulers.

More information

https://profil.istanbul.edu.tr/tr/p/mbedir

Meriem Ben Ammar

Bio

Meriem Ben Ammar is a 3rd year PhD student in Civil Engineering and Architecture at the University of Cagliari, Faculty of Civil and Ambiental Engineering and Architecture. She obtained her diploma of Architect and a master's degree in architecture from the National School of Architecture and Urbanism of Tunis. She also studied another Master in Heritage Sciences: Islamic Archaeology in the Faculty of Humanities and Social Sciences of Tunis; where she prepared her master's thesis on Islamic law manuscripts of architecture and town planning.

Abstract

The role of Ḥanafī jurisprudence in the urban domain of the medina of Tunis: the Sābāṭ as a case study

The expansion of the Muslim world and the creation of new cities has been accompanied by the emergence of problems and conflicts accentuated by the nature of the urban fabric of the Islamic medina, the typology of its adjacent houses, the road system, and the neighborhood. These problems can be divided into legal matters such as ownership and use rights or technical questions such as construction techniques and materials, lighting, street dimensions, openings, etc.

To resolve these questions, the public turned to jurists and qadis, the intermediary between the disputants, to restore the rights to their owners and preserve the harmony of the city based on what Islamic jurisprudence has provided of rules and laws governing the city and its organization.

The medina of Tunis was an example where Islamic jurisprudence has played an important role in the resolution of these conflicts by the nature of the legal writings (*Nawāzil*, *Rasāʿil*...). In this presentation, we are interested in an architectural element of the medina, whose origin and its introduction into the urban fabric lack explanatory studies, namely the *Sābāṭ*, distributed in the medina as an economical and intelligent choice for the exploitation of space. This structure, in terms of its constructive typology, created a set of problems between neighbors which required a juridical intervention. We propose to analyze a Ḥanafī legal source on the Sābāṭ written by a Tunisian Hanafi jurist Mohammed Bayram II (1749-1831), entitled *Risālat Taḥqīq al-Manāṭ fī ʾadam ʾIʿādat al-Sābāṭ* [Proper reasons for not reconstructing the *Sābāṭ*]... Through a multidisciplinary approach combining history to jurisprudence to architecture and urbanism, we will approach this legal text in a manner to determine technical and material reality.

More information

https://unica.it/unica/it/dip_ingcivile.page

Alexandre Caeiro

Bio

Alexandre Caeiro is Associate Professor in the College of Islamic Studies at Hamad Bin Khalifa University and a Visiting Fellow at the Program on Law and Society in the Muslim World at Harvard Law School.

Abstract

The political work of the *qāḍī*: Islamic law and the demands of the rentier state

This paper examines the political roles of Qatar's sharia scholars and institutions from the foundation of the sharia judiciary in the 1950s until the latter's assimilation into the centralized structures of the modern state in the 2000s. This was a period of momentous political, economic, and social change in the Gulf. The legal structures of the Gulf states were transformed in ways that challenge the secularization stories prevalent in the literature. Enabled by oil wealth and the power of emerging state institutions, Qatar's sharia scholars managed to expand the scope of Islamic law in the twentieth century, separating political from legal authority, marginalizing customary legal forums, and making sharia relevant beyond the confines of family law. Drawing on legal decisions by the chief *qāḍī* 'Abd Allāh b. Zayd Āl Maḥmūd (1911–1997), publications from the Presidency of Sharia Courts (1958-2003), scholarly biographies and treatises, and British colonial archives, I delineate the political space in which sharia scholars operated. I examine how judges and muftis served to legitimate the political rule of the ruling family, contributed to the establishment of the rule of law, participated in contestations over jurisdictional authority, naturalized the logic of the nation-state, and helped delimit the powers and ambitions of emerging government bodies. I argue that during this period, sharia scholars not only defined Islam for the Qatari state, but also circumscribed the state according to Islam. I suggest in conclusion that sharia judges and muftis were ambivalent allies of the Qatari state's modernizing project. They were just as likely to echo and further the state's developmentalist goals and regulatory ambitions, as they were to critique and resist them.

More information

https://www.hbku.edu.qa/en/cis/staff/alexandre-caeiro

David Drennan

Bio

David Drennan is a PhD Candidate in the Centre for Islamic Studies and Civilisation at Charles Sturt University, based in Sydney, Australia. His doctoral research focuses on Mauritanian abridgements and commentaries on al-Shatibi's *Muwafaqat* from the late 19th and early 20th centuries, as well as other related *Uṣūl al-fiqh* texts in order to trace the reception history of this important work of Islamic legal theory within the Maliki school of law as found in the Northwest Africa. David was previously a recipient of the Australian government's Endeavour Research Fellowship Award in 2011, which saw him travel to Jordan for intensive research.

Abstract

Clarifying the Complexity of Shāṭibī's Legal Thought: Unpacking Mālikī Commentaries on Muwāfaqāt in Early Twentieth Century Mauritania

This paper focuses on tracing the engagement with al-Shāṭibī's (d. 1388) *Muwāfaqāt* and *maqāṣid* approach by Maliki jurists in early-modern Mauritania. It does this in order to begin exploring the apparent 500-year break in historical transmission and reception of Shāṭibī's works, as a counterbalance to the much more widely-known modernist trend in *maqāṣidi* thought, which became prominent after Muhammad 'Abduh (d. 1905) encouraged his students to read and produce printed editions of Shāṭibī's texts during the 1920s. This modernist approach has become the standard narrative in Islamic studies discourse today. However, it ignores a corpus of existing work in the Muslim 'periphery', which shows Shatibi was not 'forgotten' and in need of revival there.

