



demands such as

- creation of a transparent retrieval structure for religious law for law libraries and the legal user (e.g., law students, legal scholars, attorneys and other interested legal parties);
- bringing the new law classes in proximity or harmony with the older classifications on religion which govern now extensive collections at LC and elsewhere, in particular *BM (Judaism)*, *BP (Islam)*, and *BR and BX (Christianity)* as outlined in *Figure 2*.

## Portable Hierarchies and Vocabularies

### Comparative - Parallel

<b>K: Law</b>		<b>B: Philosophy and Religion</b>	
<b>KB-KBZ</b>	Religious Legal Systems		
<b>KB</b>	Comparative Religious Law		
<b>KBM</b>	Jewish Law	<b>BM</b>	Judaism
<450+>	<i>Tanakh</i>	<450+>	<i>Tanakh</i>
<520+>	<i>Halakhah</i>	520+	<i>Halakhah</i>
<b>KBP</b>	Islamic Law	<b>BP</b>	Islam
<100+>	<i>Qur 'ān</i>	100+	<i>Qur 'ān</i>
184+	<i>'Ib ād ā</i>	184+	<i>'Ib ād ā</i>
<b>KBR-KBX</b>	Law of Christian Church	<b>BR</b>	Christianity
<b>KBR</b>	History of Canon Law		History
200+	Councils	200+	Councils

*Figure 2*

For a number

of reasons laid out below, the groundwork for construction of these schedules had to draw heavily on historic realities and on comparative explorations in the areas of ancient law, religion and philosophy, sociology and, to some extent, anthropology. It revealed once more that law overlays almost every field of human endeavor, a fact which has been the challenge for design configuration for all K classes.

Following the historic date lines one will find that Jewish Talmudic periods align with the periods of classic Roman and East Roman/Byzantine law and canons of the Apostolic age, the spread of the early Church throughout the Ancient Orient and North Africa. It is no surprise that the patterns of the “civil” side of Jewish law (the law that can be introduced in court procedures) bears many resemblances to Roman (Civil) law. Islamic law is the youngest system in comparison to the Jewish law and the Roman/Canon law. The birth of the Prophet

(ca. 570) occurs towards the end of the post-Talmudic period, and one generation after introduction of Justinian’s monolithic *corpus iuris civilis* (ca. 529).

For a time, the people of the Abrahamic tradition, Jews, Christians, and Muslims, lived in peaceful neighborhood. This was the “connecting factor” of socio-ethnic similarity which contributed many overarching concepts and like subjects to the legal cultures thriving in the same geographic region. Muhammad was very familiar with Jewish and Christian traditions. Many passages of the *Qur’ān* refer to “older scriptures” or to Abraham and Moses. Food laws, hygienic laws, and in particular the “civil” rules organizing the “family of man,” ancient and universal, are shared by Judaism, by the early canon law of the Eastern Churches and Councils, and by Islam as well. The doctrine of marriage impediments, or rules for affinity and degrees (gradus) of consanguinity are not only good examples of early law originating in the Middle East, but of their continuing development and adaptation to modern canonical and civil codifications. However, despite certain congruencies, the historic outlines for periods of sources, and development of jurisprudence in the context of political geography, revealed, that complete parallelity or even an approximate alignment of the three major religious traditions most probably could not be achieved (see *Figure 3*). Further comparative study of the sources collected for the three religious systems proved the assumption to be correct. In fact, the structure of source arrangements in classes BM, BP, and BX were so different that one probably needed to align each religious class with a separately constructed religious law class.

## Different Disciplines in Classification Periods - Comparative

KJA Roman/ KBR Canon law	KBM Jewish Law/ KBP Islamic Law
<b>Pre - Justinian (to ca. 530 C.E.)</b>	<b>Pre-Talmudic (586 B.C.E. - 10 C.E.)</b>
Apostolic Age (to ca. 400)	Talmudic (1th - 6th cent.)
<b>Corpus Iuris Civilis (to ca. 565)</b>	Babylonian/Jerusalem <i>Talmud</i>
<b>Post-Justinian</b>	<b>Muhammad, Prophet (b.570)</b>
<b>Legistic 12th-16th cent.</b>	<b>Post-Talmudic (6th cent. -)</b>
<i>Decretum Gratiani</i> 1140	<i>Qur’-n</i> (7th cent.)
Canonistic 12th-16th cent.	(Talmudic Academies)
	Geonim (to 11th cent.)
	Rishonim (to 16th cent.)
	Islamic Schools (e.g. Hanafi, ca. 760)

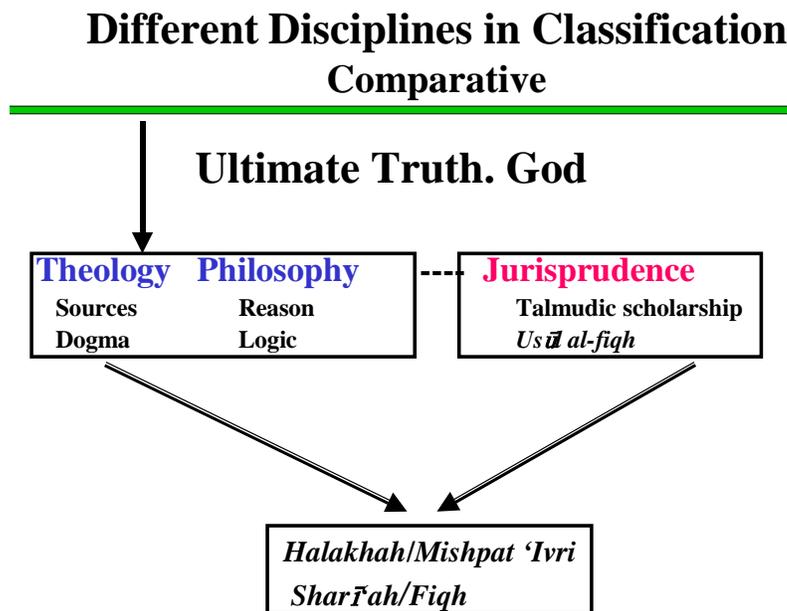
*Figure 3*

In other words, the source arrangements for the three traditions had to follow their own

historic and conceptual patterns.

