



## ISLAMIC LEGAL THOUGHTS WAEL BAHJAT HALLAQ

**Muhammad Khoirul Basyar**

*Universitas Islam Negeri Syekh Ali Hasan Ahamad Addary Padangsidimpuan,  
Indonesia*

*Correspondence Email: [khoirulbasyar94@gmail.com](mailto:khoirulbasyar94@gmail.com)*

---

### **Abstract**

*Wael Bahjat Hallaq is a prominent contemporary scholar whose works have profoundly shaped modern understandings of Islamic law through his historical, epistemological, and critical approaches. His intellectual contributions reveal the complex dynamics between shari'ah and positive law within the context of modernity. This article aims to analyze Hallaq's major ideas concerning Islamic legal authority, the moral foundation of shari'ah, and his critique of modern Western legal and political systems that, he argues, have distorted the essence of Islamic law. Using a qualitative method based on literature review, this study examines Hallaq's key works such as The Origins and Evolution of Islamic Law, Shari'a: Theory, Practice, Transformations, and The Impossible State. The findings demonstrate that Hallaq rejects the separation between ethics and law in Islam, emphasizing that Islamic law is inseparable from its moral and spiritual framework rooted in divine revelation. Furthermore, he argues that the modern nation-state is incapable of embodying the moral and just ideals of Islamic governance. Hallaq's thought offers a critical reflection for the reconstruction of Islamic law in the modern era – encouraging an approach that remains faithful to its ethical and spiritual principles while avoiding the constraints of Western positivism.*

---

**Keywords:** *Wael Bahjat Hallaq; Islamic Law; Modernity*

---

## A. Introduction

Wael Bahjat Hallaq is one of the Western figures who has thoughts about Islamic Law. In general, it can be said that Wael B. Hallaq is known as a very famous scholar in the field of Islamic law with a number of positive contributions in the field he is engaged in.

Regarding Islamic legal thought, Hallaq involved himself in the study of *uṣūl al-fiqh* contributed to different thinking in western orientalist studies of Islamic law (Hallaq, 1992). There are several articles that have been produced by him that have succeeded in overhauling and challenging some articles that have been strong for a long time since the beginning of the study of Islamic law in the West. His article entitled *Was The Gate of Ijtihād Closed* has managed to attract the attention of scholars and make them aware that the article stating that the *gate of ijtihād* was closed as claimed by Joseph Schacht is not in accordance with historical facts. His other works on the science of *uṣūl al-fiqh* are *The Origins and Evolution of Islamic Law*, *The Formation of Islamic Law*, *Authority, Continuity and Change in Islamic Law* and the articles he has produced are *Was The Gate of Ijtihād Closed?*, *On The Origins of The Controversy About The Existence of Mujtahids and The Gate of Ijtihād*, *Uṣūl al-Fiqh: Beyond Tradition and Early ijtihād and the Later Construction of Authority*.

As for this article, the author will explain related to Hallaq's thoughts in Islamic law related to Ushul Fiqih. The highlight is related to his thoughts about the door of ijtihad that has not been closed. And his thought to refute Joseph Schacht's thought that the door of ijtihad had been closed. So, what is the basis for Wael B. Hallaq's thinking about the door of ijtihad not yet closed? What exactly is Wael B. Hallaq's thoughts in ushul Fiqih? And how does Wal B. Hallaq's thinking contribute to the new theory in Islamic law? .

## B. Method

This research uses a qualitative approach with the type of library research (Kurniawan, 2021). This approach was chosen because the focus of the study lies in the analysis of Wael Bahjat Hallaq's ideas, concepts, and

frame of mind about Islamic law contained in his works as well as in academic writings that discuss his thoughts. The primary sources in this study include the main works of Wael Bahjat Hallaq, such as: The Origins and Evolution of Islamic Law (2005), *Shari'a: Theory, Practice, Transformations* (2009), The Impossible State: Islam, Politics, and Modernity's Moral Predicament (2013), as well as Hallaq's scholarly articles relevant to the topic of Islamic law and modernity. Secondary sources are books, journal articles, dissertations, and academic writings that review, criticize, or develop Hallaq thought from various perspectives, both Islamic law, philosophy, and the study of contemporary Islamic civilization.