This paper traces the transmission of Shāṭibī's ideas through his student, Ibn 'Asim (d. 1426), and onwards into early-modern Mauritania. It substantiates that Shāṭibī's *Muwāfaqāt* was known and discussed, in writing, from 1800 at the very latest, and that his approach to *maqāṣid* and other issues were clearly delineated and subsumed within mainstream Mālikī *uṣūl al-fiqh* discourse, not treated as a separate discipline, as simple utilitarianism, or as a way with which to jettison the transmitted body of juristic thought in favour of contemporary norms, as has often been suggested in today's discourse surrounding *maqāṣid* and *maṣlaḥa*.

It does this through highlighting the commentaries on Ibn 'Asim's *uṣūl al-fiqh* text by Muhammad Yaḥyā al-Walātī (d. 1912), the earlier sources he relies on, as well as later commentaries building upon him. It aims to show that the teaching of Ibn 'Asim was commonplace, and that there has long been a connection between Ibn 'Asim and Shāṭibī recognised within that space. This is to show both parallel and preceding engagement with al-Shāṭibī and *Muwāfaqāt*, accounting for a further century of engagement with and transmission of his work.

More information

https://arts-ed.csu.edu.au/research/higher-degrees-by-research/current-candidate-profiles/david-drennan

Baudouin Dupret and Ayang Utriza Yakin

Bio

Baudouin Dupret is educated in Law, Islamic Sciences and Political Sciences. He is Directeur de Recherche at the French National Centre for Scientific Research (CNRS). He is also guest lecturer at the University of Louvain (Belgium) and research associate at the Netherlands Institute Morocco (NIMAR, Rabat, Morocco). He has published extensively in the field of the sociology and anthropology of law in the Middle East. He (co-)edited numerous volumes, the last one being State Law and Legal Positivism (with J.L. Halpérin, Brill, 2021), and authored several books, e.g. Positive Law from the Muslim World: Jurisprudence, History, Practices (Cambridge U.P., 2021).

Ayang Utriza Yakin is a Postdoctoral Researcher at Sciences-Po Bordeaux, France, working on the ANR funded project "Equality and Laws in Personal Status" 2021–2024. He was a visiting fellow and postdoctoral researcher at the universities of Oxford (2012), Harvard (2013), Tokyo (2016), and UCLouvain (2016–2019), and visiting professor in Arabic and Islamic Studies at the Department of Languages and Cultures, Section Middle-East, Ghent University (2019–2021). He co-edited Rethinking Halal: Genealogy, Current Trends, and New Interpretation (Brill, 2021) and Islamic Divorce in the 21st Century. A Global Perspective (Rutgers University Press, 2022).

Abstract

Establishing filiation relationships in Islamicate contexts: A comparative perspective on the practice of Islamic positive law (Baudouin Dupret and Ayang Utriza Yakin)

In a relatively recent paper on the establishment of marriage in the family law of Muslim-majority states, it is argued that it is not so much Islamic legal doctrine (*fiqh*) that transformed into codified state law, from the early nineteenth century onward, than positive law, which established itself as the new-born nation states' organizing normative system, that transformed *fiqh* into one (main) substantive source of national laws. This corresponded to what was called elsewhere the "invention of Islamic law", i.e., the rephrasing of Islam-inspired normative systems through the prism of modern legal positivism. It also corresponds to the claim that research should be cautious when claiming to assess the authenticity of what is called "*sharī ʿa*", "*fiqh*" or "Islamic law", as there is no "true" background against which evaluating such expressions, but only situated uses of them.

The present paper is drawing on a broad project aiming to deepen our understanding of the phenomenon of the legal positivization of Islam through the comparative examination of an issue that was rarely legislated and thus largely remained in the hands of judges' discretion: filiation. Whereas in the broad project we intend to address no less than five countries (Indonesia, Israel, Egypt, Tunisia, Morocco), we concentrate this talk on the cases of Indonesia and Morocco. Recently, the question of filiation received special attention in both countries. Of special importance was the question of the admissibility of DNA tests. Through a close look at what we call the "trajectory" of two recent cases (one per country) and after the description of both legal systems, family laws, and specific treatments of filiation establishment (*ithbāt al-nasab* in Arabic *fiqh*), the presentation will address the two cases' factual elements, the first-degree judges' arguments, the appeals' rationales, and the supreme courts' final rulings. This type of inquiry allows us to examine the competing arguments, the stakes and dynamics involved, and the fundamental features of both legal and judicial processes.

More information

https://www.lam.sciencespobordeaux.fr/annuaire-chercheurs/nom/ayang-utriza-yakin/

Nijmi Edres

Bio

Nijmi Edres holds a PhD from Sapienza University of Rome, where she specialized in socio-legal studies on the Palestinian minority in Israel. She currently contributes to the project "CanCode: Canonization and Codification of Islamic Legal Texts", at the University of Bergen (Norway). Her research investigates processes of standardization of Muslim legal texts in Israel.