**A. KBM (JEWISH LAW. HALAKHAH) and KBP (ISLAMIC LAW. SHARĪ‘AH. FIQH)**

The development of a methodical *law* classification for Jewish and Islamic law in conformity with the overall structure of LC law classification was from the beginning beset with particular problems since both systems are not grounded in, or supported by, a central human authority. The central authority is God (*Figure 4*). Thus, the principle sources of Islamic law/ *Sharī‘ah* are the *Qur’ān*, *Hadith*, *Sunna*, and other sources of evidence, including both the acknowledged as well as the disputed sources. Principles, fine points of the law, are elaborated and commented on by scholars affiliated mostly to schools and academies and are observed according to weight of scholarly merits or tantamount authority. For Jewish law, it is the *Torah (Pentateuch)*. For both groups, rules and prescriptions of customary provenance have to be negotiated. Major arguments during the development of these two classifications have centered on just this character of law - the prescribed religious observances, ritual and customary law - as inseparable from religious practice itself.



*Figure 4*

Given that, *general libraries* - supported by their curatorial units who guard traditionally the “political geography” in the library - have argued against disruption of collections on religion classed in BM (Judaism) and BP (Islam). The Library of Congress is no exception. The large and very important collections, such as:

- Rabbinical literature, many historic editions of the Jewish compendium of law, the *Talmud* (both the *Babylonian Talmud*, or *Talmud Bavli*, and the *Jerusalem Talmud*, or *Talmud Yerushalmi*) in Aramaic, Hebrew, and other languages, including such rare editions of the *Talmud Bavli* as the standard one by

Christian Daniel Bomberg (1483-1553?) printed between 1520-1523 in Venice;

- the extensive collection of *Responsa*, i.e., the comprehensive treatises on subjects of law and religion; and
- the collections on the “restatements” of law (*Posekim*), commonly referred to as “codes,” are in the custody of the Hebraic Section of the Library’s African and Middle Eastern Division.

## 1. Construction of the Schedules. Available Patterns

Nevertheless, for Law Libraries a different solution had to be found. It offered itself in a hybrid construct that utilized the sources arrangements of the older schedules BM and BP. It was envisioned that by this method

- hierarchies could be constructed (or reconstructed) in a way that data from the older class could be interfiled into the hierarchy of the new class in pre-coordinated (matched) numerical order, and with approximate or complete parallelity in such areas of the schedules relating to other classes, such as religion and social sciences, to which the legal materials were referred by past practice; and finally,
- to provide a vehicle for *local* collection decisions in distribution of large sets of sources and historic materials between the B classes on religion and the new KB subclasses.

## 2. KBM (Jewish Law. *Halakhah*) and BM (Judaism)

The collections on Judaism and Jewish law in the Library of Congress are among the best in the world, rich in unique sources of law observed by Jews in the diaspora for many centuries prior to the establishment of the State of Israel in 1948. The collection of Israeli law, i.e., modern era “secular” collections on the law applicable in Israel today, although “Jewish law” as well, were added from the beginning to the Law Library of Congress’ foreign law collections, today Class KMK (Law of the State of Israel).

All works on the traditional or ritual Jewish law (*halakhah*) were, and in the future will be, classed in BM (Judaism) and remain with the Hebraic Section. The comparatively small collection on the Jewish law corresponding to concepts of civil law (*mishpat ‘Ivri*), or halakhic interpretations of contemporary legal concepts and rules for societal interactions are housed in the Law Library. After investigation of the bibliographic records in the BM520-BM520.65 range, the following principles were adopted.

**2.1. *Halakhah* in Class KBM.** Class KBM will provide principally the classification for the concepts and theological/philosophical principles of *halakhah* only as applicable to *mishpat ‘Ivri*, the contemporary Jewish (civil) law.

To offer choices to secular institutions, who will apply the new schedule for their collection on Jewish law but may wish to add the principal sources of Judaism/*Halakhah* for greater utility in research or for faculty needs, the number ranges for both sources and subjects of Judaism are transcribed from the older Class BM (Judaism) to the new Class KBM on Jewish law. The result is the parallel alignment of sources and topics under the same numbers in both schedule BM and KBM, resulting in KBM as a single file leading from the historic-religious source component to the civil law (*mishpat 'Ivri*) section.

Those numbers, transcribed from Class BM, are presented in Class KBM in angle brackets to indicate that they are not used at LC but available for use by other libraries. An extensive reference structure allows the user in the online version of the schedule swift trans-class (horizontal) searches.

**2.2. Revisions of Class BM.** Simultaneously with the development of KBM, a thorough revision of the old Class BM was executed. This concerns mainly the BM1-BM523.5 ranges, which were to be incorporated in KBM<1>-KBM<523.5> to avoid the necessity of major reclassification operations. Some of the new features of Class BM, as far as they implicated the structure of the schedule on Jewish law, will be discussed below:

- a new periodization pattern for History of Judaism in BM150-BM195.2, in KBM<150>-KBM<195.2>, consistent with current scholarly treatment of the subject;
- an expanded list of regions and local jurisdictions in current name authority form as it is now common to all K classes, i.e., BM201-BM449, integrated into KBM<201>-KBM<449>;
- a new arrangement for the principal source, the *Tanakh*, or *Hebrew Bible* (BM450+);
- a more refined Cutter table for Special topics under Rabbinical literature, BM496.9 (KBM<496.9>), which is applied under Talmudic literature (BM509; KBM<509>) and the *Midrash* (BM518; KBM<518>) as well; and
- a carefully structured decimal number expansion for *responsa* literature (BM522.17-BM522.98)

**2.3. Sources.** For the fundamental source of Judaism, the *Tanakh*, an arrangement in the traditional order of the subjects was for the first time introduced in Class BM<450>-BM478.8>, and simultaneously adopted as KBM<450>-KBM<478.8>. This arrangement, however, is intended as an alternative only for other users, such as religious seminaries and colleges, viewed as a long overdue correction, while at LC, the *Tanakh* continues to be classed in BS701+(Bible.O.T.). As an example, one of the rare sources at the Library falling within this range is the first (incunabular) edition of the *Humash* (i.e., *Torah* or *Pentateuch*. Bologna, 1482), including the commentary of Rashi (1040-1105) and - side by side with the main text - the *Targum Onkelos* (LCCN temp92017816), which is the ancient and authoritative translation of the Pentateuch into Aramaic.

