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Studies
in
Islamic Law
and
Society

Baber Johansen

Contingency in a Sacred Law

*Legal and Ethical Norms in the
Muslim Fiqh*

Brill

Contingency In A Sacred Law Legal And Ethical Norms In The Muslim Fiqh

Ayesha Jalal



Contingency In A Sacred Law Legal And Ethical Norms In The Muslim Fiqh:

Contingency in a Sacred Law Baber Johansen, 2023-09-29 This book focuses on the Hanafite school of fiqh which originated in the eighth century and is geographically the most widespread and numerically the most important representative of Muslim normativeness. The fiqh consists of liturgical, ethical, and legal norms derived from the Islamic revelation. The introduction outlines the main boundaries between fiqh and theology and follows the modern debate on the comparison between the fiqh and the secularized law of the modern Occident. The core of the book is dedicated to the way in which the fiqh in the period between the 10th and the 12th centuries adapted to changing circumstances of urban and agricultural life: chapters I and II to the way in which it marked off legal from ethical norms; chapter III religious from legal status; chapters IV to VI and legal propositions from religious judgment; chapter VII The forms in which change of norms was made acceptable is discussed in chapter VIII. The last chapter deals with an attempt of Shi'i scholars in the Islamic Republic of Iran to answer new problems in old forms.

The Oxford Handbook of Islamic Law Anver M. Emon, Rumeen Ahmed, 2018-10-25 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.

A Bibliography of Islamic Criminal Law Olaf Köndgen, 2021-12-06 In *A Bibliography of Islamic Criminal Law* Olaf Köndgen offers the most extensive bibliography on Islamic criminal law ever compiled. Drawing on a multitude of sources online and offline, *A Bibliography of Islamic Criminal Law* covers in its thematic section not only the classical crime categories of *ud d qi* and *ta z r* but also a large number of newly emerging and related fields. In a second section dedicated to countries and eras, Köndgen comprehensively covers the historical and modern application of Islamic criminal law in all its forms. Unlocking the richness of this sub-field of Islamic law with the help of two detailed indices, this innovative reference work is highly relevant for all those researching Islamic law in general and the application of Islamic criminal law over time in particular. See also *A Bibliography of Islamic Criminal Law Supplement*.

Accusations of Unbelief in Islam Camilla Adang, Hassan Ansari, Maribel Fierro, Sabine Schmidtke, 2015-10-20 The present volume, the first of its kind, deals with *takfir* (accusing one's opponents of unbelief, *kufr*). Originating in the first decades of Islam, this practice has been applied intermittently ever since. The nineteen studies included here deal with cases covering different periods and parts of the Muslim world of individuals or groups that used the instrument of *takfir* to brand their opponents either persons, groups, or even institutions as unbelievers who should be condemned, anathematized, or even

persecuted Each case presented is placed in its sociopolitical and religious context Together the contributions show the multifariousness that has always characterized Islam and the various ways in which Muslims either sought to suppress or to come to terms with this diversity With contributions by Roswitha Badry Sonja Brentjes Brian J Didier Michael Ebstein Simeon Evstatiev Ersilia Francesca Robert Gleave Steven Judd István T Krist Nagy Gáran Larsson Amalia Levanoni Orkhan Mir Kasimov Hossein Modarressi Justyna Nedza Intisar A Rabb Sajjad Rizvi Daniel de Smet Zoltan Szombathy Joas Wagemakers

