Chapter 6  Legal developments

For an illustration of a variety of scholarly approaches to Islamic law see the articles assembled in Wael B. Hallaq (ed.), *The Formation of Islamic Law*, Aldershot, Ashgate Variorum, 2004.


The idea of *sunna*


The emergence of the schools of law


For an examination of the different tendencies among the law schools and areas as displayed in specific laws see Michael Cook, “Early Islamic Dietary Law,” *Jerusalem Studies in Arabic and Islam*, 7 (1986), 217–77.

The role of al-Shāfiʿī

The role of al-Shāfiʿī was especially argued by Joseph Schacht, *The Origins of Muhammadan Jurisprudence*, Oxford, Oxford University Press, 1950. Wael B. Hallaq, “Was al-Shafiʿī the Master Architect of Islamic Jurisprudence?” *International Journal of Middle East Studies*, 25 (1993), 587–605, argues that the immediate impact of al-Shāfiʿī may not have been as great as previous scholars have tended to portray and that it may have taken several centuries before other jurists effected this reconciliation of rationalism and traditionalism.


The development of the schools of law


**Principles of jurisprudence**


**Relations between the schools of law**

On the emergence of the four schools of law as agreeing on the *ʿusūl al-fiqh* see Wael B. Hallaq, “Was the Gate of Ijtihad Closed?” *International Journal of Middle East Studies*, 16 (1984), 3–41.


The statement concerning difference of opinion in the community is found in A. J. Wensinck, *The Muslim Creed: Its Genesis and Historical Development*, Cambridge, Cambridge University Press, 1932, pp. 112–13, article 7 from the *Fiqh Akbar I*.

**Law and morality**

The examples of how the issue of moral responsibility was dealt with are derived from the insightful analysis of Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought*, Cambridge, Cambridge University Press, 2000, part 2.

**The role of the judge**

**The administration of justice**


**The nature of Islamic law**