Islamic Jurisprudence

Principles of Islamic Jurisprudence

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

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.

This is the first book in Forensic Psychiatry that focuses on the application of psychiatry to legal issues connected with Islamic jurisprudence. Holding a unique position amongst the world's religions in its containment of every aspect of human existence, it is openly natural for Islam to govern both the spiritual and legislative aspects of life. It is therefore not surprising that one of the most important conclusions drawn by the study is that ability of Islamic jurisprudence to cover almost every issue raised in the field of forensic psychiatry. The range of interpretations encompassing these issues is so wide that a match for many aspects of different secular laws can be found in at least one of the four schools of thought. This gives contemporary psychiatry in any Islamic country a broad spectrum of tools to work with, enabling the utilization of options specific to particular societal and cultural norms. This book will appeal to both the general as well as the academic reader drawing important and wide-ranging conclusions relevant for many individuals and societies in the Islamic world. This work will appeal to both the general as well as the academic reader drawing important and wide-ranging conclusions relevant for many individuals and societies in the Islamic world.

Scholars praised the 1992 edition of this book as a groundbreaking intellectual treatment of Islamic jurisprudence. Bernard Weiss's revised edition brings to life Sayf al-Din al-Amidi's classic exposition of the methodologies through which Muslim scholars have constructed their understandings of the divine law. Weiss's new introduction provides an overview of Amidi's jurisprudence that facilitates deeper comprehension of the challenging dialect of the text. This edition includes an in-depth analysis of the nature of language and the ways in which it madeiates the law, while shaping it at the same time. An index has been added.

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.

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.

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 Istislah - considerations of public interest or extended analogy; Istishab - presumption of continuity; Urf - custom; Sadd al-Dhara'I; Ijtihad]; Bibliography; Index

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.

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.

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.

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 (Discources 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.

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.

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.

This Companion provides a comprehensive and authoritative guide to current research in the thriving area of Islamic law. The book presents classical Islamic law through a historiographical introduction to and analysis of the Western scholarship. A distinguished group of authors provide an overview of their particular specialty, reflect on past and current thinking and also point to directions for future research. The Companion covers key debates and provokes new ways of thinking about long-standing issues in this increasingly relevant and popular discipline.

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.

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.

With Qur anic textual analysis and commentary, this book provides both the Muslim and non-Muslim reader with a basic understanding of the legal foundations of Islam. It introduces the sources of Islamic law and their significance in the hierarchy of Islamic jurisprudence while presenting Dr. al-Hibri s articulation of the Islamic worldview. The Islamic Worldview introduces the Qur an as the supreme source of Islamic law and discusses basic rules and principles that have been noted by jurists over time in understanding and interpreting it, and how these rules can and have been applied toward the evolution of a uniquely Islamic global perspective."

This book considers the rarely studied but pervasive concepts of doubt that medieval Muslim jurists used to resolve problematic criminal cases.

This book deals with the sources of Islamic jurisprudence and their importance in deducing the religious rulings. It covers the concept of ijtih?d (independent reasoning), its conditions and application and illustrates why it is a practice for experts rather than laymen. It also explains the differences in the levels of expertise of the mujtahids. In fact, there are seven distinct classifications of mujtahid. The book also covers the communication of God as Lawgiver with regard to the conduct of liable persons. It details the difference in probative value of communication based on the extent to which it binds an individual be it absolutely binding, a recommendation or mere permissibility. The reader will be able to understand the difference between fiqh (law) and Us?l al-Fiqh (methodology of law). Fiqh is the law itself whereas Us?l al-Fiqh is the methodology utilized to extract the law. The relationship between the two disciplines resembles that of the rules of grammar to a language, or of logic to philosophy. Us?l al-Fiqh in this sense provides the standard criteria for the correct deduction of the rulings of fiqh from the sources of Shari'ah (the Qur'an and Sunnah).

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.

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.

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.