Collective Liability in Islam Nurit Tsafir, 2020-01-16 Provides a close analysis of the Aqila a group collectively liable for blood money payments in Islamic law and history The Life of Shari'a Youssef Belal, 2025-05-27 Is there a way to think about contemporary life with knowledge that is neither modern nor Western Rather than confining Islam to a religion and shari'a to its law Youssef Belal provocatively argues that Islamic shari'a is instead a mode of knowledge with its own concepts and scholarly categories through which the world and the self are grasped Making this case requires two major intertwined genealogies that of how Islamic scholars formulated knowledge from the classical period to today and that of how Westerners have understood the law and how it came to be constituted By melding these two traditions and disentangling the ways they inflect and distort our understanding of each other Belal puts the formation of modern law and its circulation outside Europe under a new light He offers both a compelling revisionist account of shari'a in the history of Islam and a powerful argument for its continued relevance to the life of contemporary Muslims *In Quest of Justice* Khaled Fahmy, 2023-02-07 *In Quest of Justice* provides the first full account of the establishment and workings of a new kind of state in Egypt in the modern period Drawing on groundbreaking research in the Egyptian archives this highly original book shows how the state affected those subject to it and their response Illustrating how shari'a was actually implemented how criminal justice functioned and how scientific medical knowledges and practices were introduced Khaled Fahmy offers exciting new interpretations that are neither colonial nor nationalist Moreover he shows how lower class Egyptians did not see modern practices that fused medical and legal purposes in new ways as contrary to Islam This is a major contribution to our understanding of Islam and modernity **The Ashgate Research Companion to Islamic Law** Peri Bearman, 2016-03-16 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 Middle Eastern Law Chibli Mallat, 2007-07-12. This book provides an introduction to the laws of the Middle East, defining the contours of a field of study that deserves to be called Middle Eastern law. It introduces Middle Eastern law as a reflection of legal styles, many of which are shared by Islamic law and the laws of Christian and Jewish Near Eastern communities. It offers a detailed survey of the foundations of Middle Eastern law using court archives and an array of legal sources from the earliest records of Hammurabi to the massive compendia of law in the Islamic classical age through to the latest decisions of Middle Eastern high courts. It focuses on the way legislators and courts conceive of law and apply it in the Middle East. It builds on the author's extensive legal practice with the aim of introducing the Middle Eastern law's main sources and concepts in a manner accessible to non-specialist legal scholars and practitioners alike. The book begins with an exploration of the depth and variety of Middle Eastern law, introducing the concepts of shari'a, fiqh and qanun, which all mean law and dwelling on Islamic law as the common law of the Middle East. It provides a historical introduction to the contemporary Middle East, exploring political systems, constitutional law, judicial review, the laws of tort and obligations, commercial law including Islamic banking, company law, capital markets and commercial arbitration, and examines legislative reform in family law and the position of women in the legal system. The author considers the interaction between Islamic and Western laws and includes a bibliography designed for further research into the jurisdictions and themes explored throughout the book.

Ibn Taymiyya's Theological Ethics Sophia Vasalou, 2016. This book investigates Ibn Taymiyya's approach to some of the core ethical and theological questions of the classical period of Islam and in doing so sheds new light on his intellectual identity.

The Codification of Islamic Criminal Law in the Sudan Olaf Köndgen, 2017-11-01. In *The Codification of Islamic Criminal Law in the Sudan*, Olaf Köndgen offers an in-depth analysis of the Sudan's Islamized penal codes of 1983 and 1991, their historical, political and juridical context, their interpretation in the case law of the Supreme Court and their practical application. He examines issues that arise in shari'a criminal law, including homicide, bodily harm, unlawful sexual intercourse, zina, rape, unfounded accusation of unlawful sexual intercourse, qadhf (highway robbery), irba (apostasy), ridda and alcohol consumption. Drawing on a wide range of primary and secondary sources, a large number of previously untapped Supreme Court cases and interviews with judges and politicians, Köndgen convincingly explains the

multiple contradictions and often surprising aspects of one of the Arab world's longest lasting applications of codified shar'a criminal law. Olaf Kndgen won the DAVO Dissertation Prize 2014 for his Ph.D. thesis. This extremely well documented study represents a milestone for the discussion of Islamic criminal law in the Muslim world as a whole and in the Sudan especially. Olaf Kndgen fills an academic void; his work deserves the greatest recognition for its extraordinary quality, its thoroughness and systematic approach. Prof. Gnter Meyer, Johannes Gutenberg University Mainz.

