Islamic Jurisprudence

**History of Islamic Law**

Islamic jurisprudence is a much misunderstood system. The misunderstanding is due to lack of information and to centuries of prejudice. This book seeks to present information, not at present available in a single work, on the pioneering efforts of Islamic jurists to develop a comprehensive body of human rights, principles and practice, as well as a corpus of international law principles. The attempt to develop such international law principles long anticipated any similar work in other legal or cultural systems. Human rights doctrine based upon the Qu'ran and the Sunna of the Prophet was expressed in terms which will strike the reader as surprisingly modern. In international law, Islamic treatises anticipated the work of Grotius by eight centuries. It is hoped that this systematic exposition, not attempted before in such detail, will help considerably in reducing misunderstanding and the resulting tensions, as well as being of considerable value to the Islamic world. The work will be of interest not only to lawyers, but also to philosophers, historians, sociologists, political scientists and students of international affairs.

**The Formation of 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.

**STUDIES IN ISLAMIC JURISPRUDENCE**

Focuses on a Muslim legal science known in Arabic as usul al-fiqh. Whereas the kindred science of fiqh is concerned with the articulation of actual rules of law, this
science attempts to elaborate the theoretical and methodological foundations of the law. It outlines the features of Muslim juristic thought.

**Islamic Jurisprudence in the Modern World**

**An Introduction to Islamic Jurisprudence**

Ten years after his untimely death, Norman Calder is still considered a luminary in the field of Islamic law. At the time he was one among a handful of scholars from the West who were beginning to engage with the subject. In the intervening years, much has changed, and Islamic law is now understood as fundamental to any engagement with the study of Islam, its history, and its society, and Dr. Calder's work is integral to that engagement. In this book, Colin Imber has put together and edited four essays by Norman Calder that have never been previously published. Typically incisive, they categorize and analyze the different genres of Islamic juristic literature that was produced between the tenth and fourteenth centuries, showing what function they served both in the preservation of Muslim legal and religious traditions and in the day-to-day lives of their communities. The essays also examine the status and role of the jurists themselves and are to be particularly welcomed for giving clear answers to the controversial questions of how far Islamic law and juristic thinking changed over the centuries, and how far it was able to adapt to new circumstances. In his introduction to the volume, Robert Gleave assesses the place and importance of Norman Calder's work in the field of Islamic legal studies. This is a groundbreaking book from one of the most important scholars of his generation.

**Lessons in Islamic Jurisprudence**

"This volume provides assessment of sharia's achievements, shortcomings and future prospects. The Sharia is discussed with respect to Ottoman law, puritanism and jihad. The sharia's relevance to today's events is explored. Among items provided in appendices are a commentary on a Western translation of the concept of jihad and an analysis of the sharia in 29 selected countries"--Provided by publisher.

**The Schools of Islamic Jurisprudence**

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,
Islamic Jurisprudence - 3rd Edition

Introducing undergraduate students to Islamic law, this accessible textbook does not presume legal or technical knowledge. Drawing on a comparative approach, it encourages students to think through the issues of the application of Islamic law where Muslims live as a majority and where they live as a minority, including the USA, Saudi Arabia, Egypt, Pakistan. The book surveys the historical development as well as the contemporary contexts of Islamic law. In distilling the history of Islamic law for non-specialists, the author covers important topics such as the development and transformation of Islamic institutions before and after colonialism. Coverage of Islamic law across contemporary contexts draws on real case material, and allows for discussion of Islam as a legal and a moral code that is activated both inside and outside the court. Readers will learn about rituals, dietary restrictions, family, contracts and property, lawful and unlawful gain, criminal law and punishments, and what makes a government legitimate in the eyes of Muslim individuals and authorities.

Islamic Jurisprudence in the Classical Era

Source Methodology in Islamic Jurisprudence

The Oxford Handbook of Islamic Law

This volume provides a comprehensive survey of the contemporary study of Islamic law and a critical analysis of its deficiencies. Written by outstanding senior and emerging scholars in their fields, it offers an innovative historiographical examination of the field of Islamic law and an ideal introduction to key personalities and concepts. While capturing the state of contemporary Islamic legal studies by chronicling how far the field has come, the Handbook also explains why certain debates recur and indicates fundamental gaps in our knowledge. Each chapter presents bold new avenues for research and will help readers appreciate the contested nature of key concepts and topics in Islamic law. This Handbook will be a major reference work for scholars and students of Islam and Islamic law for years to come.

Islamic Law

Norman Calder is still considered a luminary in the field of Islamic law. He was one among a handful of Western scholars who were beginning to engage with the subject. In the intervening years, much has changed, and Islamic law is now understood as fundamental to any engagement with the study of Islam, its history, and its society. In this book, Colin Imber has put together and edited four essays by Norman Calder that have never been previously published. Typically incisive, they categorize and analyze the different genres of Islamic juristic literature that was produced between the tenth and fourteenth centuries, showing what function they served both in the preservation of Muslim legal and religious traditions and in the day-to-day lives of their communities. The essays also examine the status and role of the jurists themselves and give clear answers to the controversial questions of how far Islamic law and juristic thinking changed over the centuries, and how far it was
able to adapt to new circumstances.