## **C. Results and Discussion**

### **1. Results**

#### **a. Overview of Wael Bahjat Hallaq**

Wael B. Hallaq - The figure who is the object of study in this paper is an orientalist who came to bring a new wave in the study of Islamic law. Wael B. Hallaq is a scholar who has a *concern* in studying Islamic law (fiqh) and Islamic legal theory (Usul fiqh) (Hallaq, 1997a). His opinions are considered very sympathetic to Islam. Wael B. Hallaq was born November 26, 1955, married to a fellow Palestinian, named Ghada Bathish-Hallaq; they were blessed with two daughters, Lena and Cherina. When he became a Professor at the Institute of Islamic Studies-McGill University, Montreal-Canada, Prof. Hallaq and his family lived in Quebec, one of the provinces in Canada. After that, Wael B. Hallaq moved according to his career, and finally, they were in New York because they became professors at Columbia University, United States.

From the beginning, his academic career was indeed very brilliant. After graduating from Nazareth Municipal High School, he took a B.A. at Haifa University in Political Science and Middle Eastern History, graduating in June 1978. After that, he took a Master's Program in Islamic law at the University of Washington (graduated in 1979) and a Doctoral Program at the same university, Islamic law, graduated in 1983.

A good education will lead him to a good academic life and career. This can be seen, among other things, in scientific works that are classified as very prolific writers. His works in the form of books, papers, book reviews, and also academic careers such as guest lecturers, readers and paper referees and at the same time as a member of the Editorial Board of a number of International Journals are proof of his good academic career. Another thing that is also classified as important are the tasks related to academic positions in a number of universities. He has, for example, been a member of the Institute of Comparative Law, Faculty of Law, McGill University, as one of the referees of the International Journal of Middle East Studies, Sciences, Journal of Islamic Studies, McGill Law Journal, Islamic Law and Society, and as an external evaluator (assessor) for hiring and promotions of the University of Malaya, Kuala Lumpur (1996-1999). He is also credited with writing important aspects of Islamic law as well as Islam for the Encyclopedia of Islam (new edition), the Encyclopedia of the Quran, the Encyclopedia of the Modern Middle East, and the Oxford Encyclopedia of the Modern Islamic World.

Her career as a lecturer also emphasized her important position in the academic world. Since 1985, Prof. Hallaq has been appointed as an Assistant Professor of Islamic Law at the Institute of Islamic Studies, McGill University, Canada. In addition to the subject matter of Islamic Law, he also teaches Arabic for the second year (intermediate) and third year (advance). Thanks to his success in teaching Islamic Law at the Institute and his perseverance in researching and writing, since 1994 he has placed himself as a full Professor; who at that time was the youngest and most productive Professor at the Institute, not to compare him with the Prof. of Islamic Law elsewhere. At the time of publication, he was a full professor at Columbia University in Islamic law and Arabic, which he started in 2009. Prof. Hallaq's academic works cannot be missed not only by those who pursue the study of Islamic law but also Islamic studies in general. Some of his works have been published in a number of languages, including: Arabic, Chinese, Japanese, Indonesian, Persian, Urdu, Russian, and Italian. In fact,

the translated works this time are interesting not only among Islamic scholars but also religious and socio-cultural scholars in general.

**b. Wael Bahjat Hallaq's Thoughts On Islamic Law**

In its advanced form, Islamic legal theory recognizes various sources and methods from which Islamic law is derived. The sources are the Quran and the Sunnah of the Prophet. The main place in the order of all these sources is the Qur'an, followed by the Sunnah, which, although it occupies the second position, provides the most legal material that can be taken. The third is consensus, which is the way to reach an agreement in which creative Islamic jurists (mujtahid) represent the majority of the community, considered to have reached an agreement on a applicable technique and therefore it becomes as conclusive and epistemologically definite as the Qur'an and the Hadith (Subhi, 2024).

Wael B. Hallaq's thoughts on the sources of Islamic law are the Quran as a legal document (Powers, 2010). The Qur'an is a book and moral teachings that contain elements of legislation. In delivering his messages, the Prophet frankly wanted to abandon pre-Islamic values and institutions, but only to the extent that he built, once and for all, the foundations of a new religion (Mattson, 2012). Among the many pieces of advice from the teachings of the Qur'an, there are legal and quasi-legal provisions. For example, laws are introduced in certain matters: rituals, zakat, taxes, property, behavior towards orphans, inheritance, usury, alcohol use, marriage, divorce, sexual intercourse, theft, murder, and others (Haleem & Haleem, 2010). Wael acknowledged that the Qur'an dates back to the time of the Prophet Muhammad (saw) and that it reflected the ideas and events of that time. Wael considers whatever the Qur'an says about a particular idea/event during the Prophet's lifetime as an authentic representation of an idea.

