

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

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SUHAIL NAJIM )  
ABDULLAH AL SHIMARI *et al.*, )

Plaintiffs, )

v. )

C.A. No. 08-cv-0827 GBL-JFA

CACI INTERNATIONAL, INC., *et. al.*, )

Defendants )

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**EXPERT REPORT OF  
DR. MOHAMMAD H. FADEL**

## **REPORT OF PROFESSOR MOHAMMAD FADEL**

1. I am currently the Canada Research Chair in the Law and Economics of Islamic Law at the University of Toronto's Faculty of Law.
2. I was born in Cairo, Egypt, and immigrated to the United States at the age of 3 with my family in 1970. I lived in Chicago, IL from 1970-1975 and then in Augusta, GA from 1975-1984.
3. I received my BA in Government and Foreign Affairs from the University of Virginia with High Honors in 1988.
4. I obtained my Ph.D. in Near Eastern Languages and Civilizations from the University of Chicago in 1995 where I wrote my dissertation on medieval Islamic law.
5. I am fluent in formal and colloquial Arabic, having studied formal Arabic at the University of Virginia, Yarmuk University in Irbid, Jordan, and the American University in Cairo.
6. I lived in Irbid, Jordan for two months during the summer of 1987 while studying Arabic. I lived in Cairo from June 1988 to June 1989 while studying Arabic. I lived in Cairo from 1993-1994 while performing research for my doctoral dissertation.
7. I have also visited Kuwait, Saudi Arabia, Tunisia and Morocco.
8. I graduated from the University of Virginia School of Law in 1999. While there, I served on the Virginia Law Review (1997-1999), first on the editorial board and then as Articles Development Editor. I graduated Order of the Coif.
9. I clerked for the Honorable Anthony A. Alaimo, District Court Judge for the Southern District of Georgia (1999-2000), and the Honorable Paul Niemeyer, Judge for the United States Fourth Circuit Court of Appeals (2000-2001).
10. I was admitted to the Bar of the State of New York in 2000 and remain a member in good standing.
11. I practiced law with the firm of Sullivan & Cromwell LLP in New York, New York from 2001-2005 when I left to join the University of Toronto Faculty of Law. I began teaching in January 2006.
12. I regularly teach Business Organizations, Trusts, the Law of International Business and Finance Transactions, and Religion and the Liberal State: the Case of Islam.

13. I have also taught introductions to Islamic law at the Notre Dame School of Law (Spring 2010) and University of Virginia (Spring 2011). I also taught an introduction to Islamic Finance at the National University of Singapore (August 2011).
14. I have testified as an expert witness on matters related to Islamic theology and law three times in federal criminal trials, once in the Eastern District of Virginia (*United States v. Chandia*, 1996); once in the District of Massachusetts (*United States v. Mehanna*; 2011) and once in the Eastern District of North Carolina (*United States v. Subasic*, 2012).
15. I have authored numerous articles in Islamic legal history, Islamic theology, and Islamic law and liberal political theory.
16. Attached hereto as Exhibit "A" is a true copy of my *curriculum vitae* setting forth my academic credentials, professional experience, and my scholarly publications.
17. You have asked me to render an expert opinion regarding the significance of the physical, mental and emotional injuries sustained by plaintiffs al-Ejaili, al-Shimari, al-Zuba'e, and Rashid while in captivity at the detention facility at Abu Ghraib during the periods alleged in the complaint from the perspective of Islamic religious and legal teachings.
18. In preparing my report, I have relied on the revealed sources of Islamic religious and legal teachings – the Quran and the *sunna* (the authoritative practice) of the Prophet Muhammad as set out in greater detail below – and my general familiarity with authoritative treatises of Islamic law.
19. I was compensated at the rate of \$350/hour for preparation of this report. Preparation of this report took six hours.
20. In rendering my opinion, I have reviewed the plaintiffs' complaint as well as the individual answers they provided in their respective interrogatories. For purposes of my analysis I take all their allegations as true. I have set out the relevant facts below.
21. Each of the plaintiffs was stripped naked in front of his captors. Al-Ejaili Answer to Interrogatory 4, ¶¶ 2, 4, 6, 7, 8; al-Shimari Answer to Interrogatory 4, ¶¶ 3, 6, 13; al-Zuba'e Answer to Interrogatory 4, ¶¶ 1, 3, 5; Rashid Answer to Interrogatory 4, ¶¶ 2, 4, 8, 12.
22. In addition to forced nudity, three of the detainees suffered psychological sexual humiliation when they were forced to be nude in front of females. Al-Ejaili Answer to Interrogatory 4, ¶ 7; al-Shimari Answer to Interrogatory 4, ¶ 4; and al-Zuba'e Answer to Interrogatory 4, ¶¶ 2, 3.

23. In addition to the psychological sexual humiliation set out above, three of the detainees also endured physical sexual assaults, including anal penetration digitally and with objects, involving both males and females, as well as explicit sexual taunting. Al-Ejaili Answer to Interrogatory 4, ¶¶ 7, 11; al-Shimari Answer to Interrogatory 4, ¶ 11; and Rashid Answer to Interrogatory 4, ¶¶ 3, 4.
24. The acts described in ¶¶ 4-6 of this Affidavit represent gross violations of Muslim norms of sexual propriety. These norms derive from the teachings of the Islamic religion regarding the sanctity of the human body, the prohibition of nudity, and proscription of sexual intimacy except between a husband and wife. In general, Islamic religious teachings attempt to instill a sense of modesty and bashfulness with respect to the human body (particularly when naked) and human sexuality. The acts described in ¶¶ 4-6 of this Affidavit represent gross violations of these Islamic religious norms.
25. These religious norms are further reflected in various rules of Islamic law regulating dress and sexuality. Cultural taboos surrounding nudity and sex roles in many Muslim societies also reflect religious teachings surrounding nudity and sexuality.
26. The most fundamental source of Islamic religious teachings is the Quran, which Muslims take to be the word of God which was revealed to the Prophet Muhammad. The Quran makes numerous references to nudity as shameful and clothing as a marker of human dignity and sign of divine blessing.
27. For example, verses 28-33 of *al-A'raf*, the seventh chapter of the Quran, condemns the pre-Islamic Arabs for their practice of performing various religious rites in the nude, describing it as "lewd" conduct (*fāhisha* and *fahshā'*) which, when attributed to divine command as the pre-Islamic Arabians asserted, was also blasphemous.
28. Verses 26 and 27 of the same chapter set out the notion that clothing is a defining element of our humanity. Verse 26 states "O children of Adam! We have given to you clothing that you might cover your nakedness, and to beautify yourselves," and verse 27 warns humanity, stating "O progeny of Adam! Let not Satan seduce you as he did with your father and mother (Adam and Eve), when he expelled them from the Garden, stripping them of their garments, and revealing their nakedness."
29. Indeed, in the Quranic account of the fall of Adam and Eve, nakedness is made to stand for the primordial recognition by humanity of its sin, with the sense of shame attendant to that realization. Thus, verse 22 of *al-A'raf* states that "When they tasted of the Tree, their nakedness became apparent to them, and they began to cover themselves with the leaves of the Garden. This story is retold in verse 121 of *Tāhā*, the 20<sup>th</sup> chapter of the Quran, which states, "And they ate from it, whereupon their nakedness appeared to them, and they began to cover themselves

with the leaves of the Garden. Adam had disobeyed his Lord, so he went astray.”