**Inferences by Parallel Reasoning in Islamic Jurisprudence**

**A History of Islamic Law**

Usul Al-Fiqh is a science which is deeply embedded in the Islamic experience and one which, thanks to its methods and concerns, helped generate an empirical trend in Muslim culture, in turn benefiting western thinking. Itself a creation of influences from within and without, Al-Usul, often called “The Philosophy of Islam,” invites both reason and revelation to work for the harmony and well-being of human society. Although the science of Al-Usul is mainly concerned with legal matters, its range and the arsenal of tools it uses makes it attractive to students of Islamic Jurisprudence as well as to other scholars of Islamic Knowledge and culture. The difficulties it poses are inevitable. This book, however, attempts to simplify this “Most important method of research ever devised by Islamic thought” during its most creative period, and bring it to the understanding and appreciation of the modern learner, while underscoring its importance and relevance to the world of Islam today.

**The Foundation of Norms in Islamic Jurisprudence and Theology**

This monograph proposes a new (dialogical) way of studying the different forms of correlational inference, known in the Islamic jurisprudence as qiyās. According to the authors’ view, qiyās represents an innovative and sophisticated form of dialectical reasoning that not only provides new epistemological insights into legal argumentation in general (including legal reasoning in Common and Civil Law) but also furnishes a fine-grained pattern for parallel reasoning which can be deployed in a wide range of problem-solving contexts and does not seem to reduce to the standard forms of analogical reasoning studied in contemporary philosophy of science and argumentation theory. After an overview of the emergence of qiyās and of the work of al-Shīrāzī penned by Soufi Youcef, the authors discuss al-Shīrāzī’s classification of correlational inferences of the occasioning factor (qiyās al-‘illa). The second part of the volume deliberates on the system of correlational inferences by indication and resemblance (qiyās al-dalāla, qiyās al-shabah). The third part develops the main theoretical background of the authors’ work, namely, the dialogical approach to Martin-Löf’s Constructive Type Theory. The authors present this in a general form and independently of adaptations deployed in parts I and II. Part III also includes an appendix on the relevant notions of Constructive Type Theory, which has been extracted from an overview written by Ansten Klev. The book concludes with some brief remarks on contemporary approaches to analogy in Common and Civil Law and also to parallel reasoning in general.

**Understanding Islamic Law**

The dearth of materials in the English language in the somewhat complex subject matter of classical jurisprudence is addressed in this study. It highlights the uniqueness of Islamic jurisprudence as a developed system because of its exactitude in terms of meaning, province and scope. The book serves as an introductory text on the basic principles of Islamic jurisprudence for judges, lawyers, academicians, especially law lecturers, students of law specialising in Islamic law, and the general public. The contents cover: Introduction to Islamic jurisprudence; Shari’ah - Islamic law; Obligations and duties; Duties created by the Hukm (rule of law); Declaratory rule (Hukm Wad’I; Legal capacity (Ahliyyah); Haqq ; The sources of Islamic law; The primary sources; Holy Qur’an as the primary source; Ijma - consensus of opinion; The secondary sources; Istihsab - juristic equity or preference; Maslahah Mursalah or Istitah - considerations of public interest or extended analogy; Istishab - presumption of continuity; Urf - custom; Sadd al-Dhara’I; Ijihadj; Bibliography; Index
**Islamic Jurisprudence According to the Four Sunni Schools**

**Islamic Law**

A translation of the first of four volumes, this detailed reference provides the four legal views of Islamic acts of worship according to the interpretations of more recent traditionalists rather than from a medieval perspective. Dealing with the forms of worship, the volume elucidates the laws concerning ritual purity, ritual prayers, fasting, spiritual retreats, and the pilgrimage to Mecca which are discussed in-depth. A comprehensive glossary of Islamic terminology is also included, making this foundational text an ideal selection for academic libraries or individuals interested in an essential manual for the performance of religious duties of Islam.

**Islamic Jurisprudence**

**The Principles of Islamic Jurisprudence: Command of the Sharīʻah and juridical norm**

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.