Next are sources such as the pre-Talmudic (BM480-BM488.8; KBM<480>-KBM<488.8>) and Rabbinical-Talmudic literature (BM495-BM518; KBM<495>-KBM<518>), including the *Babylonian* and *Jerusalem Talmuds*, the *Midrash* and the large revised Cutter list of the

*midrashim*, BM517 (KBM<517 >).

**2.4. History and Restatement of *Halakhah. Responsa.*** For treatises on history and development of *halakhah*, the spiritual Jewish law, the original BM520.5, was expanded to BM520.5-BM520.8 (and its counterpart KBM<520.5> - KBM<520.8>). Periodization follows the revised patterns adopted for BM150-BM195.2 and mirrored as KBM<150>-KBM<195.2>.

The collections of “codes” (the restatements of *halakhah*) are extensive. They contain such works as the *Mishneh Torah* by Moses Maimonides (1135-1204), and *Shul.han ‘arukh* by Joseph Caro (1488-1575), all in all 290 editions, in the range BM520.82-BM521 (KBM <520.82>-KBM<521>). Only a small section of *halakhah*, the *Even ha-‘ezer* law and *Hoshen mishpat* law (i.e., the works on subjects of civil law defined through the *Shul.han ‘arukh*), are classed as KBM523.6-KBM523.72, forming the transition to the modern Jewish civil law, the *mishpat ‘Ivri*. However, general and comparative works on *both mishpat ‘Ivri and halakhah* will remain in BM521 (KBM<521>).

*Responsa* (legal opinions) are a particular *genre* of Jewish scholarly writing on diverse subjects. *Responsa* at the Library of Congress are traditionally kept together and form a unique collection. They are classed in the number range BM522.17 - BM522.98, spreading the large alphabetical author file over approximately 80 numbers with specific Cuttering instructions. However, works on specific areas of the law (*halakhah*) as defined by *Shul.han ‘arukh* (note above BM523.2) are classed in the range BM523.2-BM523.72. The *responsa* on a particular subject are classed with the subject as specified in a note above BM522. Under this rule, *responsa* limited to *mishpat ‘Ivri* will class in KBM524.

For law libraries who collect as part of a Jewish law collection *responsa*, but do not wish to interfile BM with KBM numbers, an alternative arrangement, which is not used at LC, was designed. The number span KBM<521.15>-KBM<523> utilizes for organization of these materials the time periods which were during the revision of BM originally designed for the history of *halakhah* (BM520.5+) The following examples of call numbers show the difference between the LC conventional and the new optional arrangement. The current LC arrangement is given first.

Kook, Abraham Isaac, 1865-1935. Da’at Kohen: teshuvot be-hilkot Shulhan-‘arukh Yoreh-de’ah...(1984 edition)

*Conventional:* BM522.59.O492 1984 Hebr (“.59” indicates the letter “K” with instruction to Cutter for the second letter of the name)

*Optional:* KBM521.55. K6 1984 Hebr (“.55” indicates the period 1800-1948, “K6” is the author Cutter)

The following outline (*Figure 5*) provides at a glance the parallel relationships created between the two classes BM and KBM:

## Comparative -Parallel Classification

BM	Judaism	KBM	Jewish Law. Halakhah
150+	History. By period & region	<150+>	History of Judaism. By period & region
	Sources		Sources
<450+>	<i>Tanakh</i> (Hebrew Bible)	<450+>	<i>Tanakh</i> (Hebrew Bible)
	<i>Not applied at LC</i>		<i>Not applied at LC</i>
480+	Pre-Talmudic Jewish literature	<480+>	Pre-Talmudic Jewish literature
495+	Rabbinical literature	<495+>	Rabbinical literature
497+	Talmudic literature	<497+>	Talmudic literature
	<i>Halakhah</i>		<i>Halakhah</i>
520.5+	History of Jewish law	<520.5+>	History of Jewish law
520.82	The codes. Restatements of <i>halakhah</i>	<520.82+>	The codes. Restatements of <i>halakhah</i>
521	General and comparative works	<521>	General and comparative works
		<521.15+>	<i>Responsa</i>
522.17+	<i>Responsa</i>		
<523.6>	<i>Even ha'Ezer law</i>	523.6	<i>Even ha'Ezer law</i>
<523.72>	<i>Hoshen mishpat law</i>	523.72	<i>Hoshen mishpat law</i>
	<i>Mishpat 'Ivri, see KBM</i>	523.8+	<i>Mishpat 'Ivri</i> (Jewish civil law)
			Persons
			Domestic relations. Family law
		542+	Marriage

Figure 5

Note the different alignments of *mishpat 'Ivri* with *halakhah* in the two schedules. In KBM, the alignment in the hierarchy with *halakhah* emphasizes the character of *mishpat 'Ivri* as an established field of modern study related to *halakhah* as the source. In this sense, *mishpat 'Ivri* is the extension of the traditional concept of *halakhah*. In contrast, *mishpat 'Ivri* in BM is perceived as a narrower subject under *halakhah*. Beginning with KBM523.8, classification schedule KBM breaks away from BM.