30. The sense of vulnerability a human being experiences when naked is in turn the basis for the Arabic word for a body’s nakedness, *‘awra*, meaning those parts of the body which must be covered so that one is not *vulnerable*. *‘Awra* literally means “vulnerable,” and in the Quran it appears only once, in the 13<sup>th</sup> verse of *al-Ahzāb*, the 33<sup>rd</sup> chapter, in the context of a military confrontation where some lukewarm allies of the Prophet Muḥammad deserted their lines on the excuse that their homes had become *‘awra*, i.e., vulnerable to attack by the enemy.
31. The Quran, in addition to asserting the centrality of our being clothed to our humanity, also counsels believers “to lower their gaze” when interacting with members of the opposite sex, so as to reduce the potential for illicit sexual thoughts and conduct. Accordingly, verses 30 and 31 of *al-Nūr*, the 24<sup>th</sup> chapter of the Quran, instructs believers, both men and women, to lower their gaze and act with sexual restraint (literally, “guard their genitalia”) when interacting with members of the opposite sex.
32. The second most important source for Islamic religious teachings is the practice of the Prophet Muḥammad, known as the *sunna*. The *sunna* includes statements of the Prophet Muḥammad, his actions, and acts which he permitted. Unlike the Quran, which Muslims believe is the word of God and is preserved impeccably in the Quran, the *sunna* was collected by various different scholars in the centuries following the Prophet Muḥammad’s death in the form of various reports known as *ḥadīth*. These reports in turn were compiled into numerous different books. Because these reports were usually only reported by a handful of people, their attribution to the Prophet Muḥammad can be a matter of controversy, but as a general matter, there are a few collections – known as the six sound collections – which enjoy great prestige among all Muslims. All the *ḥadīths* I cite below are found in one of these six books. These works include several teachings of the Prophet Muḥammad on the importance of sexual modesty, including, the obligation to avoid nakedness. Some of these are set forth below.
33. As reported in the *Sunan* of Abū Dāwūd, Mu‘āwiya b. Hayda said, “I said, ‘O Messenger of God! What may we reveal of our nakedness and what must we conceal?’ He said, ‘Guard your nakedness, except from your wife. . . .’ I said, ‘O Messenger of God! What about when a group of men are together [without women]?’ He said, ‘If it is within your power that none of them see it, then let no one at all see it.’ I said, ‘O Messenger of God! And what about when one of us is alone?’ He said, ‘Modesty before God is more befitting than it is before people.’”
34. *Ṣaḥīḥ Muslim* reports the Prophet Muhammad as saying, “No man should gaze upon the nakedness of another man, nor should a woman gaze upon the nakedness of another woman; nor should a man undress in front of another man, nor should a woman undress in front of another woman.”

35. *Ṣaḥīḥ Bukhārī* includes a report which attributes to the Prophet Muḥammad sexual modesty becoming a “virgin girl in her cloister.”
36. For these reasons, among others, sexual modesty has always been considered one of the most important virtues of an individual in Muslim societies; indeed, modesty, particularly sexual modesty, is deemed one of the highest virtues a Muslim can obtain.
37. Under basic rules of Islamic law (rules between a married couple being excluded), the nakedness of a man with respect to another man, and of a woman with respect to another woman, is defined to include the navel to the knees (see, for example, 1 Burhān al-Dīn al-Farghānī al-Marghīnānī, *Al-Hidāya: The Guidance* (Amal Press: Bristol, England, 2006), trans. By Imran Ahsan Khan Nyazee, 101-102); however, special concern is given to the genitalia, which are only to be revealed, if ever, in the most pressing circumstances. Women, when in the company of men who are not immediate relatives, e.g., a brother, son or father or grandfather, are counseled to conceal their entire bodies except for their face, hands and feet. Even when they are in the company of those male relatives, however, they are not free to disrobe.
38. While certain exceptions to these rules exist, e.g., between a married couple or for a legitimate medical examination, a Muslim would ordinarily feel deep shame, if not outright humiliation, at being forced to be naked in front of other members of the same sex, to say nothing of being naked in front of members of the different sex. Indeed, for this reason, locker rooms at athletic clubs in the Arab world, based on my experience, always have private changing rooms and the experience of locker rooms for Arabs in the US – where no such privacy exists – can be quite disorienting.
39. Based on my experience living and travelling in the Arab world, religious taboos against nakedness, even between members of the same sex, are part of everyday culture, so that even non-religious individuals observe these taboos. Even among women who do not observe strict Islamic clothing requirements, general social custom discourages casual mixing of the sexes, and it is not unusual to find that private athletic clubs in the Arab Middle East will set aside particular days exclusively for women so they can swim without the presence of men. As noted earlier, locker rooms in the Arab world provide private changing rooms and private showers in respect of the religious and cultural taboos against nakedness. There can be little doubt that forcing an Arab man to disrobe would cause him to feel substantial feelings of shame and humiliation.

MU, Jan. 30, 2013

Mohammad Fadel

# **EXHIBIT A**

**Mohammad H. Fadel**  
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## A. ACADEMIC HISTORY

### CURRENT POSITION

- Associate Professor and Canada Research Chair in the Law and Economics of Islamic Law, University of Toronto Faculty of Law, January 2006 – present

(faculty web page available at:

[http://www.law.utoronto.ca/faculty\\_content.asp?profile=79&cType=facMembers&itemPath=1/3/4/0/0](http://www.law.utoronto.ca/faculty_content.asp?profile=79&cType=facMembers&itemPath=1/3/4/0/0))

### VISITING POSITIONS

- Visiting Professor of Law, University of Virginia School of Law, April 2011 (taught Introduction to Islamic Law)
- Visiting Professor of Law, National University of Singapore School of Law, August 2010 (taught Introduction to Islamic Finance)
- Visiting Professor of Law, Notre Dame University Law School, April 2010 (taught Introduction to Islamic Law)

### PREVIOUS TEACHING EXPERIENCE

- Adjunct Instructor, *University of Virginia*, Department of Government and Foreign Affairs, spring semester 1996.
- Arabic Instructor, *University of Virginia*, 1994 – 1995
- Arabic Instructor, *Middlebury College* Summer Arabic Program, 1993

### EDUCATION

**University of Virginia School of Law**, Charlottesville, VA. J.D., 1999.

#### *Honors*

- Articles Development Editor, *Virginia Law Review*, 1998-1999.
- Editorial Board, *Virginia Law Review*, 1997-1998.
- Order of the Coif
- Robert E. Goldsten Award for Distinction in the Classroom.
- John M. Olin Prize in Law and Economics for Outstanding Paper in Law and Economics, *Deregulating the OTC Swaps Market and The 'Public Interest' Requirement in the Futures Trading Practices Act of 1992*.
- John M. Olin Law and Economics Scholar, 1998-1999.

**University of Chicago**, Department of Near Eastern Languages and Civilizations, Chicago, IL. Ph.D., 1995.

- Dissertation: *Adjudication in the Maliki Madhhab: a Study of Legal Process in Medieval Islamic Law*. (under the supervision of Wadad al-Kadi; Fred Donner and Robert Dankoff other committee members; Wael Hallaq also served as an additional member of the committee/reader of the dissertation)

#### *Honors*

- Ph.D. with *Distinction*, 1995.
- Fulbright-Hays Dissertation Writing Fellowship, U.S. Department of Education, 1993-94.



- Recipient of Consortium for Arabic Study Abroad (CASA) full-year fellowship to study Arabic at the American University in Cairo, sponsored by the U.S. Department of Education.

