
Issues In Islamic Law

Maqāṣid Al-sharī'ah

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Maqāṣid Al-sharī'ah
Stanford University Press
Since Europeans first colonized Arab lands in the 19th century, they have been pressing to have the area's indigenous laws and legal systems accord with Western models. Although most Arab states now have national codes of law that reflect Western influence, fierce internal struggles continue over how to interpret Islamic law, particularly in the areas of gender and family. From different geographical and ideological points across the contemporary Arab world, Haddad and Stowasser demonstrate the range of views on just what Islam's legal heritage in the region should be. For either law or religion classes, *Islamic Law and the Challenges of Modernity* provides the broad historical overview and particular cases needed to understand this contentious issue. Visit our website for sample chapters!

An Introduction to Islamic Law OUP Oxford

This book is the first ethnographic study of

Muslim minorities' practice of Islamic law in contemporary China.

Modern Challenges to Islamic Law

Oxford University Press, USA
Ramadan brings together essays to explain the history of Islamic law and its role in the contemporary world.

Democratization and Islamic Law

Edward Elgar Publishing
This book places context at the core of the Islamic mechanism of *iftā'* to better understand the process of issuing *fatwās* in Muslim and non-Muslim countries, thus highlighting the connection between context and contemporaneity, on one hand, and the adaptable perception of Islamic law, on the other. The practice of *iftā'* is one of the most important mechanisms of Islamic law that keeps Islamic thought about ethical and legal issues in harmony with the demands, exigencies and developments of time.

This book builds upon the existing body of work related to the practice of *iftā'*, but takes the discussion beyond the current debates with the intent of unveiling the interaction between Islamic legal methodologies and

different environmental contexts. The book specifically addresses the three institutions (Saudi Arabia's *Dār al-Iftā'*, Turkey's *Diyanet* and America's *FCNA*) and their Islamic legal opinions (*fatwās*) in a comparative framework. This demonstrates the existence of complex and diverse ideas around similar issues within contemporary Islamic legal opinions that is further complicated by the influence of international, social, political, cultural and ideological contexts. The book thus unveils a more complicated range of interactive constituents in the process of the practice of *iftā'* and its outputs, *fatwās*. The work will be of interest to academics and researchers working in the areas of Islamic law, Middle Eastern studies, religion and politics.

Contemporary Issues in Islam Edward Elgar Publishing
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?

The Beginnings of Islamic Law Cambridge University Press

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.

Islamic Law Springer

The sharia is a set of traditional laws that define a Muslim's obligations to God and his fellow human beings. Westerners often misunderstand the nature of the sharia, born as it is of a complicated legal and academic tradition that may not always seem relevant to today's world. Written for those unfamiliar with Islam, this volume provides an accurate and objective assessment of the sharia's achievements, shortcomings and future prospects. It explores the fundamentals of Islam and traditional sharia laws. In addition, the sharia is discussed with respect to Ottoman law, puritanism and jihad. The sharia's relevance to today's world events is also 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.

Islam and Social Policy Simon and Schuster

This book examines the challenges of the implementation of Islamic law in Malaysia. Malaysia is a pertinent jurisdiction to explore such challenges given its global focus, colonial history and institutions, and the intersection of the Shari'ah and secularism/multiculturalism. The resultant implementation challenges are underpinned by three factors that make Malaysia an important jurisdiction for those interested in understanding the place of Islamic law in the global context. First, Malaysia is often considered as a model Islamic country. Islamic law is a source of law in Malaysia. The Islamic law legal system in Malaysia operates in parallel with a common law legal system. The two systems of law generally are in harmony with one another. Nevertheless, occasional cross-jurisdictional issues do arise, and when they do,

the Malaysian judiciary has been quite efficient in solving them. The Malaysian experience in maintaining such harmony between the two legal systems provides lessons for a number of countries facing such challenges. Second, Malaysia has a developed Shari'ah court system that interprets and applies Islamic law predominantly based on the Shafi'i school of thought. While, for the most part, the approach has been successful, there have been times when the implementation of the law has raised concerns as to the compatibility of Islamic law with modern principles of human rights and common law-based values. Third, there have been cases where Islamic law implementation in Malaysia has gained global attention due to the potential for wider international implications. To do justice to this complex area, the book calls on scholars and practitioners who have the necessary expertise in Islamic law and its implementation. As such, this book provides lessons and direction for other countries that operate a dual system of secular and Islamic laws.

