



THE ORIGINS OF ISLAMIC LAW

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WASHINGTON, D.C.

WORLD JOURNAL

Origins Of Islamic Law

Yasin Dutton



Origins Of Islamic Law:

A History of Islamic Law N. J. Coulson, 2011 The classic introduction to Islamic law tracing its development from its origins through the medieval period to its place in modern Islam *The Origins of Islamic Law* Yasin Dutton, 2013-09-05 If the Qur'an is the first written formulation of Islam in general Malik's Muwatta is arguably the first written formulation of the Islam in practice that becomes Islamic law This book considers the methods used by Malik in the Muwatta to derive the judgements of the law from the Qur'an and is thus concerned on one level with the finer details of Qur'anic interpretation However since any discussion of the Qur'an in this context must also include considerations of the other main source of Islamic law namely the sunna or normative practice of the Prophet this latter concept especially its relationship to the terms of hadith and amal traditions and living tradition also receives considerable attention and in many respects this book is more about the history and development of Islamic law than it is about the science of Qur'anic interpretation This is the first book to question the hitherto accepted frameworks of both the classical Muslim view and the current revisionist western view on the development of Islamic law It is also the first study in a European language to deal specifically with the early development of the Madinan later Malik school of jurisprudence as it is also the first to demonstrate in detail the various methods used both linguistic and otherwise in interpreting the legal verses of the Qur'an It will be of interest to all those interested in the underlying bases of Islamic law and culture and of particular interest to those involved in studying and teaching Islamic studies both at undergraduate and research level It will also be of interest to those studying the relationship between orality and literacy in ancient societies and the writing down of ancient law *The Origins and Evolution of Islamic Law* Wael B. Hallaq, 2005 Long before the rise of Islam in the early seventh century Arabia had come to form an integral part of the Near East This book covering more than three centuries of legal history presents an important account of how Islam developed its own law while drawing on ancient Near Eastern legal cultures Arabian customary law and Quranic reforms The development of the judiciary legal reasoning and legal authority during the first century is discussed in detail as is the dramatic rise of prophetic authority the crystallization of legal theory and the formation of the all important legal schools Finally the book explores the interplay between law and politics explaining how the jurists and the ruling elite led a symbiotic existence that seemingly paradoxically allowed Islamic law and its application to be uniquely independent of the state

Between God and the Sultan Knut S. Vikør, 2005 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 Vikør 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 *The Origins of Islamic Law* Yasin Dutton,1999 **History of Islamic Law** Noel Coulson,2014-03-11 The classic introduction to Islamic law tracing its development from its origins through the medieval period to its place in modern Islam **A History of Islamic Law** Noel J. Coulson,1946 *Origin and Development of Islamic Law* Majid Khadduri,Herbert J. Liebesny,2008 The American profession should welcome this exhaustive and authentic work edited by two scholars who are authorities on the law of Islam and also students of the law of the United States These editors have enlisted leading authorities on special subjects and have presented the whole in a manner that should appeal to American interest and understanding Dr Khadduri and Dr Liebesny are entitled to our thanks and to our congratulations It is to be hoped that Law in the Middle East will be widely read and pondered by the American legal profession and all who believe understanding begets good will *The Origins of Islamic Law* Yasin Dutton,2017-12-24 This book is about the application of the Quran as law It considers the methods used by Malik in his Muwatta to derive judgements from the Quran and is thus concerned on one level with the finer details of Quranic interpretation However since any discussion of the Quran in the context of the Muwatta must necessarily include consideration of the terms Sunnah hadith ijtiha and amal these terms or at least the concepts behind them also receive considerable attention Indeed the argument of this book has more bearing on the history and development of Islamic law of which the above terms are the expression than on the science of Quranic interpretation This study is an attempt to go back before the time of As Shaafi and reconstruct a picture of how the most ancient of the ancient schools i e that of Madina approached the question of applying the Quran as law This study divides naturally into three parts The first gives the general contextual background o Madina which is essential if one is to place Malik and his muwatta in their proper Madinan setting Part two concerns the more specifically Quranic element in the muwatta Part three is in the nature of a conclusory section where the commonly accepted axiom that Islamic law is based on the two fold source of Quran and sunnah is re examined in the light of the preceding chapters

The Origins of Islamic Jurisprudence Harald Motzki,2021-10-01 The current view among Western scholars of Islam concerning the early development of Islamic jurisprudence was shaped by Joseph Schacht s famous study on the subject published 50 years ago Since then new sources became available which make a critical review of his theories possible and desirable This volume uses one of these sources to reconstruct the development of jurisprudence at Mecca virtually unknown until now from the beginnings until the middle of the second Islamic century New methods of analysis are developed and tested in order to date the material contained in the earliest compilations of legal traditions more properly As a result the origins of Islamic jurisprudence can be dated much earlier than claimed by Schacht and his school **An Introduction to**

Islamic Law Wael B. Hallaq, 2009-07-09 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 **The Origins and Evolution of Islamic Law** ,2005 Covering more than three centuries of legal history this study presents an important account of how Islam developed its own law from ancient Near Eastern legal cultures Arabian customary law and Quranic reform The book explores the interplay between law and politics demonstrating how the jurists and ruling elite led a symbiotic existence that paradoxically allowed Islamic law to become uniquely independent of the state **History of Islamic Law** ,2013 **Islamic Legal Philosophy and the Qur'anic Origins of Islamic Law (a Legal Historical Approach)** Syed Habibul Haq Nadvi,1988 **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 [A History of Islamic Legal Theories](#) Wael B. Hallaq,1997 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 Formation of Islamic Law** Wael B. Hallaq, 2016-12-05

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 **The Beginnings**

of Islamic Law Lena Salaymeh, 2016-11-14 The Beginnings of Islamic Law is a major and innovative contribution to our understanding of the historical unfolding of Islamic law Scrutinizing its historical contexts the book proposes that Islamic law is a continuous intermingling of innovation and tradition Salaymeh challenges the embedded assumptions in conventional Islamic legal historiography by developing a critical approach to the study of both Islamic and Jewish legal history Through case studies of the treatment of war prisoners circumcision and wife initiated divorce she examines how Muslim jurists incorporated and transformed Near Eastern legal traditions She also demonstrates how socio political and historical situations shaped the everyday practice of law legal education and the organization of the legal profession in the late antique and medieval eras Aimed at scholars and students interested in Islamic history Islamic law and the relationship between Jewish and Islamic legal traditions this book s interdisciplinary approach provides accessible explanations and translations of complex materials and ideas Method and Theory in the Study of Islamic Origins Herbert Berg, 2003-08-01 This volume

deals with the methodological and theoretical issues of the study of Islamic origins Each of the twelve articles examines a different aspect of Islamic origins early Islamic history including the life of the Prophet the Sunna and ad th tafs r and the Qur n and the rise of Islamic law Both sceptical or revisionist scholars and sanguine or traditionalist scholars examine and employ the various contemporary theories on the development of Islam in the first 3 centuries A H In so doing they seek to exemplify the sources and methodologies used to support these theories and to discuss their relative merits Roman,

Provincial and Islamic Law Patricia Crone, 2002-07-18 This book tests the hypothesis that Roman law was a formative

influence on Islamic law

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