**University of Virginia**, Charlottesville, VA. BA (Government and Foreign Affairs) *with High Honors*, 1988.

*Honors*

- *Phi Beta Kappa*.
- Government and Foreign Affairs Honors Program (five students in program).

## **LANGUAGES**

- Classical and Colloquial Arabic (fluent).

## B. SCHOLARLY PUBLICATIONS AND LECTURES

### *Peer-Reviewed Articles*

*Muslim Reformists, Female Citizenship, and the Public Accommodation of Islam in Liberal Democracy*, 5,1 *Politics and Religion*, 2-35 (2012).

*Is Legal History a Viable Strategy for Islamic Legal Reform? The Case of ‘Never Shall a Folk Prosper Who Have Appointed a Woman to Rule Them,’* 18 *Islamic Law & Society*, 131-176 (2011).

Commentator on “The Global Importance of ‘Illiberal Moderates’, an Exchange: Partners in Peace to Precede a Concert of Democracies,” Amitai Etzioni et al., 21,2 *Cambridge Review of International Affairs* (June 2008), pp. 165-167.

*The True, the Good and the Reasonable: the Theological and Ethical Roots of Public Reason in Islamic Law*, 21,1 *Canadian Journal of Law and Jurisprudence* 5-69 (2008).

*Two Women, One Man: Knowledge, Power and Gender in Medieval Sunni Legal Thought*, 29, 2 *International Journal of Middle East Studies* (1997), pp. 185-204.

*The Social Logic of Taqlid and the Rise of the Mukhtasar*, *Islamic Law and Society* 3,2 (1996), pp. 193-233.

Ibn al-Hajar’s Hady al-Sari: *A Medieval Theory of the Structure of al-Bukhari’s Al-Jami` al-Sahih*, *Introduction and Translation*, *Journal of Near Eastern Studies* 54, 3 (Summer 1995), pp. 161-97.

### *Chapters in Books*

“‘No Salvation Outside Islam’: Muslim Modernists, Democratic Politics, and Islamic Theological Exclusivism,” forthcoming as a chapter in *Islam, Salvation, and the Fate of Others*, ed. Mohammad Hassan Khalil (forthcoming, Oxford University Press).

“Political Liberalism, Islamic Law and Family Law Pluralism,” *Marriage and Divorce in a Multi-Cultural Context: Multi-Tiered Marriage and the Boundaries of Civil Law and Religion*, edited by Joel Nichols (Cambridge University Press: New York, 2012).

“‘*Istafti qalbaka wa in aftâka al-nasu wa aftûka*:’ The Ethical Obligations of the Muqallid Between Autonomy and Trust,” forthcoming as a chapter in a Festschrift in honor of Professor Bernard Weiss, ed. Kevin Reinhart, Brill Academic Publishers.

“Authority in Ibn Abî Zayd al-Qayrawânî’s *Kitâb al-nawâdir wa al-ziyâdât ‘alâ mâ fî al-mudawwana min ghayrihâ min al-ummahât*: The Case of the ‘The Chapter of Judgments’ (*Kitâb al-aqḍiyya*),” forthcoming as a chapter in a Festschrift in honor of Professor Wadad al-Kadi, (Brill Academic Publishers).

“Too Far From Tradition,” in *Islam and the Challenge of Democracy, A Boston Review Book*, edited by Joshua Cohen and Deborah Chasman (Princeton University Press: Princeton and Oxford, 2004), pp. 81-86.

“*Istihsan* is Nine-Tenths of the Law: The Puzzling Relationship of *Usul* to *Furu’* in the *Maliki Madhhab*,” in *Studies in Islamic Law and Society*, ed. Bernard Weiss (Brill 2002), pp. 161-76.

“Rules, Judicial Discretion and the Rule of Law in Nasrid Granada,” in *Islamic Law: Theory and Practice*, ed. Robert Gleave (I.B. Tauris 1997), pp. 49-86.

## **Law Review Articles**

“Modernist Islamic Political Thought and the Egyptian and Tunisian Revolutions of 2011,” 3 *Middle East Last and Governance* 94-104 (2011).

*Public Corruption and the Egyptian Revolution of January 25: Can Emerging International Anti-Corruption Norms Assist Egypt Recover Misappropriated Public Funds?*, 52 HARV. INT’L L.J. ONLINE 292 (2011), [http://www.harvardilj.org/2011/04/online\\_52\\_fadel/](http://www.harvardilj.org/2011/04/online_52_fadel/).

*BCE and the Long Shadow of American Corporate Law*, 48 *Canadian Business Law Journal* 190-212 (2009).

Ribâ, *Efficiency and Prudential Regulation: Preliminary Thoughts*, 25 *Wis. Int’l L.J.* 655-702 (2008).

*Public Reason as a Strategy for Principled Reconciliation: The Case of Islamic Law and International Human Rights Law*, 8, 1 *Chicago Journal of International Law* 1-20 (Summer 2007).

*Classical Religious Perspectives of Adoption Law*, with Pollack, D., Reid, C., & Bleich, M., 79 *Notre Dame Law Rev.* 693-753 (2004).\*

*Reinterpreting the Guardian’s Role in the Islamic Contract of Marriage: The Case of the Maliki School*, 3 *The Journal of Islamic Law* 1-26 (1998).

## **Review Essays**

*A Tragedy of Politics or an Apolitical Tragedy?*, 131(1) *Journal of American Oriental Society* 109-127 (2011).

*Back to the Future: The Paradoxical Revival of Aspirations for an Islamic State*, 14,1 *Review of Constitutional Studies* 105-123 (2009).

*Islamic Politics and Secular Politics: Can They Co-Exist?*, 25,1 *Journal of Law & Religion* 101-118 (2009-2010).

## **Articles in Non-Academic Journals**

*The Challenge of Human Rights*, *Seasons: the Journal of the Zaytuna Institute* 59-80 (Spring 2008).

## **Book Reviews**

*The Islamic Marriage Contract: Case Studies in Islamic Family Law*. Edited by Asifa Quraishi and Frank E. Vogel *Journal of Islamic Studies*, pp. 414-418 (September 2011).

*Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, Nader Hashemi, 3,3 *Politics and Religion* (2010), pp. 649-651.

*International Treaties (Mu‘āhadāt) in Islam: Theory and Practice in Light of Islamic International Law (Siyar) according to Orthodox Schools*, Labeeb Ahmed Bsoul, 27,1 *American Journal of Islamic Social Sciences* (2010), pp. 128-132.

*Original Islam: Mālik and the Madhhab of Madīna*, Yasin Dutton, 21,2 *Journal of Islamic Studies* (2010), pp. 273-275.

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\* I was the author of Part III of this paper, i.e. pp. 732-753.

*The Islamic School of Law: Evolution, Devolution, and Progress*, Edited by Peri Bearman, Rudolph Peters and Frank Vogel, *Journal of Islamic Studies* 2009 20(2):259-263.

*Shari'a: Islamic Law in Contemporary Context*, Edited by Abbas Amanat and Frank Griffel, 24,2 *Journal of Law & Religion* 729-733 (2008-2009).

*Structural Interrelations of Theory and Practice in Islamic Law: A Study of Six works of Medieval Islamic Jurisprudence*, Ahmad Atif Ahmad, *Studies in Islamic Law and Society*, Brill, Edited by Ruud Peters and Bernard Weiss, 40,4 *International Journal of Middle East Studies* 680-682 (2008).

