A History of Islamic Legal Theories

Recasting Islamic Law

Democratization and Islamic Law

The Origins and Evolution of Islamic Law

Islamic Legal Theory

The Formation of Islamic Law

An Introduction to Islamic Law

The Beginnings of Islamic Law

History of Islamic Law

An Introduction to Islamic Jurisprudence

Democracy and Islamic Law

Very Short Introductions

Islamic Law

The History and Development of Islamic Law

This unparalleled Companion provides a comprehensive and authoritative guide to Islamic law to all with an interest in this increasingly relevant and developing field. The volume presents classical Islamic law through a historiographical introduction to and analysis of Western scholarship, while key debates about hot-button issues in modern-day circumstances are also addressed.

In twenty-one chapters, distinguished authors offer an overview of their particular specialty, reflect on past and current thinking, and point to directions for future research. The Companion is divided into four parts. The first offers an introduction to the history of Islamic law as well as a discussion of how Western scholarship and historiography have evolved over time. The second part delves into the substance of Islamic law. Legal rules for the areas of legal status, family law, socio-economic justice, penal law, constitutional authority, and the law of war are all discussed in this section. Part three examines the adaptation of Islamic law in light of colonialism and the modern nation state as well as the subsequent re-Islamization of national legal systems. The final section presents contemporary debates on the role of Islamic law in areas such as finance, the diaspora, modern governance, and medical ethics, and the volume concludes by questioning the role of Sharia law as a legal authority in the modern context. By outlining the history of Islamic law through a linear study of research, this collection is unique in its examination of past and present scholarship and the lessons we can draw from this for the future. It introduces scholars and students to the challenges posed in the past, to the magnitude of milestones that were achieved in the reinterpretation and revision of established ideas, and ultimately to a thorough conceptual understanding of Islamic law.

Democratization and Islamic Law

Very Short Introductions: Brilliant, Sharp, Inspiring

Islamic law is one of the major legal systems in the world today, yet it is often misunderstood, particularly in the West. It is applicable in different forms as part of state law in countries across the Middle East, Asia, and Africa, and also has a strong influence on Muslim communities throughout the Western world. This Very Short Introduction provides an authoritative perspective on the evolution and nature of Islamic law. Mashood A. Baderin considers its theory, covering the history and nature of Islamic jurisprudence; its scope, covering Family Law, Inheritance Law, Financial Law, Penal Law, and International Law; and, finally, its practice. He takes into account both classical and modern scholarly perspectives in examining the various facets of Islamic law, to provide an overview of this key legal system. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

The Origins and Evolution of Islamic Law

The classic introduction to Islamic law, tracing its development from its origins, through the medieval period, to its place in modern Islam.

Islamic Legal Theory

This volume presents ten leading scholars' writings on contemporary Islamic law and Muslim thought. The essays examine a range of issues, from modern Muslim discourses on
justice, natural law, and the common good, to democracy, the social contract, and "the authority of the preeminent jurist." Changes in how Shari'a has been understood over the centuries are explored, as well as how it has been applied in both Sunni and Shi'i Islam. Debates on the nature, interpretation, reform, and application of Shari'a lie at the core of all Islamist revivalist ideologies and movements of the past two centuries. The demand for the implementation of Shari'a is one of the hallmarks of Islamic fundamentalism, and Shari'a has become one of the most controversial and politicized concepts in Muslim-majority countries today. This is one of the first books to examine how Muslims understand and apply Shari'a in contemporary societies.

The Formation of Islamic Law The study of Islamic law can be a forbidding prospect for those entering the field for the first time. Wael Hallaq, a leading scholar and practitioner of Islamic law, guides students through the intricacies of the subject in this absorbing introduction. The first half of the book is devoted to a discussion of Islamic law in its pre-modern natural habitat. The second part explains how the law was transformed and ultimately dismantled during the colonial period. In the final chapters, the author charts recent developments and the struggles of the Islamists to negotiate changes which have seen the law emerge as a primarily textual entity focused on fixed punishments and ritual requirements. The book, which includes a chronology, a glossary of key terms, and lists of further reading, will be the first stop for those who wish to understand the fundamentals of Islamic law, its practices and history.