### 3. KBP (Islamic law. *Sharī'ah. Fiqh*) and BP (Islam)

The basic sources of Islam, the *Qur'ān*, *Hadith*, *Sunna* and other sources of evidence, including disputed sources, form at LC the principal and rich collection governed by the BP classification for Islam. Since these sources are the foundations of Islamic law, the argument presented itself to construct KBP (Islamic law) along the same design principles as adopted for KBM (Jewish law). Therefore, the source classification of the older Class BP was utilized as the source arrangement for the new class KBP.

**3.1. Sources.** The number ranges BP1-BP188 of Class BP (Islam), selectively introduced into the companion schedule KBP and closely correlating the number structure between the older schedule BP and KBP, form the initial part of KBP<1>- KBP<188>. Again, the brackets indicate that these numbers are not being applied at LC. This technique will provide for law libraries with different research or faculty needs, giving the organization and seamless integration of sources in a KBP collection, which are traditionally classed in collections structured by Class BP, namely:

- General biography for classical and modern, Muslim and non-Muslim, writers on Islam and the Prophet, and historiography KBP < 70>-KBP<75.4>  
Note that biography (*tabaqāt*) of legal scholars is classed in KBP253;
- *Qur'ān* and collections of materials, such as criticism, abrogation, exegesis, and commentary on the *Qur'ān* as the principal source of the law, KBP<100>-KBP<133.5>;
- *Hadith* and *Sunna*, i.e., the oral traditions concerning the deeds and utterances of Muhammad, the Prophet, including statements of companions; further *hadith* genres: authority, abrogation, and commentaries on the *hadith*, KBP<135>-KBP<136.8>

**3.2. 'Ibādāt: Ritual Law.** The section on observances and practice of Islam presented a number of problems for the classification. It is recognized that *'ibādāt*, as the central subject of Islamic law, should have been the opening chapter of *furu' al-fiqh*. The decision to establish *'ibādāt* in the hierarchy directly under Islamic law was based on the wish to align KBP as closely as possible to the class number range BP174 -BP190.5 in order to create the correlation of the two classes. A reference is made from *furu' al-fiqh* (below KBP509.8) to the current location of *'ibādāt*. A range of free numbers between KBP509.8 and KBP524 provides other institutions with a local choice; that is, to relocate *'ibādāt* to *furu'* at KBP510-KBP524. It is expected that the pending revision of BP will retain overall the ranges BP1- BP138.8, and BP144 - BP190.5 (mainly History, Biography, the Sources of Islam, and *'ibādāt*) in order to keep reclassification at a minimum, since this is the part of the schedule that, at many institutions, structured the most extensive collections on Islam. Therefore, the subjects relating to Observances and Practice of Islam were split between BP and KBP. The Five duties of a Muslim (or the Pillars of Islam):

- Profession of faith
- Prayer
- *Sawm* (Fasting)
- *Zakat* (Almsgiving)
- *Hajj* (Pilgrimage to Mecca)

are active classes in BP174 -BP181 (KBP<174>-KBP<181>), while *'ibādāt* subjects are active classes in KBP184-184.9, as well as in BP184 -BP184.9 (see *Fig 6* and *7*). *Jihād* (as conflict of conscience), is classed in KBP182+, in contrast to *jihād* as a “just war” concept (which is classed in KBP1416; the BP schedule makes no distinction between these two different interpretations).

## Comparative-Parallel Classification

BP: ISLAM		KBP: ISLAMIC Law
	<b>Observances and Practice of Islam</b>	
174	The five Pillars of Islam	<174>
182	<i>Jihād</i>	182
	<i>‘Ibādāt</i> . Ritual law. Worship	
184	General	184
184.4+	Ritual Purity. <i>Tahārah</i>	184.4+
184.95	Liturgical objects, memorials, etc.	<184.95>
186	Calendar. Sacred times. Fasts, etc.	<186>
187	Sacred places	<187>

Figure 6

All in all, it is hoped that this development gives secular legal institutions with western orientation - who generally do not build complete collections on Islam - a choice to integrate some of the Islamic source materials into KBP in a logical arrangement without having to force materials together.

### Comparative -Parallel Classification

BP	Islam	KBP	Islamic Law. <i>Sharīah. Fiqh</i>
50+	History	<50+>	History
	Sources of Islam. Sacred books		Sources of Islamic law
100+	<i>Qur’ān</i>	<100+>	<i>Qur’ān</i>
135+	<i>Hadith. Sunna</i>	<135+>	<i>Hadith. Sunna</i>
174+	Observances & Practice of Islam	<174+>	Observances & Practice of Islam
182	<i>Jihād</i>	182	<i>Jihād</i>
184+	Ritual law. <i>‘Ibādāt</i>	184+	Ritual law. <i>‘Ibādāt</i>
186+	Sacred times and seasons, etc.	<186+>	Sacred times and seasons, etc.
187+	Sacred places. Mosques, etc.	<187+>	Sacred places. Mosques, etc.
	Branches, sects, and modifications		
192+	Shiites		
to 253	Other 1900- ( <i>end of BP</i> )		
	<i>Usūl al-fiqh</i> , see KBP425+	253+	Schools of (legal) thought. Madhāhib
		425+	<i>Usūl al-fiqh</i> . Jurisprudence. Legal reasoning
	<i>Furū’ al-fiqh</i> , see KBP490.2+	490.2+	<i>Furū’ al-fiqh</i> . Substantive (civil)law
		524.6+	Persons. <i>Ashkhās</i> (Table KBP2)
			Unaffiliated authors. By period
			Authors affiliated to a particular school. By school
			Domestic relations. Family law
		542+	Marriage. <i>Nikāh. Zawāj</i>

Figure 7

**3.3. *Madhāhib*. The Islamic Legal Schools and Legal Scholars.** For the organization of the secondary literature on sources, principally the commentaries and “hyper” commentaries, the elaboration of principles and fine points of the law by scholars affiliated mostly to schools and observed according to the weight of scholarly merits or tantamount authority, as well as those works reflecting current and comparative research on ancient religious (ritual) law and modern developments, had to be considered differently for two reasons: Class BP had neither a satisfactory development for Islamic law (*sharī’ah* and *fiqh*) nor had it for legal schools (*madhāhib*). Thus, at the end of the number span for Islam (BP253), KBP picks up with a detailed list of Islamic legal schools, the *madhāhib* (KBP250-KBP420), fully developed for the first time.

