Human Rights and Islam

Is there a basis for human rights in Islam? Beginning with an exploration of what rights are and how the human rights discourse developed, Abdullah Saeed explores the resources that exist within Islamic tradition. He looks at those that are compatible with international human rights law and can be garnered to promote and protect human rights in Muslim-majority states. A number of rights are given specific focus, including the rights of women and children, freedom of expression and religion, as well as jihad and the laws of war. Human Rights and Islam emphasises the need for Muslims to rethink problematic areas of Islamic thought that are difficult to reconcile with contemporary conceptions of human rights.

Between God and the Sultan

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.

Introduction of 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.

An Introduction to 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.

Islamic Jurisprudence on the Regulation of Armed Conflict

The book description for the previously published "Introduction to Islamic Theology and Law" is not yet available.

Women and Sharia Law in Northern Indonesia

“The world today has become one large village. Muslims and non-Muslims live side by side and have to learn about one another, share commonalities and respect differences. At this time more than one and a half billion Muslims live in this village. Some of them are pious Muslims, trying to live in accordance with Islamic rules, whereas others do not while believing that these rules come from God (the Qur’an), from interpretations of His Messenger (the Sunnah) or the consensus of Muslim jurists (ijmâ’), and are at least rules derived via analogy (qiyâs) from the main sources of Islam. Most Muslims think along these lines and agree with the above. The reader should remember that Muslim individuals should live according to Islamic rules in private, but no individual is responsible for implementing Islamic law. In any event, the need to learn the facts about Islamic law is necessary for Muslims as well as for non-Muslims if they live in the same society with Muslims, at least in the sense of general information. In any event, the need to learn the facts about Islamic law is necessary for Muslims as well as for non-Muslims if they live in the same society with Muslims, at least in the sense of general information. We should keep in mind here that only sovereign Muslim states/governments have the legal authority to implement Islamic law. An individual Muslim has no legal authority or power to implement Islamic law. The law of Islam certainly does not say that every Muslim is obliged to implement Islamic law. It matters not how efficient and popular that individual may be as a brave warrior or a meticulous planner of unlawful and immoral schemes of hatred, terror and destruction. Only people who are properly qualified and trained, and hold a license from Muslim governmental authorities, have the authority to issue fatwâs. Not every
Muslim individual qualifies as a Muftî (a jurist-consult or scholar of law who has been given a license to issue fatwâs.). For this reason Bediuzzaman says: “And we know that the fundamental aims of the Qur’an and its essential elements are fourfold: divine unity (al-tawhîd), prophethood (al-nubuwwah), the resurrection of the dead (al-hashr), and justice (al-ʿadalah). Al-Adâlah means law. He adds in another treatise: “Let our ulul-amr (satesmen and political authorities) think over implementing these rules”. This book is divided into eight chapters. Chapter I.Because of the many misunderstandings that arise, some terms related to Islamic Law, such as Shari'ah, fiqh, qânûn, ‘urf, Islamic Law, and Muhammadan Law are explained. Chapter II.Here, in this chapter dedicated to references on Islamic Law, the real added value of this book is found. Chapter III. This chapter looks at four periods of Islamic Law: the period of the Prophet Muhammad, the period of the Companions, the period of the Tabi’in, and an introduction to the period of Mujtahidîn. Chapter IV. We will provide detailed information here on the different law schools and theological divisions. Chapter V. This chapter will be devoted to a period of Islamic law that has been neglected in both old and new books and articles, i.e. the period of Islamic Law after the Turks converted to Islam (960-1926). Chapter VI. This chapter will focus also on three main subjects: Anglo-Muhammadan law (Indo-Muslim law), Syariah or Islamic Law in Southeast Asia, and Islamic Law in contemporary Muslim states like Egypt, Pakistan, Morocco, Indonesia and Jordan. Chapter VII. We will explain the system and methodology of Islamic Law in this chapter. Chapter VIII. We will give some brief information here on the implementation of Islamic Law, its future; some encyclopedical works on Islamic law, and new institutions of Islamic fiqh.”

The Oxford Handbook of Criminal Law

Islamic Law and Civil Code

The contrast between religion and law has been continuous throughout Muslim history. Islamic law has always existed in a tension between these two forces: God, who gave the law, and the state—the sultan—representing society and implementing the law. This tension and dynamic have created a very particular history for the law—in how it was formulated and by whom, in its theoretical basis and its actual rules, and in how it was practiced in historical reality from the time of its formation until today. That is the main theme of this book. Knut S. Vikor introduces the development and practice of Islamic law to a wide readership: students, lawyers, and the growing number of those interested in Islamic civilization. He summarizes the main concepts of Islamic jurisprudence; discusses debates concerning the historicity of Islamic sources of dogma and the dating of early Islamic law; describes the classic practice of the law, in the formulation and elaboration of legal rules and practice in the courts; and sets out various substantive legal rules, on such vital matters as the family and economic activity.

A History of Islamic Legal Theories

I.B.Tauris in association with the Institute of Ismaili Studies Shari'a has been a source of misunderstanding and misconception in both the Muslim and non-Muslim worlds. Understanding Shari'a: 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, Raficq 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. Shari'a 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.

Introduction to Islamic Law and Jurisprudence

Islamic Law

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 to Islamic Law

"In [this book], Iza R. 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'a, but that 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. 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."--Back cover.

Islamic Maritime 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 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.