Producing Islamic Knowledge

Martin van Bruinessen, Stefano Allievi, 2013-06-17. How do Muslims in Europe acquire discursive and practical knowledge of Islam? How are conceptions of Islamic beliefs, values and practices transmitted and how do they change? Who are the authorities on these issues that Muslims listen to? How do new Muslim discourses emerge in response to the European context? This book addresses the broader question of how Islamic knowledge, defined as what Muslims hold to be correct Islamic beliefs and practices, is being produced and reproduced in West European contexts by looking at specific settings, institutions and religious authorities. Chapters examine in depth four key areas relating to the production and reproduction of Islamic knowledge: authoritative answers in response to explicit questions in the form of fatwas; the mosque and mosque association as the setting of much formal and informal transmission of Islamic knowledge; the role of Muslim intellectuals in articulating alternative Muslim discourses; higher Islamic education in Europe and the training of imams and other religious functionaries. Featuring contributions from leading sociologists and anthropologists, the book presents the findings of empirical research in these issues from a range of European countries such as France, Italy, the Netherlands and Great Britain. As such, it has a broad appeal and will be of great interest to students and scholars of Islamic studies, anthropology, sociology and religion.

Dimensions of Transformation in the Ottoman Empire from the Late Medieval Age to Modernity, 2021-08-04. Eighteen expert researchers have come together to provide original articles and new perspectives on transformation throughout Ottoman history in order to honor the life's work of Metin Kunt. Kunt's work revolutionized our understanding of change in Ottoman political, social and cultural history in the late 16th and early 17th centuries. This new collection focuses on the contributions of key players in these fields and includes chapters on Ottoman artisans in a changing political context; Ottoman chief scribes and the rhetorics of political survival in the 17th century; and empiricism in the Ottoman Empire. Contributors are Antonis Anastasopoulos, Iris Agmon, Tlay Artan, Karl K. Barbir, Fatih Bayram, Suraiya Faroqhi, Cornell H. Fleischer, P. I. Fodor, Mehmet Kalpaklı, Cemil Koak, B. Harun Kk, Asl Niyazio lu, Mehmet z. Kaya, ahin Derin, Terzio lu, Ekin Tu alp, Atiyas, Christine Woodhead, N. Zeynep Yel e, Elizabeth A. Zachariadou.

The Early Modern Ottomans Virginia H.

Aksan, Daniel Goffman, 2007-07-26. Publisher description: *Islamic Jurisprudence, Islamic Law, and Modernity*. Mohammad H. Fadel, 2023-08-01. Mohammad Fadel's scholarship on Islamic law and legal history ranges from medieval institutions and the history of Islamic legal interpretation to urgent problems relating to the modern reception and re-assessment of Islamic legal doctrine. Fadel's intellectual concerns focus primarily on the compatibility of the Islamic legal tradition with modern

liberal political arrangements but in his research and writing he also delves into the realm of premodern Islamic legal thought and institutions His Rawlsian approach leads him to a political reading of the Islamic legal tradition which he accomplishes by teasing out jurists assumptions about politics economics and the domestic sphere Fadel s readings of Islamic legal sources suggest that Islamic law remains relevant to a society in which legitimate disagreements over law and morality seem intractable At the same time from the Rawlsian perspective he adopts Fadel reminds us that premodern Muslim jurists formulated Islamic law also under conditions of substantial controversy over matters of law and morality as well as over questions of religion politics theology and metaphysics The studies gathered together in this volume adroitly illustrate Fadel s interest in Islamic law as a domain of Islamic political thought and as a framework that might be deployed in today s pluralistic and secularized societies

The Application of Islamic Criminal Law in Pakistan Tahir Wasti, 2009 No legal system in the world has aroused as much public interest as Sharia However the discourse around Sharia law is largely focussed on its development and the theories principles and rules that inform it Less attention has been given to studying the consequences of its operation particularly in the area of Islamic criminal law Even fewer studies explore the actual practice of Islamic criminal law in contemporary societies This book aims to fill these gaps in our understanding of Sharia law in practice It deals specifically with the consequences of enforcing Islamic criminal law in Pakistan providing an in depth and critical analysis of the application of the Islamic law of Qisas and Diyat retribution and blood money in the Muslim world today The empirical evidence adduced more broadly demonstrates the complications of applying traditional Sharia in a modern state

Medieval and Modern Civil Wars, 2021-08-16 Most medieval historians have explained the civil wars in Scandinavia in the 12th and 13th centuries as internal conflicts within a predominantly national and implicitly state centered politico constitutional framework This book argues that the conflicts during this period should be viewed as less disruptive less internal and less state centered than in previous research It does so through six articles comparing the civil wars in Scandinavia with civil wars in Afghanistan and Guinea Bissau in the last decades applying theories and perspectives from anthropology and political science Finally four articles discuss civil wars in a broader perspective Contributors are Ebrahim Afsah Gerd Althoff Jenny Benham John Comaroff Hans Jacob Orning Frederik Ros n J n Vi ar Sigur sson Henrik Vigh Helle Vogt Stephen D White and yvind sterud