Abstract

Mahr: legal practice affecting Palestinian Muslim women in Israel

In the last years scholarly attention towards issues of Muslim family law in Israel has grown substantially. Nonetheless, while relevant academic works of scholars such as Moussa Abou Ramadan and Ido Shahar have recently focused on legal issues such as child custody and maintenance, the development of Muslim legal practices and thinking in Israel with regards to mahr remains understudied. Yet, mahr practices keep having a huge impact on Muslim women's lives, affecting both marriage and divorce. This paper aims at looking at the evolution of practices regarding the legal institute of mahr among the Muslim community in Israel and at the impact of such changes on the life of Palestinian Muslim women with Israeli citizenship. The paper aims at contextualizing the discussion on mahr in the broader framework of the codification of Muslim law in Israel and at its enduring challenges. Israel provides an extremely rich case study when dealing with issues regarding the codification of Islamic law in Modern times, and related problems. Indeed, while important pieces of civil legislation passed the approval of the Knesset becoming laws of the State, attempts to modernize family laws applied in religious courts (Muslim, Christian, Druze and Rabbinical) never turned into laws. This affected mahr practices as well. Due to the overlapping of different legislations and legal traditions, the case of Israel also offers a unique point of view to investigate the development of Muslim law in Muslim minority countries. By drawing from secondary and primary sources, and especially at judgments issued by *sharī ʿa* Courts in Israel, the paper aims at tracing the history of mahr practices in Israel from1948 up to contemporary times, shedding light on unresolved problems, strategies and changes.

More information

https://www.uib.no/en/cancode

Dörthe Engelcke

Bio

Dörthe Engelcke is a senior research fellow at the Max Planck Institute for Comparative and International Private Law. She received her PhD from St Antony's College, University of Oxford, in 2015. She has held fellowships at Harvard Law School and the Lichtenberg-Kolleg, the Göttingen Institute of Advanced Study. Her work has appeared in Law & Social Inquiry, the Journal of Law and Religion, and Islamic Law and Society. She is the author of Reforming Family Law: Social and Political Change in Jordan and Morocco" which was published by Cambridge University Press in 2019.

Abstract

Attitudes towards inheritance and inheritance practices of Muslim and Christian Jordanians

Every law is imbued with assumptions, including types of behaviour that are deemed the norm and types of behaviour that are discouraged. This is equally true for Islamic inheritance law. In general, Sunni and Shiʿi law continues to uphold the concept of two shares for men and one share for women. During the marriage the husband is obliged to provide for his wife; in exchange, he is entitled to her obedience. Men's right to guardianship (*wilāya*) over women and children is linked to men's financial responsibility for their wives and children. According to Islamic law, women can own property and their income belongs exclusively to them without any obligation of spending it on their families. Many Muslim scholars therefore claim that larger inheritance shares for men help to ensure that men can perform their role as providers, that is Islamic inheritance provisions assign inheritance shares based on individual financial responsibilities. This project investigates whether current inheritance practices are in line with the theoretical construct on which Islamic law has been built. This study aims to provide a fuller picture of inheritance practices and attitudes towards inheritance among Christian and Muslim Jordanians. Do Muslim and Christian Jordanians share similar attitudes regarding inheritance and experiences with inheritance practices? And to what extent do socio-economic factors shape attitudes towards inheritance? In Jordan, as in many other Muslim-majority jurisdictions, Christian communities apply the Islamic inheritance law. The project is based on a representative, Arabic-language quantitative survey that is carried out in cooperation with the Center for Strategic Studies at the University of Jordan. The sample consists of 1400 respondents. The respondents are sampled from seven out of the twelve governorates in Jordan; almost all Christian Jordanians live in one of these seven governorates.

More information

https://www.mpipriv.de/854279/Engelcke-Doerthe

Sebastian Elsässer

Bio

Sebastian Elsässer has been assistant professor of Middle Eastern and Islamic Studies at Christian-Albrechts-Universität Kiel since 2011. He received his M.A. degree in Islamic Studies, Political Science and Political Economy from Freie Universität Berlin in 2005 and his Ph.D. degree from Freie Universität Berlin in 2012. He was a guest doctoral researcher at the CEDEJ, a French research center for the social sciences, in Cairo between 2008 and 2011. His research interests include the cultural and ideological history of Islamism, Muslim and Christian family law, the contemporary role of religious institutions and authorities, and religious change in the Arab world.

Abstract

Islamist Ideology and the Tactical Use of *Fiqh*: The Muslim Brotherhood and the Problem of *takfīr* (1960s-1990s)

In theory, the Muslim Brotherhood (Ikhwan) claims that its teachings are based on the solid foundation of traditional Sunni *fiqh*, the „ *sharīʿa* ". The underlying notion embraced by the Muslim Brotherhood is that the four canonical legal schools of Sunni Islam agree on the „fundamentals" and only disagree on the „details" (*furūʿ*) of Islamic normativity. In reality, however, there is a clear discursive dichotomy between the ideological language of the Ikhwan, which is in many instances only loosely or not at all based on *fiqh* concepts, and the realm of *fiqh*. More precisely, the *fiqh* tradition is only activated selectively, for example when discussions arise about the meaning of particular ideological concepts and propositions, not at least when participants in a debate find some tactical benefit in shifting the mode of reasoning into the realm of *fiqh*.

My paper is going to demonstrate and analyze these patterns in one concrete case study, namely Muslim Brotherhood debates about the question of *takfīr* – under which circumstances fellow Muslims may be declared unbelievers – between the 1960s and 1990s. The analysis is going to draw attention to the following patterns of using *fiqh* in an ideological context: 1) Muslim Brotherhood authors habitually reify the *fiqh* tradition: Any opinion they adopt is usually portrayed as „the point of view of Islam" or the „consenses of the scholars". This is sometimes coupled with 2) Fiqh as ideology in disguise: In this case, the authors surreptitiously introduce ideological notions into *fiqh* discourse, without mentioning that they are adding their own layer of interpretation to classical opinions. However, there does not always need to be a harmonization between *fiqh* and ideology, as the following two patterns show: 3) Fiqh as an evasion. Authors use a technical *fiqh* discourse to criticise ideological statements without challenging them directly on an ideological level. A typical case is the treatment of Qutbist ideology in Ḥasan al-Huḍaybī's work „Preachers not Judges". 4) Fiqh as „salon radicalism": In this pattern, the author uses the *fiqh* discourse to spell out a scenario of persecution against political opponents, without calling for its practical implementation. A typical case are the contributions of Yūsuf al-Qaraḍāwī.

