

Rebellion & Violence in
**ISLAMIC
LAW**

Khaled Abou El Fadl



Rebellion And Violence In Islamic Law

Omar Mekky



Rebellion And Violence In Islamic Law:

Rebellion and Violence in Islamic Law Khaled Abou El Fadl, 2001-11-01 Khaled Abou El Fadl's book represents the first systematic examination of the idea and treatment of political resistance and rebellion in Islamic law. Pre-modern jurists produced an extensive and sophisticated discourse on the legality of rebellion and the treatment due to rebels under Islamic law. The book examines the emergence and development of these discourses from the eighth to the fifteenth centuries and considers juristic responses to the various terror-inducing strategies employed by rebels including assassination, stealth attacks, and rape. The study demonstrates how Muslim jurists went about restructuring several competing doctrinal sources in order to construct a highly technical discourse on rebellion. Indeed, many of these rulings may have a profound influence on contemporary practices. This is an important and challenging book which sheds light on the complexities of Islamic law and pre-modern attitudes to dissidence and rebellion.

War and Law in the Islamic World Matthias Vanhullebusch, 2015-06-05 A three-part investigation on the origins and evolving roles that Islamic law and international humanitarian law have played in regulating conflict and violence. *War and Law in the Islamic World* brings to light legal and policy complexities that plague modern-day armed conflict in the region.

Routledge Handbook of Islamic Law Khaled Abou El Fadl, Ahmad Atif Ahmad, Said Fares Hassan, 2019-05-10 This handbook is a detailed reference source comprising original articles covering the origins, history, theory, and practice of Islamic law. The handbook starts out by dealing with the question of what type of law is Islamic law and includes a critical analysis of the pedagogical approaches to studying and analysing Islamic law as a discipline. The handbook covers a broad range of issues including the role of ethics in Islamic jurisprudence, the mechanics and processes of interpretation, the purposes and objectives of Islamic law, constitutional law, and secularism, gender, bioethics, Muslim minorities in the West, jihad, and terrorism. Previous publications on this topic have approached Islamic law from a variety of disciplinary and pedagogical perspectives. One of the original features of this handbook is that it treats Islamic law as a legal discipline by taking into account the historical functions and processes of legal cultures and the patterns of legal thought. With contributions from a selection of highly regarded and leading scholars in this field, the *Routledge Handbook of Islamic Law* is an essential resource for students and scholars who are interested in the field of Islamic Law.

Islamic Public Law - Islamic Law in Theory and Practice Ahmed Akgunduz, 2011-11-01 Islamic law contains explications and divisions that imply a classification in terms of public and private law. In this book, we will explain the outlines of Islamic public law, e.g. First Chapter: Islamic constitutional law *al-siyasah al-shariyyah* and administrative law *al-siyasah al-shariyyah*. Second Chapter: penal law *al-uqub*. Third Chapter: financial law *zakat*, *ushr*, *arj*, and other taxes. Fourth Chapter: trial law *qa* and Fifth Chapter: international public law *al-siyar*. The fields of especially Islamic constitutional law, administrative law, financial law, *ta'zir* penalties, and arrangements concerning military law based on the restricted legislative authority vested by *Shari'ah* rules and those jurisprudential decrees based on secondary sources like

customs and traditions and the public good *maslahah* all fell under what was variously called public law *al siy saḥ al shar'iyyah* Shar'ah policy *q n n* legal code *q n nn* *mah orf uq q* etc Since these laws could not go beyond Shar'ah principles either at least in theory they should not be regarded as a legal system outside of Islamic law But Islamic penal law financial law trial law and international law depend mostly on rules that are based directly on the Qur'an and the Sunnah and codified in books of *fiqh* Islamic law called Shar'ah rules Shar'i shar'f or Shar'ah law Such rules formed 85% of the legal system In this book we will focus on some controversial problems in the Muslim world today such as the form of government in Islamic law and the relation between Islam and democracy Islamic law does not stipulate a certain method of state government nonetheless we may say that the principles it decrees and its concept of sovereignty suggest a religious republic As a matter of fact *ulaf al R shid n* the Rightly Guided Caliphs were both caliphs and religious republican presidents We could say that this book has three main characteristics i We have tried to base our explanations directly on the primary Islamic law sources For example after reading some articles on the caliphate or *t m r* system in articles or books by some Western scholars and even by some Muslim scholars one might conclude that there are different views on these subjects among Muslim scholars This is not true Muslims have agreed on the basic rules on legal subjects but there are some conflicts regarding nuances and interpretations If one reads works by *Im m Gazzali Ibn Taymiyyah al M wardi* and *al Farr* one will not find any disagreement on the main rules but there are some different interpretations of some concepts We have tried to discover where they agreed and we have sometimes pointed to where they differed ii We have researched practices of Islamic law especially legal documents in the Ottoman archives For example we explain *add i sariqa* but also mention some legal articles from the Ottoman legal codes *q nunn mes* and some Shar'ah court decisions like legal decrees *i l m t i shar'iyyah* It is well known that nobody can understand any legal system without implementing and practicing it That also holds for Islamic law because theory alone does not yield a complete understanding of Shar'ah rules iii We have worked hard to correct some misconceptions and misunderstandings about Islamic law That is why we appeal to the primary sources For example some scholars claim that the *anaf* jurist *Im m Sara s* did not accept the idea of punishment for apostasy We have studied his work *al Mabs t* and found this claim to be unfounded The comparison between *t m r* and *fief* is another example because the *t m r* system is different from the *fief* system Some scholars confuse the concept of sovereignty and governance The Islamic state is not a theocratic state in the sense in which Europeans understand the term *Islamic Jihadism and the Laws of War* Omar Mekky, 2023-07-21 The rapid rise of global Islamic Jihadism in the past few decades and the limited success of the anti terror campaign in halting its expansion have raised hard hitting questions about how different political actors might preserve and restore the world's peace and security Since the end of the Second World War international law has often been the chief instrument employed to address global conundrums of this kind Nevertheless international law alone cannot solve this problem Jihadist groups often cite Islamic law argumentations to justify their combat related actions against states while rejecting traditional international