The number range opens with a number for general and comparative works, including introductions to the law (KBP250), followed by major bibliographic dictionaries (*tabaqāt*), KBP253. The number span KBP255-KBP283 serves for works by scholars not affiliated to any school, subarranged by three time periods, early (1<sup>st</sup> and 2<sup>nd</sup> centuries A.H.), middle (to ca. 1920), and late (ca. 1920-). In sequence, the two major divisions of Islam, *Sunni* and *Shia*, are broken down by their major schools (*Hanafi*, *Hanbali*, etc., for *Sunni* Islam; *Isma’ili*, *Ja’fari*, *Zaydi*, etc., for *Shia* Islam), and further, by a Cutter arrangement under each school for legal scholars, including biographical works. An arrangement for general histories on school and the scholars (collectively) affiliated with such a school regularly precedes the arrangement for individual scholars. For the works of these listed scholars, the uniform Table K4 provides a rudimentary sub-arrangement limited to collections/selections, monographic works (including commentaries on the writings of others), biography, criticism, and works on their concepts or understanding of law.

This organization will provide a section in Class KBP for collocation of the classical literature and modern general and comprehensive treatises produced by Islamic legal scholarship. Since the final goal is that all of the major classic authors/scholars are printed in the schedule, this arrangement will serve at the same time as the authoritative Cutter table for legal scholars whose Cutter number can be used, where appropriate, throughout the schedule. Following the general principles or patterns of subject classification, works on specific subjects will be classed by subject in the *furu’ al-fiqh* section of the schedule.

It should be mentioned that in order to simplify cataloging of some of the materials falling within this range of the classification, the cataloging principle for commentaries has been modified and reflects the interpretation of the uniform Tables K3 and K4 throughout the KB-KBX schedule. The most important simplification involves commentaries on specific works and the so-called super-commentaries, i.e. commentaries on commentaries themselves. Under current rules the cataloger might choose to apply the provisions of the *Subject Cataloging Manual: Shelf listing (SCM:Shelflisting)* Section G340, Criticism/Commentaries. An example of such operations follows.

Zaki Mubarak. *Islah ashna’ khata’if fi tarikh al-tashri’ al-Islami*  
Criticism on: Shafi’i, Muhammad ibn Idris, 767 or 768-820. Umm  
The resulting call number, KBP330.S53 A3839 1991, has been constructed, as follows:

KBP330 --Shafiites  
KBP330.S53 - Shafiites--Shafi'i, Muhammad ibn Idris  
KBP330.S53 A38 - Shafiites--Shafi'i, Muhammad ibn Idris--Umm  
KBP330.S53 A383 - Shafiites--Shafi'i, Muhammad ibn Idris--Umm--Commentaries  
KBP330.S53 A3839 - Shafiites--Shafi'i, Muhammad ibn Idris--Umm--  
Commentaries--Zaki Mubarak.

The call number for a hypothetical commentary on the above work could be KBP330.Z35A343  
(Cuttered for the main entry):

KBP330.Z35 - Shafiites--Zaki Mubarak  
KBP330.Z35 A34 - Shafiites--Zaki Mubarak--Islah, etc.  
KBP330.Z35 A343 - Shafiites--Zaki Mubarak--Islah, etc--Criticism  
KBP330.Z35 A343x - Shafiites--Zaki Mubarak--Islah, etc--Criticism– and Cutter for main entry

Note that the basis for Zaki Mubarak's work, *Shafi'i's Umm*, is not considered.

By changing current practice and applying Table K3 - or K4 respectively - for all authors  
without distinction between creator or commentator, the call numbers will be considerably  
simplified, as follows:

Call number: KBP330.S53 Z35 1991  
KBP330 --Shafiites  
KBP330.S53 - Shafiites--Shafi'i, Muhammad ibn Idris  
KBP330.S53 Z35 (Main entry: Zaki Mubarak)  
First subject: Shafi'i, Muhammad ibn Idris, 767 or 768-820.Umm

The call number for a hypothetical commentary on the above work would be:  
KBP330.Z35 - Shafiites--Zaki Mubarak  
KBP330.Z35 x – x represents the Cutter for the author of the commentary or main entry.(Main entry  
is for the Author/title of commentary).  
First subject is: Zaki Mubarak. *Islah ashna' khata'if fi tarikh al-tashri' al-Islami*  
Second subject is: Shafi'i, Muhammad ibn Idris, 767 or 768-820.Umm  
Third subject is: Shafiites.

Note that the assignment of the subject is sufficient to establish the connection between all three  
works.

**3.4. *Fiqh: Usūl al-fiqh and Furū' al-fiqh. Islamic Jurisprudence.*** Next after the *madhāhib* is the  
arrangement of *usūl al-fiqh* (KBP425-KBP466.3). Interpretation, harmonization, and approximation  
have become key terms in modern jurisprudence. These techniques, however, tooled for legal  
reasoning and jurisprudential construction, have been applied for centuries in the effort to adapt the  
rules stemming from different indigenous sources to “contemporary” societies at whatever age. As  
such, it is the scientific core of the process of scholarly law development inherent to all civil law

systems, a process different in the Islamic legal culture only by mediation of *fiqh* between the “revealed text” and the real world.