More information

https://www.islam.uni-kiel.de/de/mitarbeiter/dr.-phil.-sebastian-elsaesser

Fatima Essop

Bio

Fatima Essop is an Advocate of the High Court of South Africa and has practiced both as an attorney (solicitor) and advocate (barrister) in various areas of law, including Muslim personal law. She obtained her master's in law from the University of Cape Town (UCT) in 2001 and recently obtained her degree in Arabic and Islamic law. She is currently completing her PhD in UCT's law faculty on the intersection between South African and Islamic laws of inheritance and has conducted extensive empirical research towards her thesis.

Abstract

Islamic Inheritance Laws as Interpreted and Applied by Muslim Judicial Bodies in South Africa

As a deeply pluralistic society, the South African legal system has multiple systems of law that co-exist within society. Although the State does not recognize Muslim personal laws they continue to be practiced by the Muslim community within the private sphere. In the spheres of marriage, divorce and inheritance, Muslim judicial bodies within the community regulate and implement systems of Islamic law, that runs parallel to the existing State law, without receiving official state recognition.

With regard to Islamic inheritance, Muslim judicial bodies assist the Muslim community in drawing up *sharīʿa* compliant wills, so that their estates devolve according to the Islamic laws of inheritance. Upon the death of a Muslim testator, Muslim judicial bodies also draw up distribution certificates, which stipulate who the Islamic law heirs are of the testator and their respective inheritance shares. These Muslim judicial bodies wield considerable power in determining how wealth is transmitted within Muslim families through the institution of inheritance. Their interpretation and application of Islamic inheritance laws are deferred to by members of the Muslim community, by the legal profession and by state officials, responsible for winding up deceased estates.

I undertook empirical research at one of the leading Muslim judicial bodies in the Western Cape, in order to identify the challenges of implementing Islamic inheritance laws in the South African context. I found that the conservative interpretations adopted by the Muslim judicial body when applying Islamic inheritance law, did not always result in favorable outcomes for certain vulnerable members in the Muslim family unit, like women or children conceived out of wedlock. Their interpretations are furthermore not always reconcilable with rights entrenched in the South African Constitution. My paper discusses some of these challenges uncovered in my empirical research.

More information

http://www.privatelaw.uct.ac.za

Rozaliya Garipova

Bio

Rozaliya Garipova is Assistant Professor of Religious Studies and History at the Department of History, Philosophy and Religious Studies at NU. She is currently completing her first book project titled Muslim Marriage and Divorce in Imperial Russia: Empire, Legality and Religious Authority. It is the first comprehensive study on the impact of the modernizing Russian empire on Muslim marital practices. Rozaliya published several articles on this topic in *JESHO*, *Islamic Law and Society*, and in the collective volume titled *Sharia in the Russian Empire: The Reach and Limits of Islamic Law in Central Eurasia, 1550-1917*.

Abstract

Imperial rule, Marital Consent, and Women's Agency Among Volga-Ural Muslims in Imperial Russia.

Starting from the early nineteenth centuries, Enlightenment-guided Russian imperial authorities decided to "bring order" to the Muslim family. In the early 1820s Alexander Nikolaevich Golitsyn, the Minister of Spiritual Affairs and Enlightenment and the overprocurator of the Holy Synod attempted a project of compilation of Muslim Marital Laws where he included the absence of marital consent as a "disorder" persistent in Muslim society. An imperial institution, the Orenburg Mohammedan Spiritual Assembly, which was established in 1788 to better control the Muslim population of the Russian Empire, played an important role in "bringing order" to the marital affairs of the Muslims and giving agency to the Muslim women. In 1840, the Assembly compiled a set of rules that the ulama were ordered to follow when performing marriage to their parishioners. Imams were instructed to check carefully if the bride consented to marriage, and only after that perform marriage ceremony. Marital consent became an important element of the legality of marriage and gave women the right to claim their marriage invalid if undertaken without her consent. Moreover, the Orenburg Assembly functioned as a court of appeal granting Muslim men and women the right to bring their complaints in marital and inheritance problems. This paper will explore two interrelated questions: What was women's agency in negotiating their choice of future husband and what was the impact of the imperial regulations in this question?

More information

https://ssh.nu.edu.kz/faculty/rozaliya-garipova/

Faisal Kamal

Faisal Kamal is a PhD candidate in the Department of Political Science at the University of Toronto. His dissertation research focuses on state-religion relations in Pakistan and Bangladesh through the prism of property, constitutional law, and religion. He was previously a visiting doctoral researcher at the Bangladesh Institute of Law and International Affairs in Dhaka, and a visiting doctoral fellow at the Max Planck Institute of Ethnic and Religious Diversity, Göttingen, Germany and Alexander von Humboldt Chair of Comparative Constitutionalism at the University of Göttingen. His research is supported by the Ontario Graduate Scholarship.