*Islamic Law and the Challenge of Modernity*, Edited by Yvonne Yazbeck Haddad and Barbara Freyer Stowasser, 24,1 *American Journal of Islamic Social Sciences* 98-101 (2007).

*A History of the Early Islamic Law of Property – Reconstructing the Legal Development, 7<sup>th</sup>-9<sup>th</sup> centuries*, by Hiroyuki Yanagihashi, *Studies in Islamic Law and Society*, Brill, Edited by Ruud Peters and Bernard Weiss, 18(1) *Journal of Islamic Studies* 100-102 (2007).

*Law and Power in the Islamic World*, by Sami Zubaida, 16,1 *Journal of Islamic Studies*, 72-74 (2005).

*Between the State and Islam*, Charles E. Butterworth and I. William Zartman, eds., *Middle East Studies Association Bulletin* (Summer 2002), pp. 62-63.

*Studies in Modern Islamic Law and Jurisprudence*, by Oussama Arabi, 9 *Islamic Law and Society* 423-25 (2002).

*Analogical Reasoning in Islamic Jurisprudence: a Study of the Juridical Principle of Qiyas*, by Ahmad Hasan, 15 *Journal of Law and Religion* 359-62 (2001).

*The Rule of Law in the Middle East and the Islamic World: Human Rights and the Judicial Process*, Eugene Cotran and Mai Yamani, eds., 18,4 *American Journal of Islamic Social Sciences* pp. 167-171 (2001).

*Ibn Rushd wa kitabuhu al-muqaddimat*, by al-Mukhtar b. al-Tahir al-Talili, *Al-'Usur al-Wusta: the Bulletin of Middle East Medievalists* 6, 1 (1994), pp. 23-24.

*Muhadarat fi tarikh al-madhhab al-maliki fi'l-gharb al-islami*, *Al-'Usur al-Wusta: the Bulletin of Middle East Medievalists* 6, 1 (1994), pp. 24-25.

### **Encyclopedia Articles**

“Murder,” *Encyclopaedia of the Qur'an*, ed. Jane Damen McAuliffe (Brill).

“Chastisements and Punishments,” *Encyclopaedia of the Qur'an*, ed. Jane Damen McAuliffe (Brill).

“Islamic Law,” *Encyclopedia of Islam in America*, ed. Jocelyn Cesari (2007).

“Law and Jurisprudence,” *The Encyclopedia of Medieval Islamic Civilization*, ed. Joseph W. Meri (Routledge) (2006).

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“Hiraba, or Brigandage,” *The Encyclopedia of Medieval Islamic Civilization*, ed. Joseph W. Meri (Routledge) (2006).

“Public Authority (Sultan),” *Oxford Encyclopedia of Legal History*, ed. Stanley N. Katz (Baber Johansen,

Islamic Law editor).

“Public Law and Private Law,” *Oxford Encyclopedia of Legal History*, ed. Stanley N. Katz (Baber Johansen, Islamic Law editor).

“Proof and Procedure in Islamic Law,” *Oxford Encyclopedia of Legal History*, ed. Stanley N. Katz (Baber Johansen, Islamic Law editor).

“Forum, Exterior (Zahir), and Interior Forum (Batin),” *Oxford Encyclopedia of Legal History*, ed. Stanley N. Katz (Baber Johansen, Islamic Law editor).

“Torture,” *Oxford Encyclopedia of Legal History*, ed. Stanley N. Katz (Baber Johansen, Islamic Law editor).

“Arbitration,” *Encyclopedia of Islamic Political Thought*, ed. Gerhard Böwering (forthcoming).

“Contracts,” *Encyclopedia of Islamic Political Thought*, ed. Gerhard Böwering (forthcoming).

“Collective Obligations,” *Encyclopedia of Islamic Political Thought*, ed. Gerhard Böwering (forthcoming).

“Judicial Courts,” *Encyclopedia of Islamic Political Thought*, ed. Gerhard Böwering (forthcoming).

“International Law, Regional Developments: Islam,” *Max Planck Encyclopedia of Public International Law*, ed. Frauke Lachenmann.

### ***Public Papers, Workshops and Conferences***

“Faith and Democracy,” one of the series “We the People: Islam and US Politics” , Public Panel Discussion, Stanford University, sponsored by the ‘Abbasi Program in Islamic Studies, April 12, 2012.

“The Concept of Obedience (*Tā‘a*) Among Pre-Modern Sunnī Muslim Jurists and the Ideal of the Rule of Law,” Qatar Foundation Faculty of Islamic Studies, April 9, 2012.

“Judicial Institutions and the Legitimacy of Islamic State Law,” *Constitutional Transitions*, New York University School of Law, March 30, 2012.

“Cultural Issues in International Arbitration Advocacy,” Panel Discussion, Advocates’ Society Education Centre, March 27, 2012.

“The Turn to the Political in Islamic Modernism and the Egyptian and Tunisian Revolutions,” Osgoode Hall Faculty of Law Transnational Law Workshop, March 2, 2012.

“The Turn to the Political in Islamic Modernism and the Egyptian and Tunisian Revolutions,” University of Toronto Faculty of Law Workshop, February 6, 2012.

“Overlapping, Not Separate: a Response to ‘Abdallahi an-Na‘im’s *Complementary, not Competing Claims of Law and Religion: an Islamic Perspective*,” at Pepperdine University School of Law’s conference entitled, “The Competing Claims of Law and Religion: Who Should Influence Whom?”, Feb. 24, 2012.

“Global Community in a Unipolar World?”, Inaugural Address, North American Model United Nations, University of Toronto, Feb. 21, 2012.

“The Moroccan Family Code of 2004 (*al-Mudawwana al-Jadida*) and Affiliation of Illegitimate Children,” The Mālikī Madhhab in its Modern Contexts, Feb. 15, 2012.

“The Arab Spring,” panel discussion, Milbank Tweed Forum, New York University School of Law, Feb. 1, 2012.

Commentator, Benjamin Geva’s book launch (*The Payment Order of Antiquity and the Middle Ages*), Osgoode Hall Faculty of Law, Jan. 19, 2012.

Polygamy Reference Panel Discussion, University of Toronto Faculty of Law, Jan. 17, 2012.

“Prospects for Democracy in the Arab World,” Toronto Current Events Club, Jan. 10, 2012.

“Muslim Experience in North America: Islamic Law and Democracy,” public lecture sponsored by the Association of Muslim Social Scientists and Noor Cultural Centre, December 18, 2011.

Panel discussion, “The Future of the Arab World,” sponsored by the University of Toronto International Relations Society,” November 29, 2011.

“Yūsuf Qaraḏāwī’s *Tahrīr Khuṭba* and Islamic Liberation Theology,” as part of the panel “*Tahrīr* and Liberation Theology,” Nov. 20, 2011, American Academy of Religion, San Francisco, Nov. 18-21, 2011.

“Islamic Law in North America,” Islamic Law Seminar, Center for Middle East and Islamic Studies, United States Naval Academy, October 12, 2011.

“Religion and Human Rights in the Arab World in the Wake of the Arab Spring,” Envision Arabia Summit, sponsored by the Arab Development Initiative, McGill University, October 8, 2011.

Roundtable Discussion on the Middle Eastern/North African Revolutions, “Islamic Modernism and the Egyptian and Tunisian Revolutions of 2011,” Middle East History and Theory Working Group, University of Toronto, October 5, 2011.