The Sunnah of the Prophet as the second source of law. The Sunnah by definition entrusts the involvement of the Prophet (Khan, 2024). The most abundant form of the Prophet's involvement was his speeches and behaviors. But also included in the sunnah are the actions and sayings of others who have seen and heard or who are secretly approved by the

Prophet. Even actions that were not seen by the Prophet may in certain circumstances be included in the material of the sunnah. A companion, for example, who behaves in something that was not done by the Prophet but known and approved by the Prophet, the behavior of the companion is considered to be part and parcel of the Sunnah of the Prophet (Başaran, 2018). For example, Muaz bin Jabal, reportedly often performed the Asr prayer with the Prophet and after that regularly joined his tribe, the Banu Salamah and joined them to perform the same prayer. His behavior was known and approved by the Prophet as a sunnah with the consideration that the first of the two prayers is obligatory and the other is voluntary. Related to the authenticity of the hadith, whether the hadith is a word or deed of the prophet. Wael does not a priori reject the entire hadith of the Prophet as an inauthentic material. However, Wael also did not receive most of it. Although it is widely recognized as authentic by the science of hadith criticism.

Consensus (Ijma') as the third source of law after the Qur'an and Sunnah. Consensus or ijma' presents the final approving authority that guarantees the truth of positive legal rules and methodological principles generally agreed upon by Sunni scholars (Ali, 2010). Qiyas as the first model, which is the one that underlies the existence of laws in '*illat*', is usually also called *qiyas* (analogy). *Qiyas* is often defined by describing the law of something that has no *nāṣ* with a law that has its *nash*, assuming the existence of the '*illat* equation. In this case, *qiyas* has four main elements, namely: (1) new cases (*far'*) that require legal solutions; (2) the original cases that exist in the original sources of the Qur'an, the Sunnah and the consensus; (3) the reason, *the ratio legis* ('*llah*), the general nature of the new case and the original case; and (4) the legal norm (*hukm*) attributed to the new case and because of the similarity between the two cases, which are transferred from the old case to the new case. Regarding this *qiyas*, Wael has opinions with various terms, including: Argument a Fortiori: In addition to the basic pattern of analogist inference, the word *qias* also includes non-analogist arguments. The main textual premises in the Quran, Sunnah, and Ijma' are believed to consist of two basic categories, the first

being clear premises that have only one interpretation, and the other being premises that may have multiple interpretations. It is difficult to determine whether the scholars of ushul fiqh who argue that the *argument a fortiori* is a linguistic issue are minority groups or not. However, it seems that his opponents are more numerous than the former. The fact that the argument *a fortiori* is used by the majority of ushul fiqh experts as a form of *qiyas* does not necessarily mean that the logical property is analogous or inductive. Coupled with the consideration that in the analogy of the law is concluded on the basis of the similarities that exist in the two cases, while the Argument of a Fortiori of law is concluded without looking for similarities. It would therefore be in line with the principles of logic to say that the Argument a Fortiori is not syllogistic and has nothing to do with the category of analogous inference.

Reductive Argument ad Absurdum: Less controversial than *argumentum a fortiori* is the conclusion of *eductio ad absurdum* which is defined as a source of reasoning where the opposite law of one case is applied to another case on the grounds that the *ratiologis* of the two cases are opposite (Miron, 2018). A Typology of *Qiyas*: The tripartite classification of *qiyyas* into analogies, arguments *a fortiori* and argument *reduction ad absurdum* is obviously very logical. It comes from our own analysis of the logical structure of the legal argument, although we must admit that Muslim theorists do not understand *qiyyas* as something that can be analyzed in those terms. *Istihsan* is a preferred form of legal argument based on *qiyyas*, where certain parts of the textual evidence produce a conclusion that is different from the *ismpulam* that has been achieved through *qiyyas*.

### **c. Theoretical Continuity of Wael B. Hallaq**

Sunni legal theory has since its inception operated two levels of discourse between which must be clearly distinguished, the first level presenting a substructure that is as a whole bound by an immutable sacred command (revelation). Here the component of discourse that encompasses this first level may be characterized as a theoretical continuum, unchanged, even if time and social conditions emphasize change, conceptually, any

change in the assumption of fundamental assumptions that occurs at this level is considered to be tantamount to completely abandoning Sunni Islam as a religion.