*Usūl* is that part of Islamic jurisprudence which shares with other legal cultures general concepts such as *akhlaqiyah* (ethics), *qist* (equity) and *hukm* (legal qualification). It has contributed over time to the textual sources of *fiqh*, contributed the rational sources of *fiqh*, with its own set of rules and terminology: *qiyās* (analogical deduction), *ijtihād* (rational deduction and derivation of law from scriptural sources), *taqlīd* (legal conformism), *istihsān* (scholarly discretion), *istislāh* (ratio utilitatis or utility), and *istishāb* (presumption of continuity) (KBP452-KBP457.3). One glance at these terms and their appropriate English translation obviate the necessity for use of the original language as far as possible for all subjects covered in this schedule.

*Furu'* is the substantive side of *fiqh*, i.e., the “civil” branches and subjects of Islamic law. It should be observed here, that the “General works” numbers KBP490.2-KBP490.95 (subarranged by Table KBP1), are used at LC only for general works on *furu'* in the strictest sense. The broad and all-comprehending works on *furu' al-fiqh* and *usūl al-fiqh* both modern and classical, with or without *'ibādāt*, are referred to KBP250+. However, works on derivation of *furu'* from *usūl* are classed at KBP440.2+

It should be pointed out that the expansive file of authors at KBP250+ is intended to provide the authoritative Cutter numbers of such authors throughout the schedule. For libraries wishing to create a comprehensive file of authors under KBP490.2-KBP490.95, those classes provide for a local alternative.

## **B. UNIFORM LAW TABLE KL-KWX4 FOR JEWISH AND ISLAMIC CIVIL LAW**

The decision of which system would be most appropriate to deliver the legal patterns for classification of the traditional and non-traditional “civil” subjects and topics for both law classification schedules, KBM and KBP, was strictly based on comparative evaluations.

Already during the design phase of Table KL-KWX4 for organizing law collections stemming from the regions of Asia and Africa, including those most closely associated with religious law, many sections had to be negotiated in the context of political, sociological, and historical developments in those regions. For the new set of schedules, historical facts had to be closely observed for possible adaptation of the civil law table.

**1. Joint Ancestry.** Assyro-Babylonian and Sassanian law, as well as Talmudic law have contributed to the evolution of concepts of civil law. The development continues with early Canon law of the Eastern councils, set in the context of the Eastern Roman Empire, which was the force behind politico-legal developments in the region: Justinian, Emperor of the East (483?-565), had set a “final” of this period with the *corpus iuris civilis*, the definitive compilation of civil law concepts, principles, and cases, reflecting nearly a thousand years of legal development. The civil law institutes or “civil” rules organizing the family of man, ancient and universal, were also received

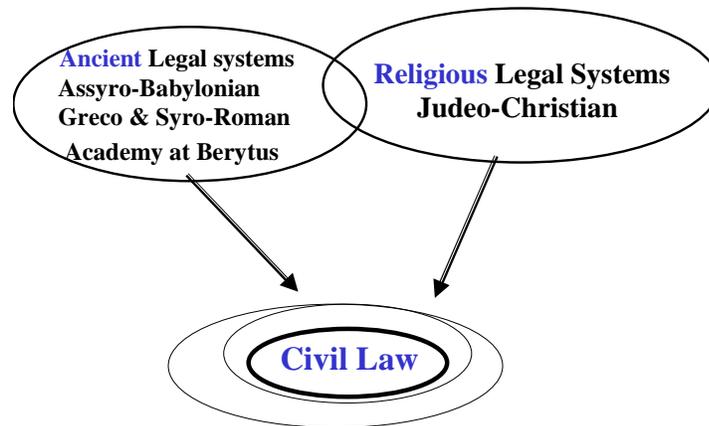
or adopted by Islam, appearing abruptly in the 7<sup>th</sup> century in the region. Comparatively examined, the principal divisions of modern day civil law,

- persons, domestic relations,
- inheritance and succession,
- contracts and obligations, and
- doctrine and catalog of society's sanctions for misconduct,

bear witness to the common ancestry: ancient and religious law (see *Figure 8*).

### Different Disciplines in Classification Comparative

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*Figure 8*

#### 1.1. Adaptation of Civil Law Table KL-KWX 4 to Jewish Law

The contemporary subject arrangement begins in KBM with *mishpat 'Ivri*, i.e., that part of *halakhah* which corresponds to concepts of contemporary rules governing relationships and interactions in modern society. The section KBM524.12 + (Concepts of Jewish law) frames the key questions of ethics and relationships of Jewish law to natural law, to legal positivism, and of secular authority (which sets and defines law) versus Divine law. From there stems conflict of laws (KBM524.43), as well as conflicts embedded in, arising from, and endemic to the plurality of laws in force at the same time.

With KBM524.6+ (Persons. Personality. Capacity) the civil law proper begins. In this section, including KBM531-KBM619+ (Domestic relations. Family law), peculiarities of the system or its historic remnants warranted a number of expansions of the Civil law Table KL-KWX4:

- *Jewishness* and the question of citizenship with a cross-over to Israeli law;
- Conversion and membership in the Jewish community, a cross-over

- into constitutional law (KBM2448);
- interfaith marriage, multiple marriage, temporary marriage, and *levirate* marriage (KBM546.17+), and
- legal status of married women and matrimonial action, particularly *sidur ha-get* (KBM562+), as well as
- *mamzerut* (Illegitimacy; Parent and child relationships), KBM612+

Public law and constitutional law is another area of the schedule in need of expansion for concepts and principles unique to the system, *first* for theoretical treatises on state and Jewish community (*kehillah*) relationships, and *secondly*, sovereignty (autonomy) of the community and questions of obedience to the secular authority (KBM2000+).

KBM2070-KBM2200 is a section on high points of Jewish constitutional history.

KBM2460+ contains variable conditions for membership to the Jewish community, political and human rights, and equality, prominently such groups of people as: *Ba'ale teshuva* (Jews returning to Orthodox Judaism); converts to Judaism; and non-Jews.

The rest of the schedule follows, although not with the same density of detail, the outline and text of Table KL-KWX4.