Abstract

Secularizing Wealth & Property: Regulating Islamic Law in the Supreme Court of Bangladesh

What ideological justifications do courts use to secularize property law in legally pluralistic regimes? Like many postcolonial jurisdictions, Bangladesh recognizes and applies Islamic law in some domains of law. This paper examines landmark judgments by the Bangladesh Supreme Court in which a few avant-garde judges "undid" religious property law on various grounds, all of which were later overturned on appeal. Since Bangladesh recognizes secularism as one of its founding principles *and* declares Islam to be the state religion, these seemingly contradictory commitments have produced enough legal ambiguity that allows progressive judges to either liberalize or secularize religious law, drawing from a variety of ideological frameworks. The extant scholarship on law and religion, particularly on Bangladesh, is primarily concerned with meta debates on constitutional design, politicization of religion, and national identity. In comparison, relatively little attention has been given to studying Islamic and non-Islamic justifications in Bangladesh for secularizing property by some judges, and to maintain the status quo by other judges. The paper outlines four main approaches used to untether property from religious rules in the case of pre-emption (*shufa*), *waqf*, and inheritance. I employ an interpretive framework based on an examination of Bangladeshi jurisprudence and non-legal texts by Bangladeshi judges as well as fieldwork spanning six months that was conducted in Dhaka. The four justifications are as follows: 1) a theory of "divine accommodation" that exhorts a reading of religious texts in contemporary light; 2) a "Pauline" justification for separating law from belief that eviscerates any legal residues from Islam; 3) a legislative approach to the study of Quranic law; and 4) a non-religious justification emanating from political economic and gender considerations. These four approaches are based on different assumptions about the nature and place of religious law in Islam. Theoretically, my main contention is that attempts at secularization (and their reversal) cannot be explained purely by appealing to an institutional design, political expediency, or activism logic. One also needs to account for how different forms of justifications serve as anchors that are used by courts when adjudicating Islamic law. This paper provides a systematic classification of the different justifications that have been used thus far to secularize law.

More information

https://www.mmg.mpg.de/person/95814/2553

Hadi Qazwini

Bio

Hadi Qazwini is an educator and intellectual historian of Islam. He holds extensive training in both traditional and academic Islamic studies. He is currently completing a PhD at the University of Southern California (USC) in Los Angeles. His research centers on the intersections of classical Islamic theology and legal theory, with a particular focus on Shiʿism.

Abstract

Juristic In/fallibility and the Construction of Islamic Legal Pluralism

This paper revisits the popular academic assumption that Islamic law is inherently pluralistic. By taking the debate in Islamic legal theory (*uṣūl al-fiqh*) over juristic in/fallibility (*al-takhṭi'a wa al-taṣwīb*) as a case study, this paper underscores the difference between historical diversity and theoretical pluralism in the study of Islam and Muslims. There is no doubt that, as a historical reality, "Islam" in its various doctrinal and practical manifestations has never been monolithic. However, this diversity as a historical or sociological reality has often been confused or collapsed with pluralism as a theoretical or ideational construct. In other words, some scholars appear to have taken the historical fact of a plurality of voices on the ground over the course of the history of Islam to be the basis for their arguments that Islam – and more specifically Islamic law – is inherently or essentially pluralistic. Through a close reading and comparative analysis primarily of the works of several major Sunni and Shiʿi legal theorists of the fourth-fifth/tenth-eleventh centuries, this paper demonstrates how both the proponents of legal monism (juristic fallibility; "single-truth") and the proponents of legal pluralism (juristic infallibility; "all-correct") were engaged in ideational constructions as reactions to or justifications of the plurality of legal voices and communities on the ground, respectively.

More information

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Adam Ramadhan

Bio

Adam Ramadhan completed a BA in Arabic and Islamic Studies at the University of Leeds and subsequently spent several years studying traditional Islamic Studies at the Al-Mahdi Institute. At present, he is completing an MSt in Islamic Studies and History at the University of Oxford and is the Head Librarian at the Al-Mahdi Institute. His research interests include Imāmī legal theory and theology.

Abstract

***Qāʿidat al-injibār*: The Debate over Rehabilitating Traditions in Imāmī Legal Theory.**

When faced with a tradition that does not meet the criteria to be considered probative (*ḥujja*) in terms of its chain, Imāmī scholars would not necessarily reject it outright. If the tradition conveyed information regarding a recommended ruling (*al-ḥukm al-istiḥbābī*), some would employ the legal maxim of taking a lenient attitude towards its chain (*qāʿidat al-tasāmuḥ fī adillat al-sunan*). This maxim does not apply, however, if the tradition with a weak chain regards an obligation or prohibition. In such a case, the obvious solution would be to drop the tradition from consideration. Imāmī scholars, however, developed a mechanism by which the weakness of such traditions can be compensated for due to earlier scholars acting on them. This is known as '*qāʿidat al-injibār*,' or 'the principle of rehabilitation' and is the focus of this paper.

This paper first discusses *qāʿidat al-injibār* in its fully developed form in modern works of Imāmī *uṣūl al-fiqh* and presents the debate over its legitimacy as a principle. In particular, the views of al-Shaykh al-Anṣārī (d. 1281/1864) and al-Sayyid al-Khūʾī (d. 1413/1992) will be examined. This paper will then move from theory to practice and demonstrate how QI has been applied in the *fiqh* works of al-Anṣārī and al-Khūʾī through the example of the famous *maqbūla* of ʿUmar b. Ḥanẓala which, despite its problematic chain, is often cited in *fiqhī* discussions on *taqlīd* and *wilāyat al-faqīh*.

The case of *qāʿidat al-injibār*, it shall be argued, is indicative of a general trend within Imāmī *uṣūl al-fiqh* to resort to mechanisms which justify a reliance on textual sources – however problematic they may sometimes be – at the expense of other potential solutions such as reason (*ʿaql*) which is identified as a source of law but is conceived of in such a way which makes its use almost impossible.