An Introduction to Islamic Law

The Beginnings of Islamic Law By examining the intersection of Islamic law, state law, religion, and culture in the Egyptian nation-building process, Recasting Islamic Law highlights how the sharia, when attached to constitutional commitments, is reshaped into modern Islamic state law. Rachel M. Scott analyzes the complex effects of constitutional commitments to the sharia in the wake of the Egyptian Revolution of 2011. She argues that the sharia is not dismantled by the modern state when it is applied as modern Islamic state law, but rather recast in its service. In showing the particular forms that the sharia takes when it is applied as modern Islamic state law, Scott pushes back against assumptions that introductions of the sharia into modern state law result in either the revival of medieval Islam or in its complete transformation. Scott engages with premodern law and with the Ottoman legal legacy on topics concerning Egypt's Coptic community, women's rights, personal status law, and the relationship between religious scholars and the Supreme Constitutional Court. Recasting Islamic Law considers modern Islamic state law's discontinuities and its continuities with premodern sharia.

A History of Islamic Law

An Introduction to Islamic Jurisprudence

An Introduction to Islamic Jurisprudence

Rebellion and Violence in Islamic Law A concise study of the practices in Islamic commercial law Filling a gap in the current literature, Islamic Commercial Law is the only book available that combines the theory and practice of Islamic commercial law in an English-language text. From the experts at the International Islamic University Malaysia, the book examines the source materials in the Qur'an and Hadith, and highlights the views and positions of leading schools of Islamic law, without burying the reader in juristic minutia. It combines theory with practice to address the needs of students while providing a pragmatic treatment of Islamic contracts. It provides diagrams for individual contracts to reveal the type and nature of the contractual relationships between parties and discusses all types of fundamental transactions, including sales, loans, debt transfers, partnerships, and more. Written by experts from the International Islamic University Malaysia, the leading organisation in research in Islamic finance Closes a vital gap in the English-language literature on Islamic commercial law Features end-of-chapter questions to enable self-testing and provoke critical thinking An ideal guide for current students, researchers, and practitioners, Islamic Commercial Law offers a concise yet comprehensive coverage of the subject.

Islamic Law: A Very Short Introduction In "Islamic Family Law in a Changing World," Abdullahi A. An-Na'im explores the practice of the Shari'a, commonly known as Islamic Family Law. An-Na'im shows that the practical application of Shari'a principles is often modified by theological differences of interpretation, a country's particular customary practices, and state policy and law.
The Ashgate Research Companion to Islamic Law This handbook is a detailed reference source comprising original articles covering the origins, history, theory and practice of Islamic law. The handbook starts out by dealing with the question of what type of law is Islamic law and includes a critical analysis of the pedagogical approaches to studying and analysing Islamic law as a discipline. The handbook covers a broad range of issues, including the role of ethics in Islamic jurisprudence, the mechanics and processes of interpretation, the purposes and objectives of Islamic law, constitutional law and secularism, gender, bioethics, Muslim minorities in the West, jihad and terrorism. Previous publications on this topic have approached Islamic law from a variety of disciplinary and pedagogical perspectives. One of the original features of this handbook is that it treats Islamic law as a legal discipline by taking into account the historical functions and processes of legal cultures and the patterns of legal thought. With contributions from a selection of highly regarded and leading scholars in this field, the Routledge Handbook of Islamic Law is an essential resource for students and scholars who are interested in the field of Islamic Law.

Islamic Law When democracy was introduced to Nigeria in 1999, one-third of its federal states declared that they would be governed by sharia, or Islamic law. This work argues that such a break with secular constitutional traditions in a multireligious country can have disastrous consequences.

Islamic Criminal Law and Procedure Does Islamic law define Islamic ethics? Or is the law a branch of a broader ethical system? Or is it but one of several independent moral discourses, Islamic and otherwise, competing for Muslims' allegiance? The essays in this book present a range of answers: some take fiqh as the defining framework for ethics, others insert the law into a broader ethical system, and others present it as just one among several parallel Islamic ethical discourses, or show how Islamic ethics might coexist with non-Muslim normative systems. Their answers have far reaching implications for epistemology, for the authority of jurists and lay Muslims, for the practical moral challenges of daily life, and for relationships with non-Muslims. The book presents Muslim ethicists with a strategic contemporary choice: should they pursue a single overarching methodology for judging all ethical questions, or should they relish the rhetorical and political competition of alternative but not necessarily incompatible moral discourses?