Sunnism as a religious identity and at the same time a law is established by building on the principle of legal theory, not a good reason, that this scope is named *ahl al-sunna wal-jama'ah*, referring to the largest group of Muslims (jama'ah) (Rahim, 1991). Sunnis who are united in a single principle and teaching that they agree on (ijma') to affirm their identity is different from the others, besides certain theological teachings that acceptance of something that is not a prerequisite for the application of the law and in fact about obedience to the law-ushul of Sunni fiqh is based on a number of basic assumptions characterized as a fixed theory of law, This goes without saying that the Qur'an and the Sunnah of the Prophet PBUH determine the two basic components of this assumption, and no less important are the two other sources of law, namely Ijma' and Qiyas.

The four sources of law are considered eternal constants insofar as they are broadly defined as the basic basis for the legal system, through this broad definition, the main points of interpretation emerge without which an understanding of the two textual sources (the Qur'an and the Sunnah) could not be obtained (Thalib et al., 2020). In addition to the doctrine of abolition (naskh), these points include the theories of language discussed in chapter two, such as uncertainty (dzan), ambiguity (mutasyabihat), 'am and khasa, hakiki and majazi, and the sacred commandments, as well as the consensus of society represented by the mujtahid, and the overshadowing method of legal thought that is Qiyas, forming an integral part of this eternal thing in its essential form. no one rejects the eternal while still claiming to be Sunnism, Ijma' and Qiyas have been decisive factors that are no less than the Qur'an and the Sunnah of the Prophet PBUH. An educated person who will debate the so-called sub-elements of the constant, may argue without the need to claim himself as Sunnism that there are no ambiguous terms in the Qur'an. That the hadith of Mutawatir does not give certain knowledge, or that the argument of qiyas as a source of method, or the argument of ijma' as an instrument of agreement is far from certain. But

it is not possible to maintain the integrity of affiliation with Sunnism by still questioning the overall validity of the legal sources.

The second level is called variables, which distinguish between the eternal and the impermanent (McGilvary, 1901). It is something that separates a "source" as a widely accepted collection from the ways of understanding, interpreting, or reinterpreting that source. This line is a distinguishing norm, for example, between the acceptance of the principle of *qiyas* as a legitimate method and the absolute rejection of *qiyas*. In adopting these same positions, there is no contradiction, indeed the attitude in treating these sources creates a benchmark (standard) without which no theory of Islamic law can exist. Just as a variable requires the existence of a constant (eternal), the constant is not sufficient by itself to meet all the needs of legal theory without variables. When equated with the body, the constant provides a skeleton, while the variables provide the flesh that gives life to the whole body. In legal theory, this is manifested in an investigation of the variables that make up the collectivity that we call *Ushul Fiqh*, both diachronic (historical) and synchronic. To understand this theory it is important to understand not only the constant (a perception that has long dominated this field) but also the role of the variables that give a distinctive color to each theory, and the explanation of the individual uniqueness of each of the creators of the theory. They have different types and manifest themselves in a variety of ways.

## 2. Discussion

As is known, Islam is present in two faces, namely Sunni and Shia Islam. In the tradition of life of Sunni Muslims, the most dominant is related to *fiqh*. This category of Islamic *fiqh* is studied by Wael B. Hallaq in his book *History of Islamic Legal Theory* (Alsumaih, 1998). Hallaq's study is not on the legal material as in *fiqh* books in general, but on the dynamics of its approach which in *fiqh* is known as *ushul fiqh*.

Using his historical analysis, Hallaq argues that there is a reciprocal relationship between legal theory and the reality of life in which the initiator of the theory lives and works (Hallaq, 1997b). That is what Syafii

and Syatibi experienced when they both composed their works, especially about ushul fiqh. These two initiators of ushul fiqh are important to show considering that in the history of the fiqh journey, these two theories are often used, both by traditional circles and modern researchers. For the second, for example, Hallaq assumes that the theory of ushul fiqh syatibi in the contemporary world is very relevant as the object of its analysis. The reason is, besides being a representation of the peak of Islamic intellectual development in the 4H/10th century AD, and because this theory is often used as a reference by modern legal experts, Hallaq's adoption of the theory of ushul fiqh Syatibi for modern researchers is also motivated by the fact that the theory is beginning to question its relevance in the contemporary world.

The modern world is full of new breakthroughs that are not answered by conventional ushul fiqh theory, because the theory of ushul fiqh is still normative (Bakar & Sahman, 2024). Therefore, Hallaq tries to penetrate further by displaying modern and contemporary thinkers who are actually still affiliated with Syatibi, such as Rasyid Ridla and Fazlur Rahman.