“The Irrelevance of the Secular-Religious Dichotomy in the Rise of the *Mazālim* Jurisdiction,” International Conference on Imperial Legacies in a Cross-Cultural Mediterranean Context, jointly sponsored by University of Birmingham (England) and Koç University (Turkey), Istanbul, Turkey, September 23, 2011.

“Islamic Law and American Law: Between Concordance and Dissonance,” New York Law School, Aug. 26, 2012.

“Islamic Modernist Political Thought and the Problem of Pluralism,” Center for the Study of Islam and Democracy, Tunis, June 10, 2011 (in Arabic).

“The Turn to the Political in Islamic Modernism and the Egyptian and Tunisian Revolutions,” American University in Cairo, June 7, 2011.

Instructor, International Criminal Law – The Shari‘a: Sources of Law and Selected Legal Aspects, International Institute of Higher Studies in Criminal Sciences, Siracusa, Italy, May 22 – May 31.

“The Turn to the Political in Islamic Modernism and the Egyptian and Tunisian Revolutions,” New York University, New Directions in Political Philosophy Workshop, May 7, 2011.

“The Turn to the Political in Islamic Modernism and the Egyptian and Tunisian Revolutions,” Stanford University, Political Philosophy Workshop, April 8, 2011.

Islamic and International Law: Searching for Common Ground, Salzburg Global Seminar, Salzburg, Austria, Nov. 14-Nov. 19, 2010.

“Pluralism, Authority and Islamophobia: *Shari‘a* and its Discontents in the West,” presented at Georgetown University, Alwaleed bin Talal Center for Muslim-Christian Understanding, “Rethinking Shariah: Who Speaks for Islam?” October 7, 2010.

Panelist, “Roundtable on Common Themes and Implications for Political Theory,” East Asian Perspectives on Legal Order, co-sponsored by the National University of Singapore and The Centre for Ethics, University of Toronto, Singapore, Aug. 27, 2010.

“God Has Made Trade Licit But Has Forbidden *Riba*’: The Paradox of Interest in Islamic Law,” National University of Singapore Faculty of Law Faculty Workshop, August 20, 2010.

“Strategies for Building a Coalition for Gender Egalitarianism in the Muslim World,” Karamah: Muslim Women Lawyers for Human Rights, Law and Leadership Summer Program, Washington, D.C., June 8, 2010.

“Criminalization of Polygamy? Constitutional or Not?”, David Asper Centre for Constitutional Rights, University of Toronto Faculty of Law, March 23, 2010.

“Islam and the West: the Use and Abuse of Comparison,” Centre for Ethics, University of Toronto, March 12, 2010.

“The *Shari‘a* and the Rule of Law,” presentation at the Department of Near and Middle Eastern Civilizations, University of Toronto, March 11, 2010.

“The Idea of the Islamic State as Rational Commitment,” presentation to the faculty, Santa Clara Law School, Feb. 23, 2010.

“The Impact of Islamic Law on Economic Development,” Karamah: Muslim Women Lawyers for Human Rights, Feb. 16, 2010.

Islamic Finance Seminar, Rotman School of Business, Jan. 29, 2010.

“Who Needs an Islamic State? The Implications of Muslims Living in Liberal Democracies for Contemporary Islamic Constitutional Theory,” Muslim World League and the Department of Fiqh and Usul al-Fiqh, International Islamic University of Malaysia, Conference: Jurisprudence of Minorities in the Light of the Objectives of Islamic Law: Identity and Integration, Kuala Lumpur, Malaysia, Nov. 9-11, 2009.

“Islam and the Regulation of Markets,” Hamline University School of Law, Symposium: The Global Economic Crisis, Law and the Religious Traditions, Oct. 15-16, 2009.

Discussant, “The Diversity of Islam in Eurasia,” *Tenth Annual Conference of the Central Eurasian Studies Society*, University of Toronto, Toronto, ON, October 11, 2009.

“Islam, Liberalism and Democracy,” Cornell University School of Law, The Clark Initiative for Law and Development in the Middle East and North Africa (September 11-12, 2009), Ithaca, New York, September 11, 2009.

Discussant and Chair, “Comparative Political Theory Applied: Change and Hybridity in the Study of Political Thought,” Annual Meeting of the American Political Society Association, Toronto, ON, September 4, 2009.

“Which ‘Islamic Law’? Theorizing an Islamic Law of Conflict in the Absence of a Dar al-Harb,” Institute for National Security and Counterterrorism, Syracuse University, Islam-International Humanitarian Law Initiative, April 17, 2009.

“In Praise of Public Reason: Theological and Political Restraint in Islamic Theology,” University of Wisconsin, presented at the Fourth Annual Conference of the Lubar Institute for the Study of Abrahamic Religions: Religion and the State, co-sponsored by Center for the Study of Liberal Democracy, March 28, 2009.

“Recognition of Islamic Concepts Under Canadian Law: Possibilities and Obstacles,” University of Ottawa Faculty of Law, presented at *The Idea of Legal Interaction Between Islamic Law and Other Legal Systems*, co-sponsored by the World Legal Systems Research Group and The Muslim Law Students Association, March 20, 2009.

“Authority in Ibn Abî Zayd al-Qayrawânî’s *Kitâb al-nawâdir wa al-ziyâdât ‘alâ mâ fi al-mudawwana min ghayrihâ min al-ummahât*: The Case of the ‘The Chapter of Judgments (*Kitâb al-aqâiya*),’ Presented at the Annual Meeting of the American Oriental Society (Islamic Near East Section), Albuquerque, NM, March 14, 2009.

“Does Islamic Finance Offer Any Lessons for the Global Financial Crisis?” McGill University Faculty of Law, March 10, 2009.

“The Reception of Islamic Finance Formalism in Secular Courts: *Murâba’â* and *Bay‘ bi-thamin âjil* Contracts in the UK and Malaysia,” Islamic Law and Finance Symposium, Fordham University School of Law, Feb. 26, 2009.

“The Scope for Reform in Traditional Fiqh with Reference to Qiwama and Wilaya,” presented at *Guidelines for Islamic Family Law: Women’s Equality, Male Guardianship, and Legal Objectives*, sponsored by the Oslo Coalition, Norwegian Centre for Human Rights, Cairo, Egypt, Jan. 9-11, 2009.

“No Folk That Appoints a Woman to Lead Them Shall Prosper,” as part of the “Muslim Historiography in Islamic Legal Reasoning” panel at the annual conference of the American Society of Legal History, Ottawa, ON, Canada, Nov. 15, 2009.

“Islamic Theology and Public Reason,” Duke University, November 5, 2008 (workshop sponsored jointly by the Department of Philosophy and the Duke Islamic Studies Center).

Respondent, for the panel “At the Crossroads of Religion, Law, and Society: Fatwas as Sites for the Study of Islamic History and Legal Authority,” Meeting of the American Association of Religion, Chicago, IL, Nov. 1, 2008.

“Islamic Law and International Human Rights Law: Non-Muslims and Apostates,” presented at the “Is There a Role for Shari‘a in Modern States” Conference, hosted by the al-Waleed Center for Muslim-Christian Understanding, Georgetown University, October 23, 2008, Washington, D.C.

“‘*Istafti qalbaka wa in aftâka al-nasu wa aftûka*:’ The Ethical Obligations of the Muqallid Between Autonomy and Trust,” presented at the Alta II Festschrift conference in honor of Professor Bernard Weiss, Alta, Utah, September 26, 2008.