Islamic Law and Civil Code

Islamic Law and Ethics

An Introduction to Islamic Law The history of Islamic law from pre-Islamic times across three centuries.

The Politics of Islamic Law This classic introduction to Islamic law, traces its development from its origins, through the medieval period, to its place in modern Islam.

A History of Islamic Law The study of Islamic law can be a forbidding prospect for those entering the field for the first time. Wael Hallaq, a leading scholar and practitioner of Islamic law, guides students through the intricacies of the subject in this absorbing introduction. The first half of the book is devoted to a discussion of Islamic law in its pre-modern natural habitat. The second part explains how the law was transformed and ultimately dismantled during the colonial period. In the final chapters, the author charts recent developments and the struggles of the Islamists to negotiate changes which have seen the law emerge as a primarily textual entity focused on fixed punishments and ritual requirements. The book, which includes a chronology, a glossary of key terms, and lists of further reading, will be the first stop for those who wish to understand the fundamentals of Islamic law, its practices and history.

An Introduction to Islamic Law 2. The origins of islamic law

Introduction to Islamic Law and Jurisprudence Translation of six lectures on the following aspects of Muslim religion and culture: Mohammed and the Qur'an; the holy law of Islam; the principles of Muslim theology; asceticism and Sufism; Islamic sects; and developments in modern times.
Shari'ah Law Wael B. Hallaq has already established himself as one of the most eminent scholars in the field of Islamic law. In this book, first published in 1997, the author traces the history of Islamic legal theory from its early beginnings until the modern period. Initially, he focuses on the early formation of this theory, analysing its central themes and examining the developments which gave rise to a variety of doctrines. He concludes with a discussion of modern thinking about the theoretical foundations and methodology of Islamic law. In organisation, approach to the subject and critical apparatus, the book will be an essential tool for the understanding of Islamic legal theory in particular and Islamic law in general. This, in combination with an accessibility of language and style, will guarantee a readership among students and scholars and anyone interested in Islam and its evolution.

Routledge Handbook of Islamic Law This book presents a broad account of the present knowledge of the history and outlines the system of Islamic law. Showing that Islamic law is the key to understanding the essence of one of the great world religions, this book explores how it still influences the laws of contemporary Islamic states, and is in itself a remarkable manifestation of legal thought.

An Introduction to Islamic Law of Evidence In Islamic Legal Thought: A Compendium of Muslim Jurists, twenty-three scholars each contribute a chapter containing the biography of a distinguished Muslim jurist and a translated sample of his work. Jurists of the formative, classical and modern periods are represented.

Introduction to Islamic Law

Introduction to Islamic Theology and Law What is Sharia? What does Islam teach? To what extent do ordinary Muslims know about and understand Islamic rules? How can one learn sharia in a simple, accurate way? How do Muslim scholars derive Sharia rules? The objective of the present book is to be a study course for law students who want to learn how to perform Islamic legal reasoning. The goal is to simplify the material to the point where students who are not professional Islamic scholars can, nevertheless, discuss and analyze sharia.

Shari'a Islamic law is one of the major legal systems in the world today, yet it is often misunderstood, particularly in the West. This book provides a critical overview of the theory, scope, and practice of Islamic law, taking into account both classical and modern scholarly perspectives in examining the various facets of this key legal system.

Introduction of Islamic Law Khaled Abou El Fadl’s book represents the first systematic examination of the idea and treatment of political resistance and rebellion in Islamic law. Pre-modern jurists produced an extensive and sophisticated discourse on the legality of rebellion and the treatment due to rebels under Islamic law. The book examines the emergence and development of these discourses from the eighth to the fifteenth centuries and considers juristic responses to the various terror-inducing strategies employed by rebels including assassination, stealth attacks and rape. The study demonstrates how Muslim jurists went about restructuring several competing doctrinal sources in order to construct a highly technical discourse on rebellion. Indeed many of these rulings may have a profound influence on contemporary practices. This is an important and challenging book which sheds light on the complexities of Islamic law and pre-modern attitudes to dissidence and rebellion.