Hallaq's analysis in the history of Islamic legal theory focuses on several important works, ranging from modern traditional to contemporary traditions (Hallaq, 2009). It is intended as an introduction to entering the method of Sunni ushul fiqh. Hallaq's book focuses more on Hallaq's analysis and criticism of the ushul fiqh method, rather than on the history of its development. This step was taken, because the discussion of ushul fiqh generally refers to al-Risalah Syafii which is often categorized as ushul fiqh with a normative pattern, while modern thinkers refer more to the theory of ushul fiqh syatibi which is summarized in his book *Al-Muwafaqat*. In the view of thinkers, the book is seen as a work of ushul fiqh that offers rational thought, so its study is intensively used as a primary reference by contemporary Muslim thinkers. The following will be explained by the author regarding the framework of ushul fiqh that they offer, as information on the development of ushul fiqh among Sunnis in the view of Hallaq.

The initiator of the first systematic theory of ushul fiqh according to the agreed opinion was Imam Shafii (Jabeen, 2024). Of course, to know the theory of Shafii's ushul fiqh, we must look at Shafii in its historical context. During Syafii's lifetime, the battle of discourse between rationalists and traditionalists had begun to emerge. The rationalists were represented by Imam Hanafi who was socio-geographically located in a fairly modern area of his time-Persia. Rationalist thinkers prioritize reason in discussing religious issues and hadith is accepted as far as it receives strict selection. Meanwhile, the traditionalists were represented by Imam Maliki who came from Medina, agrarian type. This group prioritizes naql (al-Quran and hadith) over reason. If you look further, that this type of thinker is very realistic, this is because in the area of Imam Hanafi, the hadiths that are included are very few and have experienced a lot of falsification. On the other hand, Persia has become a modern society. Meanwhile, Medina, as the city of the Prophet where Hadith is a staple in his life tradition, while the people are traditional, so it is natural for them to prioritize the basis of reason.

In this case, Syafii as the second student tried to take a middle way from the two discourse groups. Although in fact, Shafii is more inclined to traditionalists, so according to Hallaq Shafii it is more appropriate to be placed among traditionalists with Nashir al-Sunnah thinkers (Mathee, 2004). Syafii as the main figure who originated this idea of moderation, formulated a fairly systematic thinking principle as he outlined in his book *al-Risalah*. The structure of *Ushul Fiqih Shafii Reason* begins its discussion by displaying the reality of the people who lived in his time, which according to him there are two types of society: first, the pagan society that does not have the holy book, namely the Arab society. Second, the people who have the holy book but then change it, namely Jews and Christians.

## **D. Conclusion**

Wael Bahjat Hallaq's thinking has made a significant contribution to understanding the nature and dynamics of Islamic law in the modern era.

Hallaq places sharia not just as a normative legal system, but as a moral and spiritual order that regulates all aspects of human life based on divine values. He rejected the positivistic view that separates law and morality, as is common in the modern Western legal system. Through his historical and epistemological analysis, Hallaq shows that the integrity of Islamic law in the classical period lies precisely in the integration between law, ethics, and spirituality. The crisis of modern Islamic law, according to him, began with the emergence of the concept of the nation-state that replaced the moral authority of sharia with secular political authority. Within this framework, Hallaq strongly criticized the project of modernity which is considered incapable of realizing justice and balance as desired by Islam.

Thus, Hallaq's thought teaches the importance of a reconstruction of Islamic law that relies not only on instrumental and legalistic rationality, but also on moral, spiritual, and substantive justice values. Islamic law, according to Hallaq, must be a means to uphold benefits, maintain human dignity, and present a social order based on divine ethics. His thinking serves as a critical reflection for Muslim scholars to revisit the relationship between sharia, modernity, and contemporary state structures, so that Islamic law can serve as a living and relevant value system for modern civilization.

## Bibliography

Ali, A. B. H. (2010). Scholarly consensus: *Ijma* ': between use and misuse. *Journal of Islamic Law and Culture*, 12(2), 92–113. <https://doi.org/10.1080/1528817X.2010.574391>

Alsumaih, A. M. (1998). *The Sunni concept of Jihad in classical Fiqh and modern Islamic thought* [PhD Thesis, Newcastle University]. <http://theses.ncl.ac.uk/jspui/handle/10443/304>

Bakar, A. A., & Sahman, S. (2024). The Renewing of Usul Al-Fiqh: Challenges, Limitations and Future Directions. *Indonesian Journal of Islamic Economic Law*, 1(2), 105–122. <https://journals2.ums.ac.id/index.php/ijol/article/view/5334>