## **1.2. Adaptation of Civil Law Table KL-KWX 4 to Islamic Law (*Furū' al-fiqh*)**

The challenge to reconcile the theoretical classification structure with the equally theoretical structure of Islamic law was still greater since the two are not necessarily compatible at every point. It was also observed that many ancient sources contributed legal principles and highly organized concepts to the rudiments of Islamic law, as well as scientific methodology. Plus, the geographic locality may have channeled customary or ethnic features into the developing law.

Several other contributing factors had to be considered as well. A variety of jurisdictions in the Middle East, Africa, and Europe were under Ottoman rule from about 1500 to the middle of the 19<sup>th</sup> century. The process of legal modernization in the Ottoman Empire during the 19<sup>th</sup> century saw adoption of European codes, e.g., the French Commercial Code (1840) and the French Penal Code (1848). Around the same time, attempts were made at the codification of Islamic law precepts and their incorporation into modern codes, e.g., the *Mecelle*, based on their European models. The reforms promulgated by the Ottoman Empire were followed closely by similar reforms elsewhere, for example in Egypt.

As the tides turned over time, and as a result of the Berlin Conference in 1884-1885, many of the same jurisdictions once under Ottoman rule became subject to Western colonial rule. Especially during this period, civil law patterns spread widely. Taking into account the historico-legal developments in the Mediterranean, the uniform subject Table KL-KWX 4, developed originally for civil law jurisdictions in Asia and Africa, offered itself as the obvious choice for adaptation as the subject arrangement for schedules KBP.

**1.3. *Furū' al-fiqh***, the branches and subjects of Islamic law, start off at KBP490.2-.95 for general works on the *furū'*, and are subarranged first by the School Table KBP1 and second by author. The broadest and comprehensive treatises produced over the centuries by Islamic legal scholarship including those on *furū' al-fiqh* and *usūl al-fiqh* combined, are classed in the KBP250+ range of schools and authors.

An arrangement for *fatwas*, including official and private *fatwas*, is found at KBP491-494.2+, in the prescribed sequence of schools and authors. *Fatwas* on particular subjects are supposed to be classed with the subject.

A short catalog of other particular genres (KBP 496-KBP497.2+) lead into the substantive (civil) law, beginning with “General concepts and principles” of the *furū' al-fiqh*, comparable to those of the civil law system.

It should be pointed out that most subjects are subarranged first by school because of the differing viewpoints from school to school on many issues of the law, and second by a rudimentary table, Table K3 or K4 respectively, where indicated in the schedule. Otherwise, the design of the schedule follows loosely KL-KWX4.

KBP524-KBP529.8 is taken up by a fairly extensive section (*ahwāl shakhsīyah*) on the person and personality. The center of this range is devoted to women's rights (and their legal limitations), which is carried over into “Domestic relations, marriage, and divorce” (KBP540.2-KBP567). The number span of KL-KWX4, in particular for matrimonial actions (divorce), had to be greatly expanded, mostly by decimal numbers, for the many differences in divorce procedures:

- Repudiation (*talāq*) divorce and its variant forms (KBP558.2-KBP564.2+);
- ‘*Iddah* (Waiting period), KBP566; and
- Settlements, KBP567.

Consanguinity and affinity (*qarābah* and *sabab*), the basis of paternity and the doctrine of marriage impediments (KBP583.2-KBP628.5+), follow Table KL-KWX4 with some variations of the topic and a few expansions in the structure of the schedule; one of them is the doctrine of illegitimacy, treating the child as *nullius* (*walad al-zinā*), KBP612+.

Inheritance and succession, order, and exclusion from inheritance do not differ markedly from the regular pattern (KBP632.2-KBP636.2+). The doctrine of *waqf* (charitable uses and foundations) is to be found under KBP637.2-KBP638. The section *mu'āmalāt* (KBP639.2+) includes property, monetary transactions, and a chapter on delicts or torts (*ta'addiyāt*) and the doctrine of *dīyah* (blood money payment for causing a death, KBP842.2) with reference to *qisās* punishment in criminal law (KBP3975). An interesting section is Islamic banking law, especially the loan or credit transactions with the “interest device” (*mukhātarah*), KBP951.2+.

The section on Public law (KBP2000+) and topics traditionally attributed to Constitutional law is

created for the quantum of works on the relationship between the state and Islam and the Rule of law, in particular the balance of secular authority and *sharīah* (*siyāsah sharīah*), and compatibility or incompatibility of western style democratic government with Islam.

To the legal understanding oriented on western jurisprudence, Criminal law seems a mixture of historic, customary/tribal relics, and modern concepts. On close examination, however, ‘*ibādāt*’ as the underlying fabric of all Islamic law is quite visible. Thus, the top of the list of crimes is occupied by the so called *hadd* crimes, highest in the order *zinā* (unlawful intercourse, KBP4043) and wine drinking (*shurb al-khamr*, KBP4045) with references to ‘*ibādāt*’ (KBP184.9+).

The various types of execution practiced still today, such as beheading, amputation of limbs, stoning, surgical repetition of wounds, and flagellation (KBP3960+), can be traced back to ancient practices of many societies.

**1.4. Comparative law.** Post-colonial legal scholarship, caught in the crosscurrents of modernism and regression, produced a volume of comparative studies on Islamic law and the secular civil law in force in Islamic jurisdictions, as well as on Islamic law and Jewish law. While the national law in many Islamic countries is closely related to the civil or common law system, traditional Islamic law has remained an important component of the overall legal culture of these countries.

As far as *classification* is concerned, comparative studies fall in the following main categories:

- (1) Studies on Islamic law as the source of private and public law, or the impact of particular Islamic legal concepts on the (secular) civil or common law of a contemporary jurisdiction; they will be classed with the law of such a jurisdiction (Table KL-KWX4 469, or Table KL-KWX5 46.7, provide for classification of this topic).
- (2) Studies comparing Islamic law in two or more jurisdictions; i.e., Islamic law and legal acts and facts, affecting Muslims in two or more jurisdictions will be classed in KBP.
- (3) And lastly, works comparing Islamic law with other religious or ancient legal systems, as well as with civil law (Roman law and its modern Western adaptations), are to be classed in subclass KB (Religious law in general. Comparative religious law).