“Regulating Shari‘a Advisors: the Role of Banking Regulators,” presented at The Canadian Institute’s *Islamic Banking and Finance*, June 2, 2008, Toronto.



“Islamic Ethics, Moral Controversy and Islamic Law,” Fordham University School of Law, May 22, 2008 (As part of Fordham’s *Religious Values and the Practice of Law*, 2007-2008 Speaker Series – Religious Controversies and the Practice of Law).

Participant, *Reason and Authority in Islamic and Jewish Law*, University of Toronto, May 11-13, 2008.

Commentator at workshop, “Who Belongs? Immigration, Democracy and Citizenship?”, manuscript of Joseph Carens, University of Toronto Centre for Ethics, May 7, 2008.

“‘Abd al-Razzaq al-Sanhuri and the ‘Possibility’ of a Modern Islamic Law,” April 23, 2008, University of Arizona, Dept. of Near Eastern Studies.

“*Islamic Law and Free Speech*,” March 25, 2008, sponsored by the Muslim Student Association, University of Toronto, St. George Campus.

“*Religion, Autonomy, and Equality: Striking the Right Balance*,” presentation to Eleventh Annual Conference for High School Students in Gifted Programs, hosted by the Toronto Catholic District School Board and the University of Toronto Faculty of Arts and Sciences, February 19, 2008.

“*Islam and the Law*,” as part of *Manufacturing Islam: Muslim Identities in the 21<sup>st</sup> Century*, St. John’s College, University of British Columbia, February 2, 2008.

“*Liberal Commitments, Islamic Commitments and Public Reason: Strategies for Principled Reconciliation*,” Dean’s Lecture, Yale Law School, December 10, 2007.

“*The True, the Good and the Reasonable: the Theological and Ethical Roots of Public Reason in Islamic Law*,” presented at “Islam and Liberal Citizenship,” Yale University, MacMillan Center, December 7-8, 2007.

“*Islamic Perspectives on Multi-Tier Marriages*,” University of St. Thomas School of Law (Minneapolis), as part of *The Multi-Tier Marriage* roundtable conference, November 16, 2007.

“*Islamic Commitments, Liberal Commitments, and Public Reason: Strategies for Principled Reconciliation*,” Cornell University, presented as part of “Islamic in the World,” a week-long series of lectures, October 26, 2007.

“*Knowledge, Power and Gender in Medieval Islamic Legal Thought*,” presented as part of the University of Toronto Faculty of Law’s *Law, Religion and Society* program, October 17, 2007.

Presenter, “*Islamic Law: Revelation, Piety and Law*,” presented at “Sacred Texts in Law and Religion: Authorizing and Constituting Professional Identity” at Vanderbilt University Law School, October 5 – 6, 2007.

Panelist, “Faith-based Schools in Ontario?”, University of Toronto, Multifaith Centre, September 25, 2007.

Presenter, August 16, Fourth Annual University of California Humanities Research Institute Seminar in Experimental Critical Theory, *Cartographies of the Theological-Political*, University of California, Irvine, August 6 – August 17.

Presenter, June 12, 2007, “Sarbanes-Oxley, Efficient Capital Markets, and Protecting Investor Welfare: a Look at the Buy-Side,” presented at STILE, Sienna, Italy.

“*The True, the Good and the Reasonable*,” presented at “Islam and Muslim Citizens in Liberal Democracies” at Michigan State University, April 20-21, 2007.

“*The Implications of Normative Pluralism for Islamic Reform*,” presented at “Re-Imagining Muslim Ethics” at Duke University, April 5-6, 2007.

“*Loyalty to God and Country: Can Muslims Meet the Moral Obligations of Citizenship?*,” March 15, 2007, sponsored by the Muslim Students Association, University of Toronto, St. George Campus.

“*Riba, Efficiency and Prudential Regulation*,” presented at “Islamic Law in a Globalized World: Implications for Contemporary Finance Law” at the University of Wisconsin Law School, March 2, 2007.

“*Islamic Law and the Banning of the Burqa in the Netherlands*,” February 19, 2007, sponsored by the Muslim Students Association, Emory University, Atlanta, Georgia.

“*Islamic Thought and Citizenship*,” presented at “Islamic Law in the West: Theory, Doctrine and Practice,” at the American University Washington College of Law, Washington, D.C., February 3, 2007, sponsored by the Washington College of Law Islamic Legal Forum.

“*An Introduction to Islamic Law*,” presented at “Islamic Law in the West: Theory, Doctrine and Practice,” at the American University Washington College of Law, Washington, D.C., February 2, 2007, sponsored by the Washington College of Law Islamic Legal Forum.

Commentator at workshop on the “*Future of Shari’a*,” Abdullahi an-Na’aim, Emory University School of Law, January 27-28, 2007, Atlanta, Georgia.

“*Islamic Law and International Human Rights Law: Strategies for Reconciliation*,” at Pace International Law Review Symposium “Interpreting Islam for the Western World,” January 26, 2007, White Plains, New York.

“*Jihad in the Modern World: a Look at 20<sup>th</sup> Century Egyptian Views on Jihad*,” presentation at the “Understanding Jihad, Deconstructing Jihadism” Conference, hosted by the al-Waleed Center for Muslim-Christian Understanding, Georgetown University, November 30, 2006, Washington, D.C.

“The True, the Good and the Reasonable: the Islamic Roots of Public Reason,” University of Toronto Faculty of Law Faculty Workshop, October 30, 2006.

“Islamic Banking and Finance: What’s in it for Canadian Companies,” presented at Export Canada, Ottawa, October 16, 2006.

“Islamic Law and the Prospects for Constitutional Governance,” presentation as part of panel *Democratization of the Muslim World*, sponsored by *Shuruq*, New York University, March 30, 2006.

“Islamic Law and Gender Equity,” New York University School of Law, March 30, 2006.

“Future of Shari’a: Islam, Nations and Constitutions,” University of Pennsylvania Law School, March 23, 2006.

“Freedom of Religion or the Obligation of Inquiry? Reflections on the Concept of Inquiry as the First Moral Duty,” *Religious Liberty and Relativism*, Gregorian University, Rome, Italy, December 10, 2005.

“Mitigation or the Prevention of Fraud: a Critique of Sarbanes-Oxley,” University of Connecticut School of Law, presentation to faculty, February 23, 2004.

“Case Study: Governmental Accountability in Pre-Modern Islamic Law”, *Workshop on Islamic Law* at the 2004 American Association of Law Schools Annual Conference, Atlanta, Georgia, January 2 – January 6.

“Islamic Contract, Commercial and Financial Law”, along with Professor Frank E. Vogel, Harvard Law School, *Workshop on Islamic Law* at the 2004 American Association of Law Schools Annual Conference, Atlanta, Georgia, January 2 – January 6.

“The True, the Good and the Reasonable: a Rawlsian Reading of Islamic Theology, Ethics and Law”, Seton Hall University School of Law, presentation to faculty, December 2003.

“*Taqlid* in Islamic Legal Development”, Yale Law School, March 25, 2003.

“Islamic Law and Human Rights Law: a State-Action Approach,” presented at the Third Annual Conference of the National Association of Muslim Lawyers’ panel entitled “Islamic Law and International Human Rights Law: Confrontation or Convergence?”, Columbia Law School, New York, New York, October 11—13, 2002.

“Truth and Freedom: An Inquiry from the Perspective of Islamic Scholastic Theology,” presented at The Becket Fund for Religious Liberty’s Conference on *Truth and Freedom: Toward a Common Understanding Among Muslims, Jews and Christians*, Washington, D.C. March 20-21, 2002.

