

Shāṭibī's Philosophy OF ISLAMIC LAW



Muhammad Khalid Masud

Shatibi's Philosophy Of Islamic Law

Carool Kersten



Shatibi's Philosophy Of Islamic Law:

Shatibi's Philosophy of Islamic Law Muhammad Khalid Masud, 1997 Talks about the work on Al Shatib and his legal philosophy *Shāṭibī's Philosophy of Islamic Law* Muhammad Khalid Masud, 1995 **Shatibi's Philosophy of Islamic Law** Muhammad Khalid Masud, 2023-12-09 A welcome contribution to the small number of English language works on Islamic legal theory and it is a work which all libraries that have an interest in Islamic Studies and cognate areas should acquire *Journal of Near Eastern Studies* 1982 Dr Masud has clearly put much thought and effort into the making of Islamic Legal Philosophy and the result is a work of which serious students of both Islamic modernism and of the history and theory of Islamic law will have to take account It is a work that must be taken into consideration in any future research into the question of *maslaha* for on this point the author shows himself capable of keen observation and insights *Bulletin of the School of Oriental and African Studies* 1979 Throughout the centuries there has been a basic question asked among Islamic jurists and Muslims Why did Allah issue the commandments that Allah did While some schools of thought such as the Ash'ari philosophers think that this is an invalid question altogether for if Allah had reasons for doing what Allah does or did then He would be caused or compelled by some outside power a theological impossibility other schools have thought have gone to the other extreme such as the Mutazilites some of who have suggested Allah had to do what is best for humanity Muhammad Khalid Masud's detailed consideration of one philosopher al Shatibi others a much more complex consideration of possible principles behind the injunctions of Islamic law *Shari'ah* Primarily this book is a consideration of the concept of *maslaha* or the good and the role it plays not only in the actual injunctions of Islamic law but also in reasoning about the law making determinations in specific cases and what extent the concept of the good of humanity can provide insights into the law Masud masterfully outlines the development of the concept of *maslaha* his treatment of al Razi being of particular importance and sets the scene of al Shatibi during a time of great social change *Shatibi's Philosophy of Islamic Law* Muhammad Khalid Mas'ud, 1973 This thesis studies Shatibi's d. 790-1388 frequently quoted yet little explored and often misunderstood concept of *maslaha* The thesis argues that Shatibi's doctrine that the protection of the *maslaha* of men is the main objective of Islamic law was a product of the grave need of his time to adapt Islamic legal theory to new social conditions Certain theological and moral considerations had limited the validity of *maslaha* as a principle of legal reasoning After an analysis of such considerations Shatibi proposed *maslaha* as the most fundamental source of Islamic law Shatibi was however reluctant to accept the logical conclusions of his argument and let his definition of *ta'abbud* be ambiguous *Sharia and Justice* Abbas Poya, 2018-05-22 Justice is considered the basic norm of human coexistence Every legal order refers to the concept of justice and Muslims also regard their religious norms the *Sharia* as offering just solutions to legal questions But is the assumption that the *Sharia* is just merely an acceptance of a status quo correct And is justice the necessary aim of the *Sharia* In this volume renowned scholars discuss these questions from different perspectives In principle the first normative source of Islam

the Qur'an orders justice and fair conduct. Rohe. At the same time an analysis of the concept of justice in the classical age of Islam. Ahmed and Poya also shows that there existed ambivalent understandings of this concept. The relationship of the idea of justice in Islam to political questions. Ende to war. Poya and to modern reform. Mir Hosseini again confirms the importance of the concept for a critical reflection on traditional assumptions and existing circumstances. The discussion on the hijab in Western countries. Ladwig shows paradigmatically how justice can regulate the relationship between the secular state and the Sharia. The essays in this volume endeavor to show that debates about justice in Islam as well express an underlying tension between the perception of an order as just on the one hand and the feeling of injustice under the same order on the other. This discussion validates the idea that justice should be understood as a concept subject to a perpetual reexamination according to changing times and circumstances.

Reconstructing Jihad amid Competing International Norms H. Rane, 2009-04-26 This book examines the Israel Palestine conflict from a constructivist perspective. It argues that in the context of international norms and identity factors a contemporary methodology for the reconstruction of jihad is essential for achievement of a just peace.