Ari Schriber

Bio

Ari Schriber is Postdoctoral Fellow in the Department for the Study of Religion at the University of Toronto. His research focuses on Islamic legal and intellectual history of twentieth-century North Africa and Middle East. He is currently developing a book manuscript examining shari'a court practice in colonial and post-colonial Morocco (1912-1965).

Abstract

Social Knowledge as Evidence: The Lafīfiyya Testimony in the TwentiethCentury Moroccan-Mālikī Legal Tradition

In my paper, I examine a distinctly Maghribī twelve-layman testimony—the *lafīfiyya*, or *shahādat al-lafīf*—as practiced in twentieth-century Moroccan *sharīʿa* courts. The lafīfiyya testimony arises in Moroccan *ʿamal* literature, which stipulates that litigants may present twelve Muslim lay witnesses in cases of necessity (*ḍarūra*) to replace the standard two professional witness-notaries (*ʿadl*, pl., *ʿudūl*). In practice, the lafīfiyya was very common in Moroccan *sharīʿa* courts, appearing to establish everything from land ownership and enslavement to sales and marriage contracts. However, such layman testimonies also presented major challenges to judges and standard Islamic norms of court procedure: the witnesses were unknown to the court and chosen by the very litigant for whom they testified. How then could the *sharīʿa* judges credibly establish whether the twelve unknown laymen were reliable and their testimony truthful and accurate?

Using both individual *lafīfiyya* documents and case records, I demonstrate how Moroccan judges actively assessed *lafīfiyya* testimonies through both Mālikī testimonial criteria and their own contingent social knowledge. I focus in particular on the judges' scrutiny of the lay witnesses' capacity to identity (*taʿrīf*) and present a knowledge basis (*mustanad al-ʿilm*) for what they testimony. Judges invoked these criteria directly from Moroccan-Mālikī legal texts, especially in Mālikī compendia (e.g., the *Mukhtaṣar of Khalīl* and *Tuḥfa* of Ibn ʿĀṣim), their Moroccan-authored commentaries, and *ʿamal* collections. At the same time, judges could only assess the "plausibility" of such criteria through their own knowledge of local social norms. By invoking their own social discretion for textually stipulated criteria, I propose that Moroccan judges were able to 1) ensure the *lafīfiyya*'s functionality as testimony, and 2) reinforce it as a distinctly Islamic legal practice.

More information

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Delfina Serrano-Ruano

Bio

Delfina Serrano-Ruano is PhD Tenured Researcher at the Spanish National Council for Scientific Research (CSIC). She specializes in the history of Islamic law. In 1999 she published a Spanish translation and study of *Madhāhib al-ḥukkām fi nawāzil al-aḥkām*, a collection of legal cases compiled by the 12th century Maliki jurist Muhammad b. `Iyad. Other results of her work have appeared in both Spanish and international academic journals like Al-Qantara, Islamic Law and Society, Der Islam, Hawwa, Bulletin d'Études Orientales, Revue des Mondes Musulmans et de la Méditerranée and Journal of Middle East Women's Studies.

Abstract

Is maternity legally determined by labor and delivery? Five Andalusi interpretations of Qur'an LVIII, 2

In contemporary Islamic bio-ethical discourses, Qur'an LVIII 2 is cited among the textual arguments that allegedly establish the prohibition of surrogate maternity. According to this reasoning, when it comes to elucidate what it means to be someone's mother, gestation and delivery prevail over conception whereas gestation involves an exchange of biological materials that affects the ontological status of the fetus. As with third-party gamete donation, the prohibition is thus further justified by the ever present need to avoid the "mixing of lineages" (*ikhṭilāt al-ansāb*).

My paper is aimed at checking whether the above understanding of Qur'an LVIII 2 is as self-evident and compelling as the Muslim detractors of surrogate maternity appear to assume. This I will do by reference to a compact and fertile context as far as the discipline of Qoranic exegesis is concerned. I refer to al-Andalus between the 12th and 13th centuries C.E. In this period at least five authoritative Qur'an commentaries were written whose impact was felt well beyond the limits of al-Andalus until our very days. Four of them are focused on the legal import of the Sacred Book whereas an outstanding sample of mystical *tafsīr* will be used for the sake of comparison. Reading the Qur'an does not occur in a vacuum or solely on the grounds of scholarly methods. Furthermore, it is questionable whether by that time and in that place, the available medical or pseudo-medical knowledge was part of the admitted exegetical tools. To the extent that this is possible, I will then test whether the scholars' understanding of the textual evidence relevant to the normative definition of maternity were shaped by beliefs widespread among the religious scholars, for example, that the uterus is a mere receptacle of an embryo formed out of a man's sperm and that sexual intercourse with a pregnant woman contributes to the healthy development of the foetus.

More information

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Ido Shahar

Bio

Ido Shahar is a senior lecturer at the Department of Middle Eastern and Islamic Studies, University of Haifa. He is a legal anthropologist and a social historian, specializing in the study of *sharī ʿa* courts and of Palestinian society. He has published extensively on legal pluralism, on *sharī ʿa* courts in Israel, and on Palestinians in Israel.