Workshop Presenter, “Is There an Islamic Terrorism?” September 11th Curriculum Project: Building Bridges of Understanding, New York, December 1, 2001.

Panelist, “Public Enemy #1: Terrorism, Civil Liberties or Islam?” The constitutional, racial and religious casualties of 9/11,” Yale Law School, November 27, 2001.

Panelist, “Law and Religion After September 11th: Perspectives on Islam and Islamism,” New York University School of Law, November 6, 2001.

Moderator of Panel “Shari‘a: Islamic Jurisprudence and Minority Rights in Muslim Countries,” *Islam and Religious Freedom*, United States Department of State, November 14, 2000.

“Islamic Perspectives on the Practice of Law: Common Ground for All of Us.” Fordham University School of Law in conjunction with the Auburn Theological Seminary, October 17, 2000.

“The Regulation of Financial Risk in Islamic Law, the Common Law and Federal Regulatory Law.” Fourth Harvard University Forum on Islamic Finance, Cambridge, MA. September 30 – October 1, 2000.

“The Problematic Relationship of *Usul* to *Furu*’: the Case of the *Maliki Madhhab*.” Conference on Islamic Legal Theory, sponsored by the Department of Middle East Studies, University of Utah, Sep. 24-25, 1999.

Discussant, “*The Marriage Contract: A Historical and Comparative Perspective*.” Conference on The Islamic Marriage Contract, sponsored by the Islamic Legal Studies Program, Harvard Law School, Jan. 29-31, 1999.

“*Shifting Tides in the Interpretation of Islamic Law*.” Presented at *Women of the Book: The Changing Face of Feminism in Judaism, Christianity, and Islam*, sponsored by the Center for Middle Eastern Studies and the Department of English, University of Texas, Austin, Nov. 9-10, 1998.

“*Two Women, One Man: Knowledge, Power and Gender in Medieval Sunni Legal Thought* (revised).” University of Washington, Seattle, Department of Near Eastern Studies, March 1996.

“*Jurisdictional Legitimacy in Islamic Law: Between Qada’ and Hisba.*” National Meeting of the American Oriental Society (AOS), Philadelphia, PA, February 1996.

“*Substance and Procedure in Maliki Law.*” Annual Meeting of the Middle East Studies Association (MESA), Washington, DC, December 1995.

“*Judicial Discretion and the Rule of Law in the 14th-15th Century Muslim Granada (Spain)* [revised].” Islamic Law: Theory and Practice Conference, Manchester University, Manchester, United Kingdom, June 1995.

“*Taqlid and the Rule of Law in the Maliki Madhhab.*” National Meeting of the AOS, Salt Lake City, UT, March 1995.

“*Judicial Discretion and the Rule of Law in the 14th-15th Century Muslim Granada (Spain).*” Symposium - Islamic Law: Cases and Contexts, University of Michigan, Ann Arbor, MI, December 1994.

Discussant, “*Law and Society.*” Annual meeting of MESA, Phoenix, AZ., November 1994.

“Ibn Hajar’s Hady al-Sari,” The Middle East History and Theory Workshop Annual Spring Conference, University of Chicago, May 1993.

“*Kingship and Caliphate in al-Ghazali’s Political Thought* (revised).” Annual meeting of MESA, Washington, DC, November 1991.

“*Kingship and Caliphate in al-Ghazali’s Political Thought.*” The Middle East History and Theory Workshop Annual Spring Conference, University of Chicago, May 1991.

“*Nature and Culture in Qasida 71 of Abu Tammam.*” The Middle East History and Theory Workshop Annual Spring Conference, University of Chicago, May 1990.

### ***Miscellaneous Publications and Media Appearances***

National Public Radio, [Democracy, Islam and Egypt’s Economy](#), on “To the Point,” Dec. 6, 2011.

CBC Radio, *Town Hall in Tahrir*, March 22, 2011.

“Democracy in Egypt – What is the Best Path Forward for a Democratic Transition,” Canadian International Council, Toronto Branch, March 8, 2011.

“Islam, Gender and the Future of Multicultural Citizenship,” The Stapleford Lecture, Regina University, March 3, 2011.

“Islamic Modernism, Egyptian Law and the Jan. 25<sup>th</sup> Revolution,” presented at *Constructive Roles for Islamic Law in Western Society*, sponsored by Muslim Law Students Association, University of Pennsylvania Law School, Feb. 26, 2011.

“Freedom in the Middle East,” panel discussion, The Canada Club, Feb. 22, 2011.

“The Egyptian Revolution,” eXpression Against Oppression, sponsored by the University of Toronto Mississauga Students’ Union, Feb. 9, 2011.

“Why Egyptian Progressives Should Be Chanting ‘Economy First,’” *Middle East Channel – Foreign Policy*, July 18, 2011, available at

[http://mideast.foreignpolicy.com/posts/2011/07/18/why\\_egyptian\\_progressives\\_should\\_be\\_chanting\\_economy\\_first](http://mideast.foreignpolicy.com/posts/2011/07/18/why_egyptian_progressives_should_be_chanting_economy_first)).

“Labor and the Future of the Egyptian Revolution,” *The Middle East Channel – Foreign Policy*, Feb. 28, 2011, available at [http://mideast.foreignpolicy.com/posts/2011/02/28/labor\\_and\\_the\\_future\\_of\\_the\\_egyptian\\_revolution](http://mideast.foreignpolicy.com/posts/2011/02/28/labor_and_the_future_of_the_egyptian_revolution)).

“Can Black Swans Lead to a Sustainable Arab-Israeli Peace,” *The Middle East Channel – Foreign Policy*, Feb. 2, 2011, available at [http://mideast.foreignpolicy.com/posts/2011/02/02/can\\_black\\_swans\\_lead\\_to\\_a\\_sustainable\\_arab\\_israeli\\_peace](http://mideast.foreignpolicy.com/posts/2011/02/02/can_black_swans_lead_to_a_sustainable_arab_israeli_peace)).

“The Supreme Court’s Troubling Decision on ‘Material Support,’” *The Middle East Channel – Foreign Policy*, June 23, 2010, available at [http://mideast.foreignpolicy.com/posts/2010/06/23/unsurprised\\_but\\_still\\_disappointed](http://mideast.foreignpolicy.com/posts/2010/06/23/unsurprised_but_still_disappointed)).

“The Supreme Court and Material Support for Terrorist Organizations,” *The Middle East Channel – Foreign Policy*, March 10, 2010, available at [http://mideast.foreignpolicy.com/posts/2010/03/10/the\\_supreme\\_court\\_and\\_material\\_support\\_for\\_terrorist\\_organizations?hidecomments=yes](http://mideast.foreignpolicy.com/posts/2010/03/10/the_supreme_court_and_material_support_for_terrorist_organizations?hidecomments=yes)).

“The Future of the Middle East,” *The Blue and White*, March 9, 2011, available at <http://theblueandwhite.ca/article/2011/03/09/09/11/27/january-25-egyptian-revolution.html>).

“What’s Next for Egypt,” *The Mark*, Feb. 14, 2011, available at <http://www.themarknews.com/articles/4088-what-s-next-for-egypt>).

“Why Egyptians Should Insist That Citizen Mubarak Stay,” *Palestine Note*, Feb. 2, 2011, available at <http://palestinernote.com/blogs/blogs/archive/2011/02/02/why-egyptians-should-insist-that-citizen-mubarak-stay.aspx#comments>).