Genetic Privacy: An Evaluation Of The Ethical And Legal Landscape Terry Sheung-hung Kaan, Calvin Wai-loon Ho, 2013-07-04 Privacy is an unwieldy concept that has eluded an essentialised definition despite its centrality and importance in the body of bioethics. The compilation presented in this volume represents continuing discussions on the theme of privacy in the context of genetic information. It is intended to present a wide range of expert opinion in which the notion of privacy is examined from many perspectives in different contexts and imperatives and in different societies with the hope of advancing an understanding of privacy through the examination and critique of some of its evolving component concepts such as notions of what constitute the personal, the context of privacy, the significance and impact of the relational interests of others who may share the same genetic inheritance and mechanisms for the protection of privacy as well as of their limitations among others. More specifically the discussions in this volume encourages us to think broadly about privacy as encompassing values that are entailed in the sociality of context and of relations and also as freedom from illegitimate and excessive surveillance. A long standing question that continues to challenge us is whether genetic information should be regarded as exceptional as it is often perceived. A conclusion that could be derived from this volume is that while genetic information may be significant it is not exceptionally so. The work presented in this volume underlines the continuing and growing relevance of notions of privacy to genomic science and the need to take ownership of a genetic privacy for the future through broad rigorous and open discussion. Contributors: Alastair V Campbell, Benjamin Capps, Jacqueline JL Chin, Oi Lian Kon, Kenji Matsui, Thomas H Murray, Nazirudin Mohd Nasir, Dianne Nicol, Anh Tuan Nuyen, Onora O'Neill, Margaret Otłowski, Yvette van der Eijk, Chunshui Wang, Ross S White.

Muslim Identity Formation in Religiously Diverse Societies Derya Iner, Salih Yucel, 2015-10-28 This book centres on the key concept of diversity and relates it to the identity formation of Muslims. Muslim identity differs specifically within certain theological, social, political

and regional circumstances and discourses Considering the diversity of societies and the numerous factors contributing to the shaping of Muslim identity this book brings together examples from different parts of the world including Western societies and each chapter focuses on separate determinants of individual communal political institutional civic and national Muslim identities offering a blueprint for identity studies A particular strength of the book is its detailed investigation of the complexity of identity formation and the heterogeneity of the Muslim experience In addition to including a variety of themes and cases from different parts of the world diverse methodologies including quantitative and qualitative research methods further enrich the book The contributors academic backgrounds and organic relationships with their communities enable them to develop their arguments with insight Furthermore by giving voice to academics from different nationalities this book reflects neither a predominantly Western nor a distinctly Eastern approach but instead gives a balanced view from critical academia globally

The New Politics of Islam Naveed S. Sheikh, 2003-08-29 This timely study of Islam's international relations details both the theory of pan Islamism from classical to post caliphal times and the foreign policy practice of Saudi Arabia Iran and Pakistan from the colonial period to the present day

Islamic Democratic Discourse M. A. Muqtedar Khan, 2006-05-11 There is a growing consensus among experts and the educated public alike that democratization will reduce the many problems of the Muslim world The question that remains is how Islam should be incorporated into the public sphere Islamic Democratic Discourse is in itself a dialogue that explores the multi faceted relationship between Islam and democracy Each chapter by a preeminent scholar of the Muslim tradition and its contemporary challenges provides insight into Islamic political thought and its connection to Western democracy Tamara Sonn and Tarek Ramdan consider the elements of government in classical Islam Osman Bakar and Ali Paya provide regional studies of the search for compatibility between Islam and democracy And finally editor Muqtedar Khan and Marc Lynch are among those who offer a global perspective on the discourse on Islam and democracy Unlike many recent efforts which seek to either underscore or dispute the compatibility of Islam and democracy this eclectic collection begins a comprehensive conversation on Islam's role in the public sphere and charts a course toward an authentic Islamic theory of democracy Islamic Democratic Discourse is a crucial addition to the libraries of scholars interested in the future of Islam in the modern world

The Story of the Qur'an Ingrid Mattson, 2013-02-18 This popular introduction by a well known Islamic scholar has been updated and expanded offering a balanced portrayal of the Qur'an and its place in historic and contemporary Muslim society Features new sections on the Qur'an and its relationship to democracy science human rights and the role of women Contains expanded sections on the Qur'an in the life cycle of Muslims and in Islamic ethics and law Incorporates additional images and student features including a glossary Supported by an accompanying website available on publication hosting a range of additional material including student resources links to important websites news stories and more This title is also available as an eTextbook on the CourseSmart platform as a Wiley Desktop Edition or via your preferred eTextbook vendor eTextbooks offer convenience

enhanced electronic functionality and flexible pricing options learn more at www.wiley.com/college/wileyflex