Principles of Islamic Jurisprudence

A History of Islamic Law

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 Commercial Law

Research Handbook on Islamic Law and Society

“I highly recommend ‘Introduction to Islamic Law: Principles of Civil, Criminal, and International Law under the Shari’a’ to scholars and any individual who desires to learn about the Shari’a and its basic values through an objective, methodical study.” Mohamed A. ‘Arafa, Ph.D. Assistant and Adjunct Professor of Law Alexandria University Faculty of Law, Egypt

Islamic law (Shari'a) is an all-inclusive legal tradition that creates a seamless web reaching from the public sphere into the private sphere of life. Thus, the Shari'a recognizes no bifurcation between legislation and religion, no wall of separation between the mosque and the state, and no compartmentalization of morality, faith, and law. Nonetheless, the duties under Islamic law can be divided into two large subcategories, the first and most important of which mainly concerns the private, individual relationship between God and man. In contrast, the second duty mainly concerns the public, transactional relationships among individuals which – in a secular framework – is most analogous to “law.” Introduction to Islamic Law begins with an overview of Islam as a whole, including a discussion of the sources of Islamic law and sectarian distinctions. Then, the book thoroughly addresses the secondary duties of Islamic law, which govern daily transactions between individuals, including the law of contracts, property, banking and finance, and familial relations as well as criminal law and procedure and the law of war. The legal rules embodied within the Shari'a are mandatory in jurisdictions adhering to a strict application of Islamic law. However, Islamic law remains highly influential even in Muslim-majority countries with secular legal codes. Nevertheless, given recent developments in the Arab world, as well as the rise of terrorism in the name of Islam, the Shari'a is a subject that has seeped into the national dialogue of wholly secular, non-Muslim jurisdictions. Thus, Introduction to Islamic Law is offered for scholars and
students - both Muslim and non-Muslim, with or without a legal background - for the purpose of obtaining a basic understanding of the foundational concepts of the Shari’a.

Modern Perspectives on 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.

Introduction to Islamic Law

A penetrating analysis of the relationship between authority, continuity and change in Islamic law.

An Introduction to Islamic Law of Succession

This volume examines Islamic maritime law and practice of Muslim mariners during the classical period using Fatwa and Geniza sources. Maritime terminology, interrelationships of mariners, maritime commercial and military laws, territorial waters and the performance of Islamic religious duties at sea in the period are discussed.

An Introduction to Islamic Law of Evidence

An Introduction to the Study 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 International Law

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.

Introduction to Islamic Law

Introduction to Islamic Theology and Law

This book examines the life of women in the Indonesian province of Aceh, where Islamic law was introduced in 1999. It outlines how women have had to face the formalisation of conservative understandings of sharia law in regulations and new state institutions over the last decade or so, how they have responded to this, forming non-governmental organisations (NGOs) that have shaped local discourse on women’s rights, equality and status in Islam, and how these NGOs have strategised, demanded reform, and enabled Acehnese women to take active roles in influencing the processes of democratisation and Islamisation that are shaping the province. The book shows that although the formal introduction of Islamic law in Aceh has placed restrictions on women’s freedom, paradoxically it has not prevented them from engaging in public life. It argues that the democratisation of Indonesia, which allowed Islamisation to occur, continues to act as an important factor shaping Islamisation’s current trajectory; that the introduction of Islamic law has motivated women’s NGOs and other elements of civil society to become more involved in wider discussions about the future of sharia in Aceh; and that Indonesia’s recent decentralisation policy and growing local Islamism have enabled the emergence of different religious and local adat practices, which do not necessarily correspond to overall national trends.

Understanding Sharia

Islamic Law: a Very Short Introduction

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.

Introduction to 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.

**The Formation 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.

**An Introduction to Islamic Jurisprudence**

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.

**The Politics of Islamic Law**

**Introduction to Islamic Law**

**Introduction to Islamic Law and Jurisprudence**

Through the analysis of Al-Shaybani's most prolific work As-Siyar Al Kabier, this book offers a unique insight into the classic Islamic perspective on international law. Despite being recognised as one of the earliest contributors to the field of international law, there has been little written, in English, on Al-Shaybani's work; this book will go some way towards filling the lacuna. International Islamic Law examines Al-Shaybani's work alongside that of other leading scholars such as: Augustine, Gratian, Aquinas, Vitoria and Grotius, proving a full picture of early thinking on international law. Individual chapters
provide discussion on Al-Shaybani's writing in relation to war, peace, the consequences of war and diplomatic missions. Khaled Ramadan Bashir uses contemporary international law vocabulary to enable the reader to consider Al-Shaybani's writing in a modern context. This book will be a useful and unique resource for scholars in the field of Islamic International Law, bringing together and translating a number of historical sources to form one accessible and coherent text. Scholars researching the historical and jurisprudential origins of public international law topics, such as: international humanitarian law, 'just war', international dispute resolution, asylum and diplomacy will also find the book to be an interesting and valuable text.

The Ashgate Research Companion to 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.

History of Islamic Law

The Research Handbook on Islamic Law and Society provides an examination of the role of Islamic law as it applies in Muslim and non-Muslim societies through legislation, fatwa, court cases, sermons, media, or scholarly debate. It illuminates the intersection of social, political, economic and cultural factors that inform Islamic Law across a number of jurisdictions. Chapters evaluate when and how actors and institutions have turned to Islamic law to address problems faced by societies in Muslim and, in some cases, Western states.

An Introduction to Islamic Law

Authority, Continuity and Change in Islamic Law

Providing scholars with a comprehensive international resource, a common point of entry into cutting edge contemporary research and a snapshot of the state and scope of the field, this Handbook takes a broad approach to its subject matter, disciplinarily, geographically, and systemically.

The Oxford Handbook of Islamic Law