Islamic Legal Thought Islamic legal theory (usul al-fiqh) is literally regarded as ‘the roots of the law’ whilst Islamic jurists consider it to be the basis of Islamic jurisprudence and thus an essential aspect of Islamic law. This volume addresses the sources, methods and principles of Islamic law leading to an appreciation of the skills of independent juristic and legal reasoning necessary for deriving specific rulings from the established sources of the law. The articles engage critically with relevant traditional views to enable a diagnostic understanding of the different issues, covering both Sunn? and Sh?r perspectives on some of the issues for comparison. The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research. Islamic legal theory is a complex subject which challenges the ingenuity of any expert and therefore special care has been taken to select articles for their clarity as well as their quality, variety and critique to ensure an in-depth, engaging and easy understanding of what is normally a highly theoretical subject.

Islamic Commercial Law I.B.Tauris in association with the Institute of Ismaili Studies Sharia has been a source of misunderstanding and misconception in both the Muslim and non-Muslim worlds. Understanding Sharia: Islamic Law in a Globalised World sets out to explore the reality of sharia, contextualising its development in the early centuries of Islam and showing how it evolved in line with
historical and social circumstances. The authors, Rafiq S. Abdulla and Mohamed M. Keshavjee, both British-trained lawyers, argue that sharia and the positive law flowing from it, known as fiqh, have never been an exclusive legal system or a fixed set of beliefs. In addition to tracing the history of sharia, the book offers a critique concerning its status today. Sharia is examined with regard to particular issues that are of paramount importance in the contemporary world, such as human rights; criminal penalties, including those dealing with apostasy, blasphemy and adultery, commercial transactions, and bio-medical ethics, amongst other subjects. The authors show that sharia is a legal system underpinned by ethical principles that are open to change in different circumstances and contexts, notwithstanding the claims for ‘transcendental permanence’ made by Islamists. This book encourages new thinking about the history of sharia and its role in the modern world.

Islamic Family Law in a Changing World In Islamic Jurisprudence on the Regulation of Armed Conflict, Nesrine Badawi offers a survey of key Islamic legal texts on the subject and analyses the relationship between their deductive structures and the contexts witnessed at the time of their development.

Islamic Jurisprudence on the Regulation of Armed Conflict Richard A. Debs analyzes the classical Islamic law of property based on the Shari‘ah, traces its historic development in Egypt, and describes its integration as a source of law within the modern format of a civil code. He focuses specifically on Egypt, a country in the Islamic world that drew upon its society’s own vigorous legal system as it formed its modern laws. He also touches on issues that are common to all such societies that have adopted, either by choice or by necessity, Western legal systems. Egypt’s unique synthesis of Western and traditional elements is the outcome of an effort to respond to national goals and requirements. Its traditional law, the Shari‘ah, is the fundamental law of all Islamic societies, and Debs’s analysis of Egypt’s experience demonstrates how Islamic jurisprudence can be sophisticated, coherent, rational, and effective, developed over centuries to serve the needs of societies that flourished under the rule of law.

Islamic Law Lawyers, according to Edmund Burke, are bad historians. He was referring to an unwillingness, rather than an inaptitude, on the part of early nineteenth-century English lawyers to concern themselves with the past: for contemporary jurisprudence was a pure and isolated science wherein law appeared as a body of rules, based upon objective criteria, whose nature and very existence were independent of considerations of time and place. Despite the influence of the historical school of Western jurisprudence, Burke’s observation is generally valid for Middle East studies. Muslim jurisprudence in its traditional form provides an extreme example of a legal science divorced from historical considerations. Law, in classical Islamic theory, is the revealed will of God, a divinely ordained system preceding, and not preceded by, the Muslim state controlling, but not controlled by, Muslim society. There can thus be no relativistic notion of the law itself evolving as an historical phenomenon closely tied with the progress of society. The increasing number of nations that are largely Muslim or have a Muslim head of state, emphasizes the growing political importance of the Islamic world, and, as a result, the desirability of extending and expanding the understanding and appreciation of their culture and belief systems. Since history counts for much among Muslims and what happened in 632 or 656 is still a live issue, a journalistic familiarity with present conditions is not enough; there must also be some awareness of how the past has molded the present. This book is designed to give the reader a clear picture. But where there are gaps, obscurities, and differences of opinion, these are also indicated.