Policing Muslim Communities Farrukh B. Hakeem, M.R. Habberfeld, Arvind Verma, 2012-05-02 In the past two decades Muslim countries across the globe have been faced with a crisis in governance Starting with a summary of Islamic Law Sharia and its implications for law enforcement this book will highlight the unique needs and challenges of law enforcement and particularly policing in these communities It will provide a scholarly exposition of Sharia law and how it is compatible or not with policing in a modern context The role and contribution of Sharia Law towards conceptualizing law enforcement in a modern context is certainly worth looking forward to especially understanding its co existence with civil law in countries with minority Muslim communities Featuring case studies from throughout the Muslim world this volume will highlight key qualities of Sharia law and Muslim culture that play a role in law enforcement including case processing community policing police administration human rights and the influence of globalization Taking a comprehensive approach this work provides a historical context for colonization events in Muslim countries and their influence on current law enforcement systems as well as providing key insights into the particular norms that make up the bases for Muslim societies and their unique needs Looking into the future it provides guidelines for how community policing can play a proactive role in law enforcement and crime prevention

Politics of the Islamic Tradition Mohammed Moussa, 2015-10-05 Over the last two centuries the Muslim world has undergone dramatic transformations impacting the Islamic tradition and throwing into question our understanding of tradition The notion of tradition as an unmoving edifice is contradicted by the very process of its transmission and the complex role human beings play in creating and sustaining traditions is evident in the indigenous mechanisms of change within the Islamic tradition Politics of the Islamic Tradition locates the work of Egyptian cleric Muhammad al Ghazali within the context of this dynamic Islamic tradition with special focus on his political thought Al Ghazali inherited a vast and diverse heritage which he managed to reinterpret in a changing world An innovative exploration of the change and continuity present within Muslim discourses this book brings together disparate threads of the Islamic tradition religious exegesis the contemporary Arab Middle East the Islamic state and idea of renewal in al Ghazali s thought As well as being one of the first complete treatments of al Ghazali s works this book provides an original critical approach to tradition and its capability for innovation and change countering the dichotomy between tradition and modernity that typically informs most scholarly studies on contemporary Islam Offering highly original insights into Islamic thought and engaging with critical notions of tradition this book is essential reading for students and scholars of Islamic Politics and History

New Directions in Islamic Thought Kari Vogt, Lena Larsen, Christian Moe, 2011-02-25 This is an important and prestigious volume showcasing leading progressive Islamic thinkers It includes new essay by controversial public intellectual and Muslim scholar Tariq Ramadan It offers strong appeal to policymakers and as well as students and scholars of religion and the Middle East How are Muslims to reconcile their beliefs with the pressures and imperatives of the modern world How

should they handle the tension between their roles as private citizens and their religious affiliations and identities This groundbreaking volume shows in what ways prominent Muslim intellectuals have themselves attempted to bridge the gap by recasting traditional Islamic notions in the light of contemporary understandings of equality justice and pluralism The contributors to the book examine the tradition that they seek to reform in relation to the human rights ethic of the modern world The new wave of Islamic thinking which they represent emerges as multi stranded rather than defined by a single trend or doctrine Themes covered include a deconstruction of patriarchal interpretations of the Qur'an the distinctions between universal and context specific parts of Islamic texts a re contextualisation of Shari'ah law and a critique of religious jurisprudence particularly where this impacts on matters of sex and gender Old texts are re interpreted through the lived situations of real people today The result is an indispensable portrayal of progressive Islamic thought in the twenty first century which will be an invaluable resource for students and scholars of religion ethics and Middle East studies *Imam Al-Shatibi's Theory of the Higher Objectives and Intents of Islamic Law* Ahmad Al-Raysuni, 2005-01-01 With the end of the early Islamic period Muslim scholars came to sense that a rift had begun to emerge between the teachings and principles of Islam and Muslims daily reality and practices The most important means by which scholars sought to restore the intimate contact between Muslims and the Qur'an was to study the objectives of Islam the causes behind Islamic legal rulings and the intentions and goals underlying the Shari'ah or Islamic Law They made it clear that every legal ruling in Islam has a function which it performs an aim which it realizes a cause be it explicit or implicit and an intention which it seeks to fulfill and all of this in order to realize benefit to human beings or to ward off harm or corruption They showed how these intentions and higher objectives might at times be contained explicitly in the texts of the Qur'an and the Sunnah while at other times scholars might bring them to light by means of independent reasoning based on their understanding of the Qur'an and the Sunnah within a framework of time and space This book represents a pioneering contribution presenting a comprehensive theory of the objectives of Islamic law in its various aspects as well as a painstaking study of objectives based thought as pioneered by the father of objectives based jurisprudence Imam Abu Ishaq al Shatibi in addition the author presents us with an important study of al Shatibi himself which offers a wealth of new beneficial information about the life thought and method of this venerable man **Contemporary Thought in the Muslim World** Carool Kersten, 2019-06-17 This book presents an intellectual history of today's Muslim world surveying contemporary Muslim thinking in its various manifestations addressing a variety of themes that impact on the lives of present day Muslims Focusing on the period from roughly the late 1960s to the first decade of the twenty first century the book is global in its approach and offers an overview of different strands of thought and trends in the development of new ideas distinguishing between traditional reactionary and progressive approaches It presents a variety of themes and issues including The continuing relevance of the legacy of traditional Islamic learning as well as the use of reason the centrality of the Qur'an the spiritual concerns of contemporary