China and Islam

Routledge

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. Thanks to generous funding from Virginia Tech and its participation in TOME (Toward an Open Monograph Ecosystem), the ebook editions of this book are available as Open Access volumes from Cornell Open (cornellpress.cornell.edu/cornell-open) and other repositories.

Modern Perspectives on Islamic Law Cornell University Press

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.

The Oxford Handbook of Criminal Law Praeger
Perhaps no other Western writer has more deeply probed the bitter struggle in the Muslim world between the forces of religion and law and those of violence and lawlessness as Noah Feldman. His scholarship has defined the stakes in the Middle East today. Now, in this incisive book, Feldman tells the story behind the increasingly popular call for the establishment of the shari'a--the law of the traditional Islamic state--in the modern Muslim world. Western powers call it a threat to democracy. Islamist movements are winning elections on it. Terrorists use it to justify their crimes. What, then, is the shari'a? Given the severity of some of its provisions, why is it

popular among Muslims? Can the Islamic state succeed--should it? Feldman reveals how the classical Islamic constitution governed through and was legitimated by law. He shows how executive power was balanced by the scholars who interpreted and administered the shari'a, and how this balance of power was finally destroyed by the tragically incomplete reforms of the modern era. The result has been the unchecked executive dominance that now distorts politics in so many Muslim states. Feldman argues that a modern Islamic state could provide political and legal justice to today's Muslims, but only if new institutions emerge that restore this constitutional balance of power. *The Fall and Rise of the Islamic State* gives us the sweeping history of the traditional Islamic constitution--its noble beginnings, its downfall, and the renewed promise it could hold for Muslims and Westerners alike. In a new introduction, Feldman discusses developments in Egypt, Tunisia, Libya, and other Muslim-majority countries since the Arab Spring and

describes how Islamists must meet the challenge of balance if the new Islamic states are to succeed.

Islamic Law in Malaysia

Bloomsbury Publishing
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, Saudia 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.

Contesting the Iranian Revolution Routledge

Toward an Islamic Reformation is an ambitious attempt to modernize Islamic law, calling for reform of the historical formulations of Islamic law, commonly known as Shari'a that is perceived by many Muslims to be part of the Islamic faith. As a Muslim, Abdullahi Ahmed An-Na'im is sensitive to and appreciative of the delicate relationship between Islam as a religion and Islamic law. Nevertheless, he considers that the questions raised here must be resolved if the public law of Islam is to be implemented today. An-Na'im draws upon the teachings and writings of Sudanese reformer Mahmoud Mohamed Taha to provide what some have called the intellectual foundations for a total reinterpretation of the nature and meaning of Islamic public law.

Understanding Sharia
Edinburgh University

Press

Bringing together essays on topics related to Islamic law, this book is composed of articles by prominent legal scholars and historians of Islam. They exemplify a critical development in the field of Islamic Studies: the proliferation of methodological approaches that employ a broad variety of sources to analyze social and political developments.

Islamic Law and International Law Rowman Altamira

This is a major and innovative contribution to our understanding of the historical unfolding of Islamic law. Scrutinizing its historical contexts, Salaymeh proposes that Islamic law is a continuous intermingling of innovation and tradition. The book's interdisciplinary approach provides accessible explanations and translations of complex materials and ideas.

