neighbors and served in the governmental administration. What we see here is
a relatively high degree of social integration of a religious minority into the
surrounding society.

In the coming years, with the assistance of his students, Cohen hopes to
produce similar collections of documents for the following centuries, up until
the First World War. Upon completion, this project will make a unique contribu-
tion to the study of the history of Jews in Islamic lands, especially when
one considers that the Jerusalem court records are complete and continuous
throughout the four hundred years of Ottoman rule.

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1 Cohen has recently published facsimiles of hundreds of documents pertaining to
Jews: A World Within. Jewish Life as Reflected in Muslim Court Documents from
the Sijill of Jerusalem (Sixteenth Century). Philadelphia: Center for Judaic Studies,
1994.

WEISS, Bernard G. The Search for God’s Law: Islamic Jurisprudence in the
Writings of Sayf al-Din al-Ã­mÃ­d. Salt Lake City: University of Utah Press,

Sayf al-Din al-Ã­mÃ­d (d. 631/1233) is still relatively little known in western
scholarship. First trained in Hanbali law in his home town of Amid, he
continued his studies in Baghdad, where he was attracted to Ash’ari theology
and philosophy and joined the Shafi’i school. He became a renowned teacher
in Syria and Egypt, but his interest in philosophy provoked charges of heresy
against him. Such accusations were evidently not entirely without basis since
he defended doctrine expounded by the philosopher Avicenna in his Kitab al-
isharârât against the criticism of the famous Ash’ari theologian Fakhr al-Din
al-Razi.

In The Search for God’s Law, B. Weiss has chosen al-Ã­mÃ­d’s exposition of
the usul al-fiqh, especially in his four-volume al-ihkâm fi usul al-ahkâm, as
the basis for a comprehensive introduction to pre-modern Islamic jurispru-
dence for English readers. The book aims to convey the thought of al-Ã­mÃ­d,
who is taken as representative of orthodox Sunni doctrine, as faithfully as
possible. The method is, as the author stresses, predominantly expository,
although at times interpretation intervenes. Considerable thought has evidently
been put into choosing and devising appropriate English equivalents for
Arabic technical terms and concepts. The book covers broadly all aspects of
the traditional usul al-fiqh. Since al-Ã­mÃ­d wrote in the Ash’ari school
tradition, these include the treatment of some basics of kalâm theology, dealt
with in chapter one. In order to allow selective reading of individual chapters,
there is some intentional repetition of basic points. Since no comprehensive
exposition of Islamic jurisprudence has previously been available in English,
the book will certainly be welcome as a reference work for any subject matter
commonly treated in the discipline.

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The general introduction raises some debatable points. The author points out that the *shari’a* comprises both law in the conventional sense and ethical rules. Western authors often exclude the ‘ibādāt, acts of worship or ritual, from the properly legal parts of the *shari’a*. The author puts forward a different distinction based on the *shari’a* categories of obligatory or forbidden and recommended or reprehensible. He identifies the former with the legal part, arguing that the state is in principle entitled to enforce these categories, but not the latter which merely involve moral judgment. All four categories, however, will be taken into account in the ultimate judgment of God (pp. 3-5). The author is obviously aware that much of what is obligatory or prohibited under the *shari’a* has never been enforced by “Islamic states,” but he insists that “this fact does not argue for the Islamic state’s not having the competence, in theory, to enforce these neglected matters. In principle, the state may enforce much that historically has not been enforced, even in the realm of worship and piety” (p. 106).

This interpretation reflects a serious misunderstanding of Islamic law. In western law, the state is the legislator and is both entitled to, and responsible for, its enforcement. In Islam, God is the legislator, and He alone can set the sanctions to enforce it. In most cases these sanctions are other-worldly, effective on the Day of Judgment. Only in a few specific cases, such as wine-drinking, does Islamic law authorize and oblige the imam—he should be named here since traditional Islamic law has no concept of a state—to mete out worldly punishment. It is not the case that “the Islamic state” could legitimately force Muslims to pray five times daily, to fast, and to make their pilgrimage, although these are certainly legally obligatory. The only worldly legal consequences of non-performance of these duties could be loss of probity and thus exclusion as a witness in court.

The author goes on to argue that the distinction made by western observers between law and morality within the *shari’a* is not comprehensible in traditional Islamic terms and cannot be properly expressed in Arabic (pp. 6-7). If law and morality, however, are understood in their traditional Islamic meaning, viz. respectively as obligations imposed by God and as good and evil, the distinction is both comprehensible in Islamic terms and clearly expressible in Arabic. The author seems to attribute here undue significance to the identification of good and evil with what is commanded or prohibited by the divine Law-giver in Ash’arī theology. This identification is merely a radical theological thesis. Muslims, including Ash’arīs, were perfectly capable of distinguishing conceptually between divine commandments or prohibitions and good and evil.

In his brief notes on the history of the science of *uşūl al-fiqh*, the author suggests that the speculative trend developed by the *kalam* theologians prevailed in the Shāfi‘i school while a tradition-oriented trend was especially characteristic of the Hanafi school (p. 19). In reality both legal schools developed their own tradition of *uşūl* which was not tied to any *kalam* school. Aside from this indigenous school tradition, the *kalam*-oriented *uşūl al-fiqh* developed by the Mu’tazila were adopted mostly among Hanaﬁs, while those developed by the Ash’arīs spread particularly among the Shāfi’is and, to some extent, the Mālikis.