Muslims political thought regarding secularity statehood and governance legal and ethical debates related current issues like human rights gender equality and religious plurality as well as globalization ecology and the environment bioethics and life sciences An alternative account of Islam and the Muslim world today counterbalancing narratives that emphasise politics and confrontations with the West this book is an essential resource for students and scholars of Islam **The Making of the Arab Intellectual** Dyala Hamzah,2012 In the wake of the Ottoman Empire s nineteenth century reforms as guilds waned and new professions emerged the scholarly estate underwent social differentiation Some found employment in the state s new institutions as translators teachers and editors whilst others resisted civil servant status Gradually the scholar morphed into the public writer Despite his fledgling status he catered for the public interest all the more so since new professionals such as doctors engineers and lawyers endorsed this latest social role as an integral part of their own self image This dual preoccupation with self definition and all things public is the central concern of this book Focusing on the period after the tax farming scholar took the bow and before the alienated intellectual prevailed on the contemporary Arab cultural scene it situates the making of the Arab intellectual within the dysfunctional space of competing states interests known as the Nahda Located between Empire and Colony the emerging Arab public sphere was a space of over and under regulation hindering accountability and upsetting allegiances The communities that Arab intellectuals imagined including the Pan Islamic Pan Arab and socialist sat astride many a polity and never became contained by post colonial states Examining a range of canonical and less canonical authors this interdisciplinary approach to *The Making of the Modern Arab Intellectual* will be of interest to students and scholars of the Middle East history political science comparative literature and philosophy

Religion, Social Practice, and Contested Hegemonies Armando Salvatore,2005-06-03 This collection of essays examines how modern public spheres reflect and mask often both simultaneously discourses of order contests for hegemony and techniques of power in the Muslim world It builds on scholarship that re imagines theories and practices of the public in modern and contemporary societies While examining disparate time periods and locations each contributor views modern and contemporary public spheres as crucial to the functioning and understanding of political and societal power in Muslim majority countries **The Shari'a** Amyn Sajoo,2018-03-30 2019 Choice Outstanding Academic title I B Tauris in association with the Institute of Ismaili Studies Why is the term shari'a the mention of which conjures up images of a politicised religion in many parts of the world understood in the ways that it is today For Muslims and non Muslims alike much is read into this term often with scant regard for its historical cultural or theological underpinnings The politics of identity has a profound effect on contemporary life both secular and religious and this includes our understandings of the shari'a Yet at the core of this concept for Muslims is the quest for a moral compass by which to navigate a path through life Qur'an 45:18 informed deeply by revelation and its interpretation by the Prophet Muhammad as well as his closest Companions Built on this foundation is an ongoing human endeavour to grasp and lend expression to that teaching elaborately in law but no less so in

devotional ethical and customary practices in diverse Shi'i and Sunni Muslim communities including in the West Popular myths about the shari'a that it is divine law that it is contained in a single code recognised by all Muslims that it is about controlling behavior that it defines Islam are challenged in this volume by leading scholars with a view to illuminating how we arrived here and where we might be headed The claims of the modern state as the custodian of the shari'a are put into perspective alongside the vital role of a pluralist civil society From bioethics human development family law and finance to constitutional and human rights issues this fifth volume in the Muslim Heritage Series offers an accessible account of the ideals and realities of the shari'a As such it will appeal not only to specialists in the humanities and social sciences but also to the general reader with an interest in global affairs and informed citizenship

Shari'a As Discourse Lisbet Christoffersen, Jørgen S. Nielsen, 2016-04-01 This volume exposes some of the various issues raised in relation to Muslim communities in Europe by putting the intellectual and legal traditions into dialogue It brings together a number of scholars of Shari'a and Islamic law with counterparts from the parallel European disciplines of hermeneutics philosophy and jurisprudence to explore how the processes of theological legal thinking have been expressed and are being expressed in a more or less common intellectual framework It provides a valuable reference for all those interested in exploring how Muslims and non Muslims view Shari'a law looking at ways the European legal systems can provide some form of accommodation with Muslim customs

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