Islamic Law and Contemporary Issues

Vanderbilt University Press

Shariah law is a subject that is misunderstood and misrepresented by many in the West. More than simply a system of law, it is concerned with a set of values and rules that are

essential to the understanding and practice of Islam. In this volume, Mohammad Hashim Kamali, a world-renowned expert on Shariah, adopts a question-and-answer format to provide a clear introduction to its most salient aspects. Extending from the sources of Shariah in the Qur'an, hadith and the legal maxims of Islamic law to the discussion of issues such as freedom of religion, gender equality and human rights, *Shariah Law: Questions and Answers* connects the theoretical aspects of the law with how it is applied in the world today. At once scholarly and accessible, it is sure to be a vital resource for students, teachers and general readers, addressing as it does a range of contemporary concerns, including jihad, democracy, the environment, genetic engineering, human cloning, euthanasia and abortion.

Research Handbook on Islamic Law and Society Princeton University Press

Examines the last forty years of Iranian and Middle-Eastern history through the prism of the Green Uprisings of 2009. *Islamic Law* Bloomsbury

Publishing
 "Islamic Law and International Law is a comprehensive examination of differences and similarities between the Islamic legal tradition and international law, especially in the context of dispute settlement. Sharia embraces a unique logic and culture of justice--based on nonconfrontational dispute resolution--as taught by the Quran and the Prophet Muhammad. This book explains how the creeds of Islamic dispute resolution shape the Islamic milieu's views of international law. Is the Islamic legal tradition ab initio incompatible with international law, and how do states of the Islamic milieu view international courts, mediation, and arbitration? Islamic law constitutes an important part of the domestic legal system in many states of the Islamic milieu--Islamic law states--displacing secular law in state governance and affecting these states' contemporary international dealings. The book analyzes constitutional and subconstitutional laws in Islamic law states. The answer to the "Islamic law-international law

nexus puzzle" lies in the diversity of how secular laws and religious laws fuse in domestic legal systems across the Islamic milieu. These states are not Islamic to the same degree or in the same way. Thus, different international conflict management methods appeal to different states, depending on each one's domestic legal system. The main claim of the book is that in many instances the Islamic legal tradition points in one direction while Western-based, secularized international law points in another direction. This conflict is partially softened by the reality that the Islamic legal tradition itself has elements fundamentally compatible with modern international law. Islamic legal tradition, international law, sharia settlement, peaceful dispute resolution"--
Understanding Islamic Law Cambridge University Press
 This book examines Islamization of the law in the Islamic Republic of Iran and surveys the evolution of institutions, processes, and policies of the regime.
Sharia Compliant Cambridge University Press

At a time when more nuanced understandings of Muslim countries and their legal and social practices are urgently needed in the West, the appearance of this collection is especially welcome. In these illuminating and accessible essays, the contributors explain how Islam sees itself in terms of social policy, how it treats women, and how it encourages charity, education, and general social welfare. The essays encompass many regional cultures and draw on court records and legal debates, field work on government ministries, and an extensive reading of Islamic law. In his overview of waqf (similar to the Western idea of a foundation, in which an endowment is set aside in perpetuity for specified purposes), Ahmad Dallal explains how charity, a central organizing principle in Islam, is itself organized and how waqf, traditionally a source of revenue for charitable purposes, can also become a source of tension and conflict. Donna Lee Bowen, in her essay on the position of women in Islamic law, points out the crucial differences between the Islamic principles of family

equity and the Western notion of individual equality. In a subsequent essay, Bowen addresses the problems surrounding family planning and the dilemmas that have arisen within the Muslim world over differing ideas about birth control. The two final essays look at specific instances of how

the modern state has treated Islamic social policy. Gail Richardson examines zakat, an Islamic tax used to assist the poor, and its administration in Pakistan. Carol Underwood, meanwhile, explores public health policy in Iran, both before and after the Islamic revolution that

deposed the Shah. Addressing some of the most profound misunderstandings between Islamic and Western societies, Islam and Social Policy will be of vital interest not only to scholars and policymakers but to anyone concerned with Islam's critical place in the modern world.

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