Islamic Commercial Law

Understanding Sharia

An Introduction To Islamic Law (South Asian Edition) A world expert’s introduction to the controversial subject of Islamic law Providing a comprehensive and accessible examination of Shari‘ah Law, this well considered introduction examines the sources, characteristic features, and schools of thought of a system often stereotyped for its severity in the West. In a progressive and graduated fashion, Mohammad Hashim Kamali discusses topics ranging from juristic disagreement to independent reasoning. Also broaching more advanced topics such as the principle of legality and the role and place of Shari‘ah-oriented policy, Kamali controversially questions whether Islam is as much of a law-based religion as it has often been made out to be. Complete with a bibliography and glossary, and both a general index and an index of Arabic quotations, this wide-ranging exploration will prove an indispensable resource for Islamic students and scholars, and an informative guide to a complex topic for the general reader.
Modern Perspectives on Islamic Law The fourteen studies included in this volume have been chosen to serve several purposes simultaneously. At a basic level, they aim to provide a general - if not wholly systematic - coverage of the emergence and evolution of law during the first three and a half centuries of Islam. On another level, they reflect the different and, at times, widely divergent scholarly approaches to this subject matter. These two levels combined will offer a useful account of the rise of Islamic law not only for students in this field but also for Islamicists who are not specialists in matters of law, comparative legal historians, and others. At the same time, however, and as the Introduction to the work argues, this collection of distinguished contributions illustrates both the achievements and the shortcomings of paradigmatic scholarship on the formative period of Islamic law.

Understanding Islamic Law Understanding Islamic Law, Iza Hussin compares India, Malaya, and Egypt during the British colonial period in order to trace the making and transformation of the contemporary category of 'Islamic law.' She demonstrates that not only is Islamic law not the shari'ah, its present institutional forms, substantive content, symbolic vocabulary, and relationship to state and society—in short, its politics—are built upon foundations laid during the colonial encounter. Drawing on extensive archival work in English, Arabic, and Malay—from court records to colonial and local papers to private letters and visual material—Hussin offers a view of politics in the colonial period as an iterative series of negotiations between local and colonial powers in multiple locations. She shows how this resulted in a paradox, centralizing Islamic law at the same time that it limited its reach to family and ritual matters, and produced a transformation in the Muslim state, providing the frame within which Islam is articulated today, setting the agenda for ongoing legislation and policy, and defining the limits of change. Combining a genealogy of law with a political analysis of its institutional dynamics, this book offers an up-close look at the ways in which global transformations are realized at the local level.

A History of Islamic Law 'This book presents an invaluable contribution to the debate on the compatibility of Islam and modernity. It is full of arguments and examples showing how Islam can be understood in line with modern life, human rights, democracy, the rule of law, civil society and pluralism. The three authors come from different countries, represent different gender perspectives and have a Shia, a Sunni and a non-Muslim background respectively which makes the book a unique source of information and inspiration.' Irmgard Marboe, University of Vienna, Austria This well-informed book explains, reflects on and analyses Islamic law, not only in the classical legal tradition of Sharia, but also in its modern, contemporary context. The book explores the role of Islamic law in secular Western nations and reflects on the legal system of Islam in its classical context as applied in its traditional homeland of the Middle East and also in South East Asia. Written by three leading scholars from three different backgrounds: a Muslim in the Sunni tradition, a Muslim in the Shia tradition, and a non-Muslim woman the book is not only unique, but also enriched by differing insights into Islamic law. Sir William Blair provides the foreword to a book which acknowledges that Islam continues to play a vital role not just in the Middle East but across the wider world, the discussion on which the authors embark is a crucial one. The book starts with an analysis of the nature of Islamic law, its concepts, meaning and sources, as well as its development in different stages of Islamic history. This is followed by accounts of how Islamic law is being practised today. Key modern institutions are discussed, such as the parliament, judiciary, dar al-ifta, political parties, and other important organizations. It continues by analysing some key concepts in our modern times: nation-state, citizenship, ummah, dhimmah (recognition of the status of certain non-Muslims in Islamic states), and the rule of law. The book investigates how in recent times, more and more fatwas are issued collectively rather than emanating from an individual scholar. The authors then evaluate how Islamic law deals with family matters, economics, crime, property and alternative dispute resolution. Lastly, the book revisits certain contemporary issues of debate in Islamic law such as the burqa, halal food, riba (interest) and apostasy. Modern Perspectives on Islamic Law will become a standard scholarly text on Islamic law. Its wide-ranging coverage will appeal to researchers and students of Islamic law, or Islamic studies in general. Legal practitioners will also be interested in the comparative aspects of Islamic law presented in this book.

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