

## RESEÑAS

KÖNDGEN, Olaf, *A Bibliography of Islamic Criminal Law*, Handbook of Oriental Studies/Handbuch der Orientalistik, 161, Leiden, Brill, 2022, 445 pp.

Since the early 1980s, the number of studies on Islamic law has grown exponentially. This rapid expansion was fostered by the reintroduction of the Sharia law in several countries of Islamic background (e.g. Libya, Pakistan, and Iran) but also by the burgeoning of academic journals devoted to Islamic law and the opportunities that the World Wide Web opened for the quick and easy access to their publications. Apart from these socio-cultural and technological developments, an increasing number of scholars have chosen English as the language of their publications. The shared linguistic background facilitated the exchange of scholarly achievements, reinvigorated interest in academic fields that were stagnant for decades, and paved new avenues of research.

However beneficial to the progress of Islamic legal studies, the surge in publications on Islamic criminal law created problems of its own. The academics who enter the field may find it difficult to take account of all publications germane to their research, even after a conscientious combing of library catalogues and online resources. They can access François Lareau's (2001f)<sup>1</sup> and Christie S. Warren's (2011f)<sup>2</sup> online bibliographies of Islamic criminal law, but these are limited in scope and partly outdated, given the pace with which new publications appear. Now, Olaf Köndgen's capacious *Bibliography of Islamic Criminal Law* fills a major gap in our knowledge of publications in this scientific branch. The work's systematic arrangement greatly facilitates the search for relevant titles.

The *Bibliography* also serves the needs of academic ethics by providing exhaustive thematic and bibliographical information on works that must be taken into account by those who publish in the various subfields of Islamic criminal law.

Köndgen has painstakingly collected all books and articles that appeared in the field of Islamic criminal law since the 19th century onward. He also catalogued numerous unpublished PhD dissertations and M.A. theses, which will help scholars to take full advantage of these works, some of which happen to be more important academic contributions than certain published monographs. The *Bibliography* covers six Western European languages (Dutch, English, French, German, Italian, and Spanish) but excludes publications in the Slavic languages. Publications in Arabic, Persian, Urdu, and Indonesian have also been discounted, since, as Köndgen points out, an attempt to include them would have resulted in an unmanageable work (p. xx). A follow-up catalogue of titles in these languages would be a welcome addition to Köndgen's already impressive *Bibliography*.

The *Bibliography* comprises 3639 consecutively numbered entries covering the chronology from early Islam to the present-day Islamic legal systems. The first 180 titles refer to general and reference works. The next part of the *Bibliography* is divided according to two principles. First (nos. 181-1489), Köndgen undertakes a thematic division (one might say *taṣnīf*) into different subfields of criminal law, starting with abortion and ending with *zinā* (adultery and fornication). In Part two (nos. 1490-3639), he shifts focus to a complex classification according to the countries, regions, eras, and organizations to which specific publications pertain. The *Bibliography*

<sup>1</sup> <<http://www.lareau-law.ca/codification-Islam.html>> [consulted on 22/02/2022].

<sup>2</sup> Warren, *Islamic Criminal Law*.

ends with a useful glossary of Arabic terms (pp. 375-377) and indices of authors, subjects, and people (pp. 378-445), which are indispensable for this type of reference works.

Köndgen's division of the *Bibliography* into a thematic part and, broadly speaking, a geographic-chronological part has its merits. The chapter headings are formulated precisely with the needed level of discrimination between various topics. Sometimes their thematic boundaries inevitably intersect. At first glance, the reader may wonder about the author's reason to have subchapters on both North Africa and Morocco, but on a closer look this approach is justified: The former chapter includes works devoted to North Africa in general, whereas the latter focuses exclusively on Morocco.

In the chapter headings of the thematic part, Köndgen gives the Arabic and the corresponding English terms, whenever he refers to the branches of classical Muslim jurisprudence and a meaningful short translation is possible (e.g. Banditry, *hirāba*). Whenever newly emerged legal fields are addressed (e.g. cybercrime), only the English term is used. On a few occasions, translation has been omitted for no apparent reason. Looking at the chapter heading "Blood vengeance" one may wonder why no Arabic translation is provided (e.g. *thār*). The chapter includes four works, which, judging by their titles, deal with the issues of tribal customary law and only partly (p. 52, nos. 520-521) belong to the purview of Islamic criminal law. In like manner, the subchapters "*Maḏālim*" and "Necessity" could have been translated as grievances and *ḍarūra*, especially given that the respective translations are included in the glossary at the book's end.

The glossary of Arabic terms (pp. 375-377) includes sixty-three items that appear in the chapter headings and the table of contents. Translated in a precise manner, these terms will be of use for the specialist and the general scholarly reader who takes interest in Islamic criminal law and needs to make sense of its technical terminology, which may be partly unfamiliar to him/her. In the table of contents, Köndgen places side by side the English term "Homosexuality" and the Arabic "*liwāṭ*." The reader then needs to go to the glossary in order to grasp the more nuanced technical meaning of the Arabic term. In the understanding of the classical Islamic jurists, *liwāṭ* stood for anal penetration (as Köndgen correctly translates

on p. 376). Although they had in mind predominantly homosexual anal intercourse, during the second/eighth century heterosexual anal intercourse was subsumed under the same rubric (sometimes dubbed *al-lūṭiyya al-ṣuḡhrā*, that is, "the lesser *liwāṭ*"), as part of the legal exegesis of Q. 2:223. The translation of *zandaqa* as "heresy" (p. 377) serves well the purposes of a bibliography of Islamic criminal law, but one must bear in mind that the blanket use of a term that has its origins in the history of Christian church may lead to ambiguity. Perhaps "(dualistic) heresy" or "(Manichean) heresy" could have been more to the point, albeit not entirely precise, given the term's polysemy in the medieval Islamic culture.<sup>3</sup>

As I read Köndgen's work, my eye ran across a few technical errors. Rodríguez Mediano's *Justice, crime and punishment in 10th/16th-century Morocco* (p. 263, no. 2533) has the word "-century" omitted from its title. Michael James Langley Hardy is mentioned once by his unabridged name (p. 52, no. 520), which is Köndgen's style of choice in the *Bibliography*, and once, erroneously, as M.J.L. Hardy (p. 51, no. 509). As a matter of fact, under each of nos. 509 and 520 Köndgen lists Hardy's *Blood feuds and the payment of blood money in the Middle East*, which appears to signal an erroneous repetition. A similar onomastic inconsistency is observed in the case of Fateh M. Sandeela (p. 126, nos. 1239, 1241) and F.M. Sandeela (p. 126, no. 1240). The transliterated Arabic word *laqīṭ* is not italicized on p. viii. In the glossary, the term *riḍḍa/irtidād* is unnecessarily indented (p. 376), which gives an impression of it being part of the previous entry.

As the largest bibliography ever compiled in the field of Islamic law, Köndgen's *Bibliography of Islamic Criminal Law* is unmatched. It is highly recommended as an indispensable part of every academic library and the Islamic criminal law student's key reference work.

## Bibliography

Lareau, Françoise, "Islamic criminal law; criminal law of Islam, droit pénal de l'islam; droit pénal islamique", 2001, online, available on: <<http://www.lareau-law.ca/codification-Islam.html>> [consulted on 22/02/2022].

<sup>3</sup> On the meaning of *zandaqa*, see van Ess, *Theologie und Gesellschaft*, vol. 1, pp. 416-426.

Van Ess, Josef, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra. Eine Geschichte des religiösen Denkens im frühen Islam*, Berlin, De Gruyter, 1991-1997, 6 vols.

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