Abstract

A Law One Hundred Years Young: The Interpretative Viability of Codified Sharī ʿa - the Application of the Ottoman Family Law in Palestine/Israel, 1917–2017

The paper aims at illustrating the "interpretative viability" of the Ottoman Family Code of 1917 – i.e., its susceptibility to changing interpretations – and to discuss some of the interpretative tools that *qāḍī*s have applied to it over the years. By tracing the changing implementation of Article 130 (*nizāʿ wa-shiqāq*) of this law by *sharīʿa* courts in Palestine/Israel over a period of one hundred years (1917¬-2017), the article shows that the codification of the *sharī ʿa* did not produce a closed, immutable, monolithic legal system, but rather has provided *qāḍī*s with considerable interpretative freedom – much more than is commonly assumed. Moreover, the hermeneutic tools employed by *qāḍī*s to interpret the code build on earlier, pre-codification sources of pluralism and interpretative freedom within the *sharīʿa*. By highlighting the continuities between pre-codified and post-codified *sharīʿa*, the article aims at contributing to the debate concerning the transformation of the *sharīʿa* in modern times.

More information

https://mideast.haifa.ac.il/?p=831&lang=en

Mariam Sheibani

Bio

Mariam Sheibani is Assistant Professor in History at the Department of Historical and Cultural Studies at The University of Toronto-Scarborough. She received her PhD in Islamic Thought from the Department of Near Eastern Languages and Civilizations at the University of Chicago. Prior to joining the University of Toronto, she was a Research Fellow at Harvard Law School and Lecturer at Harvard Divinity School. Her research interests are in late antique and medieval Islamic intellectual and cultural history, with a focus on the theory and practice of Islamic law. She also serves as Lead Blog Editor for the Islamic Law Blog based at Harvard Law School.

Abstract

A Tale of Two *Ṭarīqas*: The Iraqi And Khurasani Shāfiʿī Communities in the fourth/tenth and fifth/eleventh centuries

Recent developments in the study of Shāfiʿī legal history have focused on the thought of al-Shāfiʿī and his direct students, Shāfiʿī legal theory in the formative and post-formative periods, and Mamluk-era legal practices and institutions. A gap persists regarding the evolution of the Shāfiʿī school after the generation of al-Shāfiʿī's students, roughly during the fourth/tenth to the fifth/eleventh centuries. The historiography of this period tends to depict the Shāfiʿī school as one homogeneous and undifferentiated institution pitted in competition against other legal schools, chiefly the Ḥanafīs in Khurasan and the Ḥanbalīs in Iraq. My paper draws on an array of legal, biographical, and historical sources to provide a new account of Shāfiʿī legal history in the fourth/tenth to the fifth/eleventh centuries: the tale of two *ṭarīqa*s, or Shāfiʿī interpretive communities, that developed in in Khurasan and Iraq independently and represented two distinct legacies of the Shāfiʿī school.

The paper first reconstructs the expansion of the Shāfiʿī school Eastward from its base in Cairo, into the emerging intellectual centers in Iraq, and later Khurasan and Transoxiana. I analyze the provenance of the elusive conceptual-historical categories that dominated Shāfiʿism in this period: the diverging method and community of the Khurasanis and the Iraqis (*ṭarīqat al-khurasāniyyīn wa-l-ʿirāqiyyīn*). I argue that Shāfiʿism in this period was primarily concerned with consolidating school doctrine by arbitrating among a multiplicity of transmitted views from early authorities and developing a methodology for treating unprecedented cases. Through a reconstruction of the intellectual networks that constituted the Iraqi and Khurasani communities and an analysis of the thought of prominent figures in each community, I show that by the mid-fourth/tenth century, what were formerly fluid Shāfiʿī networks had evolved into two discrete interpretive communities. The fault lines between the two communities included claims of descent from distinct lineages of authorities and championing of divergent substantive legal rules, methodological particularities, and views on the relationship between rational theology and legal theory. These insights not only complicate our understanding of what constitutes the postformative *madhhab* as an institution, but it also points to how broader developments in intellectual and institutional life – such as the ascendance of Ashʿarism, the emergence of new centers of intellectual life, and the introduction of the madrasa – shaped the internal workings of the *madhhab.* The paper ends with an analysis of how and why the two *ṭarīqa*s came to an end, and how Mamluk-era Shāfiʿī biographers and intellectual historians, who were responsible for fusing the two legacies of the school into a single, unitary school doctrine, understood this period in the school's evolution and memorialized it in the school's collective memory.

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Sümeyye Şimşek

Bio

Sümeyye Şimşek is a PhD candidate in Islamic law at Istanbul 29 Mayis University. She is currently studying female slavery in the 18th-century Ottoman Empire. She has completed her MA in Islamic law at Marmara University with a thesis is on shayk al-islam fatwas and new legal problems in the late Ottoman period. Her interests include historical practices of Sharia law, the Ottoman legal system, and gender & slavery.

Abstract

Seeking Freedom in Court: The Cases of 18th Century Ottoman Female Slaves

Female slaves were employed in the Ottoman Empire for two main purposes: Either as domestic servants such as cooks, nursemaids, cleaners, and laundrywomen, or elite slaves such as concubines, singers, and poets. Even though their living standards differed in accordance with their employment purpose and the household they belonged to, all female slaves theoretically had the right to claim their freedom in court for several reasons. The court records (*kadı sicilleri*) and emancipation documents (*ıtkname*) demonstrate that the primary way of gaining freedom was the voluntary manumission by the master, but female slaves could also acquire freedom by giving birth to the master's child (the slave was then called *ümmüveled*). If there was any injustice towards such slaves, for example, if the owner tried to sell his pregnant concubine, they had the legal right to apply to the court. As a distinctive feature of Ottoman slavery, serving for a certain period (i.e., seven to nine years) or being subjected to mistreatment would also give slaves the right to apply to the court to claim their freedom. Another significant aspect of Ottoman slavery was that the status of slaves of certain nationalities could change according to the political events and international relations of the time. For example, all Persian slaves in the Ottoman Empire were given free status following the wars and treaties with Persia in the 18th century. To identify and analyze these various emancipation procedures, this study focuses on the Ottoman court cases initiated by female slaves in 18th century Istanbul. At the same time, it aims to shed light on a range of related topics such as the legal rights of female slaves while claiming their freedom, the representation ratio of female slaves in court, some distinctive features of Ottoman slavery, and illegal practices of the slave owners and traders.