Culture and Dialogue Gerald Cipriani, 2013-07-16 Vol 3 No 1 of Culture and Dialogue is a Special Issue in many ways This issue marks the takeover by a new publisher Because of contractual constraints and practical reasons the decision was made to continue our journey with Cambridge Scholars Publishing whose great enthusiasm foreshadows a bright future for the journal Our words of thanks however must also go to Airiti Press without which the journal would not have seen the light of day We are indebted to Airiti Press for having invested into the launch of a new journal with all the risks entailed and for their dedicated hard work We are most grateful for this The Journal was officially launched in March 2011 and has since produced four issues all of which focusing on a particular facet of

dialogical practice within the field of culture be it philosophy art or politics Forthcoming issues will offer platforms to explore how dialogue impacts on the shaping of identity aesthetic meaning and historical significance One issue will also be devoted to how dialogue manifests itself in language This brings us to autumn 2015 after which other pressing themes will no doubt be proposed and treated In whatever case the thread remains the cultural forms of dialogue many of us know how critical ignorance about the nature of the dialogue can be in all fields at all levels Argentinian poet Antonio Porchia once wrote that To be someone is solitude Any self felt genius or world leading mortal will identify with this The solitude at stake is that of the one who fails to link with others or an Other by denying the possibility to relinquish some of him or herself In fact the true someone is never alone the true someone never leads This is the message Culture and Dialogue is striving to convey express or analyse in its various forms across the humanities the arts and the social sciences Besides the Journal has always sought when possible to preserve a certain spirit of writing in addition to academic rigour and creativity a spirit that is undeniably fading in the midst of the publish or perish ethos adopted by advanced techno capitalist systems of education in some parts of the world Vol 3 No 1 is a Special Issue devoted to the theme of religion and dialogue Cosimo Zene of the School of Oriental and African Studies of the University of London kindly accepted our invitation to be the Guest Editor and our words of thanks must first go to him Cosimo has managed to bring together a range of outstanding essays of which the Journal can only be proud To various degrees and in different ways all essays discuss dialogue and religion or show dialogue at work in religious studies We are most grateful to all the authors who generously contributed to this Special Issue and therefore to the life of the Journal in alphabetical order T H Barrett Stephen Chan Jan Peter Hartung S an Hawthorne Catherine Heszer Tullio Lobetti Theodore Proferes and Cosimo Zene Wives and Work Marion Holmes Katz, 2022-10-25 It is widely held today that classical Islamic law frees wives from any obligation to do housework Wives purported exemption from domestic labor became a talking point among Muslims responding to Orientalist stereotypes of the oppressed Muslim woman by the late nineteenth century and it has been a prominent motif in writings by Muslim feminists in the United States since the 1980s In Wives and Work Marion Holmes Katz offers a new account of debates on wives domestic labor that recasts the historical relationship between Islamic law and ethics She reconstructs a complex discussion among Sunni legal scholars of the ninth to fourteenth centuries CE and examines its wide ranging implications As early as the ninth century the prevalent doctrine that wives had no legal duty to do housework stood in conflict with what most scholars understood to be morally and religiously right Scholars efforts to resolve this tension ranged widely from drawing a clear distinction between legal claims and ethical ideals to seeking a synthesis of the two Katz positions legal discussion within a larger landscape of Islamic normative discourse emphasizing how legal models diverge from but can sometimes be informed by philosophical ethics Through the lens of wives domestic labor this book sheds new light on notions of family labor and gendered personhood as well as the interplay between legal and ethical doctrines in Islamic thought **Partisans of Allah** Ayesha

Jalal, 2009-06-30 Today more than ever jihad signifies the political opposition between Islam and the West As the line drawn between Muslims and non Muslims becomes more rigid Jalal seeks to retrieve the ethical meanings of this core Islamic principle in South Asian history Drawing on historical legal and literary sources Jalal traces the intellectual itinerary of jihad through several centuries and across the territory connecting the Middle East with South Asia

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