**1.5. Comparative Methodology.** The largely pre-coordinated, (i.e., matching, hierarchies, and number structures) for subjects in classifications for particular regions and any number of jurisdictions in such a region are achieved by application of uniform tables. Thus, depending on system capabilities, information of related or comparative content residing in the database in the numerical order of one class can be accessed from the matching hierarchy or numbers of the other (“paralleled”) class as well.

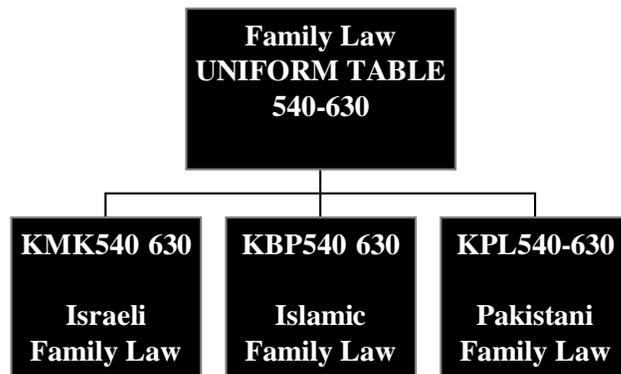
This has been viewed as particularly useful for comparative legal research in a field such as:

- Islamic law and the law of Arab or Islamic countries;

- Islam (BP) and Islamic law (KBP);
- Jewish law (KBM) and Islamic law (KBP).

Parallelity of hierarchies and vocabularies is created in as many instances as the uniform table is applied. This together with the horizontal search capability of the online classification allows for cross-class or cross-pattern searches (see *Figure 9*). Such operations are enhanced by the capability of an online system to correlate classification with other authority files such as LCSH and DDC, and to link to analog and digital resources residing in the bibliographic database, such as is available through ClassificationWeb.

## **Portable Hierarchies and Vocabularies Parallel-Uniform**



*Figure 9*

### **C. Language of the Text of the Schedules. Bilinguality**

Law is highly definitional and terminological. During centuries of law development, definitions and interpretations have cast legal institutions in sets of formal terms with variances from system to system. Jewish and Islamic law having both evolved in the Ancient Orient are not different. The sum of terms, or terminology, in which each legal system expresses itself, testifies to its regional geography and particular culture different from western experience in many aspects. Since both are fluid with nuances of historico-legal tradition and socio-ethnic provenance, terms and institutes often defy their correlation to modern English. It became apparent that religious law does not necessarily lend itself to application of modern standards without compromising the legal traditions. Language and terminology became a key concern in developing the two schedules. As the schedules were intended for English speaking users with varying knowledge of both Jewish or Islamic tradition and language, as well as not- English speaking users unfamiliar with western legal methodology, it was decided to introduce vocabulary in the caption of the schedules (KBM and KBP) inherent to Jewish and Islamic law and correlate English terms as far as possible.

The method applied, was to

- harvest from the scholarly literature, past and contemporary, terminology; and
- explore the existing bibliographic files for subject headings used.

But: are the language correlations (English/vernacular Romanized) successful, especially if there is no exact match in English? And in such instances, should only the vernacular term be entered in the caption?

It also had to be determined whether complex historical and intellectual developments could be correlated under the same or harmonized terminology where subjects are rooted in or related to the same concept but differ in ethno-cultural provenance. This proved to be important for parallel arrangements, e.g., arrangements of the schedules on Judaism (BM) and Jewish law (KBM) or on Islam (BP) and Islamic law (KBP), and lastly, on civil law in both schedules, KBM and KBP.

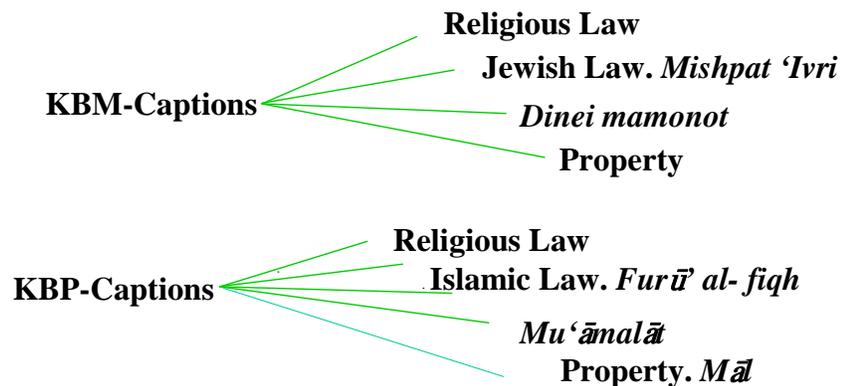
This resulted in varying structures of captions, as *Figure 10* shows. Both schedules, KBM and KBP, are bi-lingual, though the primary language of the captions is English, followed by the romanized Arabic or Hebrew term as appropriate. In the absence of equivalent terms in English language, the specialized terms of Jewish law or Islamic law are expressed solely in the romanized Arabic or Hebrew terms that were usually extracted from the scholarly literature. For the “civil law” expansions of Jewish and Islamic law, the English terms are civil law derived.

## Portable Hierarchies and Vocabularies Parallel-Uniform

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Civil law schemes for KBM (Jewish Law) and KBP (Islamic Law)

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*Figure 10*

It should be

mentioned that throughout both schedules Cutter numbers for alphabetically arranged topics are assigned for the vernacular term including those in bilingual captions.

Where appropriate subject headings for either Jewish law or Islamic law were available, such headings were used in the caption. Other captions were established during the development of the schedules to enhance later searches by correlation of the schedules' content to subject headings applied to the literature in the given field.

It is expected that terms in the original scripts can be added to the captions in the near future. The multi-lateral index created this way will be a tremendous asset for classification searches.