George Warner

Bio

George Warner is a research associate at the Centre for Religious Studies at Ruhr-Universität Bochum, Germany, having previously taught at SOAS, where he also completed his PhD in 2017. His research interests include Shi'ism, devotional literature in Arabic and Persian, ritual studies and hadith. His first book, 'The Words of the Imams: Al-Shaykh al-Ṣadūq and the Development of Twelver Shīʿī Hadith Literature,' was published by I. B. Tauris in 2021.

Abstract

Scholars as Liturgists: The Shifting Authority of the Jurist in Twelver Shīʿī *Aʿmāl* Literature

Manuals of *aʿmāl* are an ancient and highly distinctive feature of Twelver Shīʿī legal writing, delineating complex supererogatory rites that usually involve long texts for recitation, structured around a calendrical framework. Despite their ubiquity, *aʿmāl* (literally 'acts') have received minimal attention in studies of Twelver law, an attitude seemingly motivated by their supererogatory, 'non-canonical' status. Conversely, this paper will contend that the different status of *aʿmāl* engenders a different kind of scholarly discourse that is no less complex than that concerning topics like *Ḥajj* or almsgiving, and that these devotional manuals are a meeting point of numerous, overlapping imperatives of practice and logics of authority seldom visible in other legal literature.

Examining the *aʿmāl* manuals composed by four authors spanning four centuries – Muḥammad b. al-Ḥasan al-Ṭūsī (d. 1067), Raḍī al-Dīn ʿAlī b. Mūsā Ibn Ṭāwūs (d. 1266), al-ʿAllāma al-Ḥillī (d. 1325), and Ibrāhīm b. ʿAlī al-Kafʿamī (d. 1499) – this paper's focus will be the distinct models of scholarly authority that operate in these works. As well as the usual claims of prophetic or imamic precedent, these models include justification through the practice of scholars themselves, the commands of the Hidden Imam's emissaries, and reference to pre-existing, unwritten frameworks of devotion. The manuals' authors, meanwhile, claim the prerogative to direct the internal, emotional states of the devotee, in a manner quite unfamiliar from other kinds of legal writing. Moreover, the form of these works – compendia of lengthy texts for recitation that few could hope to memorise in their entirety – offer an unusually direct insight into the physical mechanisms whereby jurists directed the faithful in their worship. Through an anatomy of these features and their development, it will be argued that aʿmāl literature evidences the consolidation of an enduring and particular liturgical role for Twelver scholars within their communities.

More information

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Taha Tariq Yavuz

Bio

Taha Tariq Yavuz obtained his Bachelor and Master from the University of Osnabrück. He is currently a doctoral student and research assistant at the same university. He is interested in rational theology (*ʿIlm al-Kalām*), rhetoric (*ʿIlm al-Balāgha*), philosophy (of language), *Uṣūl al-fiqh*, and *fiqh*, Muḥammad Zāhid al-Kawtharī and Saʿd al-Dīn at-Taftāzānī. He is currently workin on his PhD thesis on The Relationship between *Kalām* and Rhetoric in Saʿd al-Dīn.

Abstract

Muḥammad Zāhid al-Kawṯarī (d. 1952) and the Defence of Abū Ḥanīfa (d. 767)

In history, a wide variety of opinions can be found regarding Abū Ḥanīfa (d. 767). In addition to praise, scholars such as Ḫaṭīb al-Baġdādī (d. 1071) or Ibn Abī Šayba (d. 849) criticize him very strongly. This article aims to analyze this criticism on the basis of a protagonist of the last century, Muḥammad Zāhid al-Kawṯarī (d. 1952).

Al-Kawṯarī devoted himself to analyzing these very criticisms of the scholars and wrote separate works on these opinions of al-Bāġḍādī and Ibn Abī Šaybā. The latter claimed that Abū Ḥanīfa went against 125 Prophetic traditions. As a result, his book an-Nuka aṭ-Ṭarīfa focused on elaborate both strands of argumentation and subject them to analysis. This work will not focused on al-Kawṯarīs refutation to al-Baġdādī rather focused on Ibn Abī Šayba and his *Muṣannaf*.

His approach is very pragmatic and easy to follow. Al-Kawṯarī approaches the matter peu a peu by first citing the traditions used by Ibn Abī Šayba in his *Muṣannaf*. The author then states his own opinion, which he identifies by "*aqūlu*". In this context, other scholars who followed Abū Ḥanīfa or agreed with him on this matter are mentioned.

The present work contains several important research desiderata. Al-Kawṯarī's personality has been neglected in scholarly debate. As a result, there is added scholarly value in analyzing al-Kawṯarī's personality. Furthermore, the discussion of the *Ahl al-Ḥadīṯ* and *al-Fuqahāʾ* has always been a contentious issue and will be reproduced and examined in relation to the discussion of Ibn Abī Šayba and al-Kawṯarī.

The following research questions are: What intellectual contribution did al-Kawṯarī make to the discussion regarding the Ḥanafī school of law? Is his criticism of Ibn Abī Šayba justified? What is the relationship between Prophetic traditions and the Ḥanafī school of law?

More information

https://www.islamische-theologie.uni-osnabrueck.de/personal/wissenschaftliche_mitarbeiterinnen/taha_tarik_yavuz_ma.html