Başaran, S. (2018). The Companions' Understanding of Sunnah: The Example of 'Abd Allāh Ibn Mas'ūd. *Ilahiyat Studies*, 9(1), 73–112. <https://dergipark.org.tr/en/pub/is/article/1090285>

Haleem, M. A., & Haleem, M. A. S. (2010). *Understanding the Qur'an*. <https://www.torrossa.com/it/resources/an/5216022>

Hallaq, W. B. (1992). *uṣūl al-fiqh: Beyond Tradition*. *Journal of Islamic Studies*, 3(2), 172–202. <https://www.jstor.org/stable/26195575>

Hallaq, W. B. (1997a). *A history of Islamic legal theories: An introduction to Sunni Usul al-Fiqh*. Cambridge University Press. <https://books.google.com/books>.

Hallaq, W. B. (1997b). *A history of Islamic legal theories: An introduction to Sunni Usul al-Fiqh*. Cambridge University Press. [https://books.google.com/books?hl=id&lr=&id=pB5mxMebvDU&coi=fnd&pg=PP3&dq=Using+his+historical+analysis,+Hallaq+argues+that+there+is+a+reciprocal+relationship+between+legal+theory+and+the+reality+of+life+in+which+the+initiator+of+the+theory+lives+and+works&ots=v8qpn0zI-Z&sig=kpVq3cOUIHK\\_X9w3KLdms0M4iI3M](https://books.google.com/books?hl=id&lr=&id=pB5mxMebvDU&coi=fnd&pg=PP3&dq=Using+his+historical+analysis,+Hallaq+argues+that+there+is+a+reciprocal+relationship+between+legal+theory+and+the+reality+of+life+in+which+the+initiator+of+the+theory+lives+and+works&ots=v8qpn0zI-Z&sig=kpVq3cOUIHK_X9w3KLdms0M4iI3M)

Hallaq, W. B. (2009). *An introduction to Islamic law*. Cambridge University Press. <https://books.google.com>.

Jabeen, S. (2024). Imam Al-Shafi'i: The Founder of Islamic Law. *AL-HIDAYAH*, 6(1), 35–41. <http://alhidayah.wum.edu.pk/index.php/ojs/article/view/82>

Khan, I. A. (2024). The authority of the Sunnah. *Islamic Studies*, 63(1), 109–134. <https://www.jstor.org/stable/27426923>

Kurniawan, M. A. (2021). *Metodologi Studi Islam*. <https://media.neliti.com/media/publications/555488-metodologi-studi-islam-0f97a2f2.pdf>

Mathee, M. S. (2004). *A critical reading of Fazlur Rahman's Islamic methodology in history: The case of the living Sunnah*. <https://open.uct.ac.za/handle/11427/8005>

Mattson, I. (2012). *The story of the Qur'an: Its history and place in Muslim life*. John Wiley & Sons. <https://books.google.com>.

McGilvary, E. B. (1901). The Eternal Consciousness. *Mind*, 10(40), 479–497. <https://www.jstor.org/stable/2247863>

Miron, A. (2018). Per argumentum a fortiori. *Between the Lines of the Vienna Convention? Canons and Other Principles of Interpretation in Public International Law*, 197–210. <https://hal.science/hal-02863060/document>

Powers, D. (2010). Wael B. Hallaq on the origins of Islamic Law: A review essay. *Islamic Law and Society*, 17(1), 126–157. [https://brill.com/view/journals/ils/17/1/article-p126\\_3.xml](https://brill.com/view/journals/ils/17/1/article-p126_3.xml)

Rahim, R. A. A. (1991). *Certain aspects of Ijithad in Islamic jurisprudence: With special reference to the comparative study between Sunni and Shi'i principles* [PhD Thesis, University of St. Andrews (United Kingdom)].  
<https://search.proquest.com/openview/d24f46504d94a11459311512331cad89/1?pq-origsite=gscholar&cbl=2026366&diss=y>

Subhi, M. (2024). The Early Development of Islamic Law: Examining the Rational and Flexible Nature of Compilation and Standardization. *Jurnal Fuaduna: Jurnal Kajian Keagamaan Dan Kemasyarakatan*, 8(1), 57-69.  
<https://ejournal.uinbukittinggi.ac.id/fuaduna/article/view/8400>

Thalib, P., Kurniawan, F., & Kholid, M. N. (2020). The application of quranic interpretation, of sunnah and ijithad as the source of islamic law. *Rechtidee Jurnal Hukum*, 15(2), 193-206.  
<https://repository.unair.ac.id/111475>