**The Objectives of Islamic Law**

Understanding Islamic law is crucial not only for Muslims, but for non-Muslims who work with Muslims in legal contexts as well as for anyone wanting to understand the role of Islam in the world today. For unlike western legal systems where religious and legal spheres are kept separate, Islamic law is all-encompassing, directing all human actions. Legal scholar Hisham Ramadan brings together articles to give an excellent overview of the formation of Islamic law and its role in contemporary Islamic and Non-Islamic states. Following an overview of Islamic Law, chapters cover Islamic criminal law, International Humanitarian Law, contract law, & family law. A concluding essay offers an explanation of the legal value of Islam and appendices include original Islamic legal documents from Muhammad's time until today.
Principles of Islamic Jurisprudence

Islamic Jurisprudential Maxims: 114 Maxims Expounded

Principles of Islamic Jurisprudence is one of the best-known textbooks written by the late Ayatullah Sayyid Muhammad Baqir al-Sadr (1934-1980). The current volume, the first in a three-volume series, is written in plain language to introduce beginners to the science of the principles of Islamic jurisprudence (usul). Originally entitled Durus fi ?Ilm al-Usul (Discourses on the Science of the Principles of Jurisprudence), but normally known as Halaqat al-Usul (Discourses on the Principles of Jurisprudence), the book was a revolutionary attempt at innovative and systematic presentation of the principles of Islamic jurisprudence. In the current volume, the late Ayatullah al-Sadr expounds on the discipline of usul and responds to the latest debates and challenges. It was no wonder that following its publication this work replaced other standard textbooks which had hitherto been used to teach the principles of jurisprudence.

Islamic Jurisprudence in the Classical Era

This third edition of the best-selling title Principles of Islamic Jurisprudence has been completely revised and substantially enlarged. In this work, Prof Kamali offers us the first detailed presentation available in English of the theory of Muslim law (usul al-fiqh). Often regarded as the most sophisticated of the traditional Islamic disciplines, Islamic Jurisprudence is concerned with the way in which the rituals and laws of religion are derived from the Qur'an and the Sunnah—the precedent of the Prophet. Written as a university textbook, Principles of Islamic Jurisprudence is distinguished by its clarity and readability; it is an essential reference work not only for students of Islamic law, but also for anyone with an interest in Muslim society or in issues of comparative Jurisprudence.

Principles of Islamic Jurisprudence

Based on a new source, this study reconstructs for the first time the early development of Islamic jurisprudence at Mecca and challenges the current view of scholarship concerning the origins of Islamic jurisprudence.

Principles of Islamic Jurisprudence

Comprehensive Islamic Jurisprudence

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.
In The Politics of 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.

The Origins of Islamic Jurisprudence

The Spirit of Islamic Law

Jurisprudential maxims play a vital role in the Islamic way of life, serve as a source for legislation and regulate daily transactions. This book expounds and renders 114 maxims into English. It also furnishes a theoretical perspective of religio-legal translation and sheds light on distinctions among related terms, namely: Jurisprudential maxims, fundamentalistic maxims and Jurisprudential canons.

The Politics of Islamic Law

Islamic Jurisprudence

This book offers a new way of understanding classical Islamic theories, holding that divine revelation is necessary for the knowledge of norms and its reading of the
issue of reason breaks new ground in Islamic theology, law and ethics. It will appeal to students and scholars of Islamic studies, Islamic ethics, law and post-colonial theory.

**The Theory of Social Defence in the Light of Islamic Jurisprudence**

Scholars, thinkers, and activists around the world are paying increasing attention to a legal reform method that promises to revolutionize the way people think about Islamic law. Known as “The Objectives of the Sharī’a” (maqāṣid al-sharī’a), the theory offers a way to derive and apply new Islamic laws using an ancient methodology. The theory identifies core objectives that underlie Islamic law, and then looks at inherited Islamic laws to see whether they meet those objectives. According to the maqāṣid theory, historical Islamic laws that meet their objectives should be retained, and those that do not—no matter how entrenched in practice or embedded in texts—should be discarded or reformed. Recently, several scholars have questioned the maqāṣid theory, arguing that it is designed not to reform laws, but to support existing power structures. They warn that adopting the maqāṣid wholesale would set the reform project back, ensuring that inherited Islamic laws are never fully reformed to agree with contemporary values like gender-egalitarianism and universal human rights. The Objectives of Islamic Law: The Promises and Challenges of the Maqāṣid al-Sharī’a captures the ongoing debate between proponents and skeptics of the maqāṣid theory. It raises some of the most important issues in Islamic legal debates today, and lays out visions for the future of Islamic law.

**Islamic Jurisprudence**

This is an English translation of one of the most famous texts by the influential and charismatic Islamic activist, as-Sadr, who was executed by Saddam Hussein in Iraq in 1980. As-Sadr's books have made him one of the most celebrated Arab Muslim intellectuals of modern times. This text is used throughout the Sunni and Shi’a world by students of Islamic jurisprudence because of its succinctness and intellectual vigour. Mottahedeh's translation is accompanied by a detailed introduction which explains and places in context as-Sadr's views. Representing an attempt to relate a large body of Islamic law to scripture, this translation should be of great interest to students of scripture, hermeneutics and law.

**Islamic Law: A Very Short Introduction**

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

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