law rules On the other hand some states themselves ignore traditional international law rules to apply their so called counterterrorism measures The internationally recognized laws of war created to protect those who do not participate in hostilities are constantly challenged by jihadist groups and responding states in justification of their combat actions In Islamic Jihadism and the Laws of War Dr Omar Mekky explores both sides legal frameworks synthesising findings from both English and Arabic sources Drawing from the author s field expertise as a legal advisor in the Middle East and North Africa the book narrates how Islamic Jihadism began and evolved outlines the laws jihadists apply during combat addresses how states often react in their fights against jihadist groups and aims for a pragmatic humanitarian legal formula An essential resource for legal professionals policymakers academics and students Mekky s book initiates a constructive dialogue between international law and Islamic law *Islamic Criminal Law: Oxford Bibliographies Online Research Guide* Christie S. Warren,2010-05 This ebook is a selective guide designed to help scholars and students of Islamic studies find reliable sources of information by directing them to the best available scholarly materials in whatever form or format they appear from books chapters and journal articles to online archives electronic data sets and blogs Written by a leading international authority on the subject the ebook provides bibliographic information supported by direct recommendations about which sources to consult and editorial commentary to make it clear how the cited sources are interrelated related A reader will discover for instance the most reliable introductions and overviews to the topic and the most important publications on various areas of scholarly interest within this topic In Islamic studies as in other disciplines researchers at all levels are drowning in potentially useful scholarly information and this guide has been created as a tool for cutting through that material to find the exact source you need This ebook is a static version of an article from Oxford Bibliographies Online Islamic Studies a dynamic continuously updated online resource designed to provide authoritative guidance through scholarship and other materials relevant to the study of the Islamic religion and Muslim cultures Oxford Bibliographies Online covers most subject disciplines within the social science and humanities for more information visit www.oxfordbibliographies.com *International Law and Islam* Ignacio de la Rasilla del Moral,Ayesha Shahid,2018-12-10 International Law and Islam Historical Explorations offers a unique opportunity to examine the Islamic contribution to the development of international law in historical perspective The role of Islam in its various intellectual political and legal manifestations within the history of international law is part of the exciting intellectual renovation of international and global legal history in the dawn of the twenty first century The present volume is an invitation to engage with this thriving development after generations of prejudiced writing regarding the notable contribution of Islam to international law and its history *The Islamic Law of War* A. Al-Dawoody,2011-03-28 Al Dawoody examines the justifications and regulations for going to war in both international and domestic armed conflicts under Islamic law He studies the various kinds of use of force by both state and non state actors in order to determine the nature of the Islamic law of war *Religious Pluralism and Islamic Law* Anver M. Emon,2012-07-26 The question of

tolerance and Islam is not a new one Polemicists are certain that Islam is not a tolerant religion As evidence they point to the rules governing the treatment of non Muslim permanent residents in Muslim lands namely the dhimmi rules that are at the center of this study These rules when read in isolation are certainly discriminatory in nature They legitimate discriminatory treatment on grounds of what could be said to be religious faith and religious difference The dhimmi rules are often invoked as proof positive of the inherent intolerance of the Islamic faith and thereby of any believing Muslim toward the non Muslim This book addresses the problem of the concept of tolerance for understanding the significance of the dhimmi rules that governed and regulated non Muslim permanent residents in Islamic lands In doing so it suggests that the Islamic legal treatment of non Muslims is symptomatic of the more general challenge of governing a diverse polity Far from being constitutive of an Islamic ethos the dhimmi rules raise important thematic questions about Rule of Law governance and how the pursuit of pluralism through the institutions of law and governance is a messy business As argued throughout this book an inescapable and all too often painful bottom line in the pursuit of pluralism is that it requires impositions and limitations on freedoms that are considered central and fundamental to an individual s well being but which must be limited for some people in some circumstances for reasons extending well beyond the claims of a given individual A comparison to recent cases from the United States United Kingdom and the European Court of Human Rights reveals that however different and distant premodern Islamic and modern democratic societies may be in terms of time space and values legal systems face similar challenges when governing a populace in which minority and majority groups diverge on the meaning and implication of values deemed fundamental to a particular polity

The Shari'a and Islamic Criminal Justice in Time of War and Peace M. Cherif Bassiouni, 2014 Shows that the shari a and Islamic law are compatible with contemporary international human rights laws and norms and appropriate for use in Muslim societies

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