Islamic Law Consultant for Human Rights Watch’s report “Perpetual Minors: Human Rights Abuses Stemming From Male Guardianship and Sex Segregation in Saudi Arabia,” April 2008.

Business News Network:

- “Home Depot and Private Equity Deals,” August 27, 2007.
- “KKR Going Public,” July 4, 2007.
- “Behind the Scenes of Private Equity,” April 24, 2007.
- “Nortel Ex-Execs Face SEC Fraud Charges,” March 12, 2007.
- “Image Consulting,” January 8, 2007.
- “Internet Gambling Law,” October 2, 2006.
- “Did CIBC Settle Too Soon?,” September 8, 2006.

*The Agenda With Steve Paikin*

*Following the Arab Spring*, *The Agenda with Steve Paikin*, May 5, 2012.

*What’s Next for Egypt*, *The Agenda with Steve Paikin*, November 25, 2011.

*Five Questions About 9/11*, *The Agenda with Steve Paikin*, September 9, 2011.

*Arab World Prospects*, *The Agenda with Steve Paikin*, August 5, 2011.

*Arab Spring: No Thaw for Israel*, *The Agenda with Steve Paikin*, May 9, 2011.

*Middle East Expectations*, The Agenda with Steve Paikin, March 31, 2011.

*This Revolution was Televised*, The Agenda with Steve Paikin, Feb. 11, 2011.

*The Debate: Arabs Reflect on Change*, The Agenda with Steve Paikin, Feb. 8, 2011.

*The Battle Over Egypt*, The Agenda with Steve Paikin, Feb. 2, 2011.

*East vs. West*, The Agenda with Steve Paiken, December 13, 2010.

*Who is a Moderate Muslim?*, The Agenda with Steve Paiken, November 25, 2010.

*After Nasser*, The Agenda with Steve Paiken, September 23, 2010.

*Talking Philosophy: Secularism*, “Ideas with Paul Kennedy,” Canadian Broadcast Corporation, April 19-20, 2010.

*Reasonable Accommodation*, Canadian Broadcast Corporation, April 19, 2010.

“*The End of History?*” at 20, “The Agenda with Steve Paiken,” Feb. 12, 2010.

*Censorship and Forbidden Reading*, “The Agenda with Steve Paiken,” Dec. 9, 2009.

*Jihad*, “The Agenda with Steve Paiken,” Jan. 22, 2009.

*Islamic Finance*, “The Agenda with Steve Paiken,” May 16, 2008.

*Free Speech, Hate Speech, and Human Rights Commissions*, “The Agenda with Steve Paikin,” January 21, 2008.

“Income Trusts and the Diversified Investor,” *The Financial Post*, November 9, 2006.

“In the Name of God”, *Legal Times*, December 22, 2003 50-51.

“Fatwas and Social History,” *Al-'Usur al-Wusta: the Bulletin of Middle East Medievalists* 8, 2 (October 1996), pp. 32-33, 59.

## C. TEACHING

### *Courses Taught*

- Business Organizations (Spring 2006; Spring 2007; Fall 2007; Spring 2008; Fall 2009)
- The Law of International Business and Finance Transactions (Fall 2006; Fall 2007; Spring 2010)
- Religion and the Liberal State: the Case of Islam (Spring 2007; Fall 2009; Fall 2010)
- Trusts (Spring 2011)

### *Graduate Students Supervised*

- Ahmed Saleh (SJD) *Acquiring Organs from the Living and the Dead: Property and the Human Body in Islamic Law* (in progress; primary supervisor).
- Gail Henderson (SJD) *Enlightened Shareholder Value* (in progress; primary supervisor).
- Syed Adnan Hussain (Ph.D, Religion), *Pakistan and Islamic Constitutionalism* (in progress; primary supervisor).
- Shiva Giri (SJD), *Defining the Limits and Scope of the National Treatment Obligation in the GATT: a Law and Economics Approach* (2007) (member of committee).
- Karen Andreychuk (LLM), *International Commercial Arbitration* (2007).
- Jenny Santiago (LLM), *The Export of Laws Offshore: a Legal Analysis of the US's Attempt to Restrict Offshore Outsourcing* (2008).
- Khaled Beydoun (LLM), *Mortgaging God's Interest: Accommodating and Mainstreaming Shari'ah Compliant Mortgage Products in the United States* (2008).
- Kelly Margaritis (LLM) *Principle-Based Securities Regulation in Canada* (2010).
- Michael Hochberg (LLM) *Regulatory Arbitrage as a Cause of the 2008-2009 Financial Crisis* (2010).
- Sisi Zhang (LLM) *Legal Liability of U.S. Credit Rating Agencies Under Section 11 of the Securities Act: the Long and Winding Road Toward Accountability* (2011).\*
- External Examiner, Institute for Islamic Studies, McGill University re: "On the Common-Link Theory," (Ph.D. dissertation) Summer 2006.

### *Courses Taught as a Visitor at Other Institutions*

- Religion, Liberalism and the State: the Case of Islam, American University of Cairo, June 30-July 20, 2008 (intensive course, 3 hours of credit)
- Introduction to Islamic Law, Notre Dame University Law School, April 12-22, 2010 (intensive mini-course, 1 hour of credit)
- Introduction to Islamic Finance, National University of Singapore, August 10-27, 2010 (intensive course, 3 hours of credit)
- Introduction to Islamic Law, University of Virginia School of Law, April 18-28, 2011 (intensive mini-course, 1 hour of credit)

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\* I became responsible for Ms. Zhang upon the untimely death of my colleague Betty Ho in the summer of 2010.

## D. SERVICE

### *Law Faculty Committees*

- Admissions Committee, 2008-2009 and 2009-2010
- Professionalism Committee, 2006-2007;
- International Studies Committee, 2006-2007; 2007-2008; 2009-2010
- Accessibility and Outreach (Diversity) Committee, 2006-2007; 2007-2008; 2008-2009
- Securities Moot Advisor, 2009-2010

### *Peer Review*

- I have served as a peer-reviewer for the following academic journals:
  - Journal of Law and Religion
  - Journal of Islamic Studies
  - Islamic Law & Society
  - Journal of Political Philosophy
  - The Canadian Journal of Law & Jurisprudence
  - University of Toronto Law Journal
  - Religion Compass
  - Political Research Quarterly
  - Osgoode Hall Law Journal
  - Leiden Journal of International Law
- I have served as a pre-publication reviewer for the following monographs:
  - Oxford University Press, *Islam and Liberal Citizenship*, Andrew March, Yale University.
  - Brill Academic Press, *Islamic History and Civilization* series, *Analysing Muslim Traditions. Studies in Legal and Exegetical Hadīth*, Harald Motzki with Nicolet Boekhoff-van der Voort and Sean W. Anthony.
  - Brill Academic Press, *Mālik and Madina: Islamic Legal Reasoning in the Formative Period*, ‘Umar Faruq ‘Abdallah

### *Other Scholarly Service*

- Assistant Editor, *Encyclopedia of Islam and Finance*, Oxford University Press (forthcoming)

### *Professional and Other Associations*

- Member, Board of Directors, National Association of Muslim Lawyers ([www.namlnet.org](http://www.namlnet.org)) and Muslim Advocates ([www.muslimadvocates.org](http://www.muslimadvocates.org))
  - New York Bar
- Advisory Board, Tanenbaum Center for Interreligious Understanding ([www.tanenbaum.org](http://www.tanenbaum.org))