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An Introduction to Islamic Law

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Islamic Natural Law Theories

Early Islamic Legal Theory

*Theories Of
Islamic Law
The
Methodology
Of Ijtihā*

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Law* University of Georgia
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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.

The Zāhirī Madhhab (3rd/9th-10th/16th Century) International Institute of Islamic Thought (IIIT)

This book explores the relationship between custom and Islamic law and seeks to uncover the role of custom in the construction of legal rulings. On a deeper level, however, it deals with the perennial problem of change and continuity in the Islamic legal tradition (or any tradition for that matter).

The Economy of Certainty
Oxford University Press,
USA

The classic introduction to Islamic law, tracing its development from its origins, through the

medieval period, to its place in modern Islam. Structural Interrelations of Theory and Practice in Islamic Law IUR Press Islamic law is one of the major legal systems in the world today, yet it is often misunderstood, particularly in the West. This book provides a critical overview of the theory, scope, and practice of Islamic law, taking into account both classical and modern scholarly perspectives in examining the various facets of this key legal system.

Sharī'a BRILL This book is an analysis of the legal theories of two classical Sh Muslim writers: one an Akhb r, the other an Us li. It provides insight, not only into Islamic jurisprudence, but also the Akhb r -Us li conflict in Twelver Sh sm. State Law as Islamic Law in Modern Egypt BRILL This volume contains ground-breaking studies on such matters as the early development of legal theory in Islam, the emergence of "us l al-fiqh," theory vis-a-vis practice, various

controversies among Muslim theorists, the construction of juristic authority, reformist concepts, and the role of "qaw cid."

Custom in Islamic Law and Legal Theory Cambridge University Press

In this reading of Islamic legal hermeneutics, Robert Gleave explores various competing notions of literal meaning, linked to both theological doctrine and historical developments, together with insights from modern semantic and pragmatic

philosophers. Literal meaning is what a text means in itself, regardless of what its author intends to convey or the reader understands to be its message. As Islamic law is based on the central texts of Islam, the idea of a literal meaning that rules over human attempts to understand God's message has resulted in a series of debates amongst modern Muslim legal theorists.

Custom in Islamic Law and Legal Theory Office

OIS Chi

This book offers a

comprehensive reinterpretation of Shafi's "Risala" and shows how Shafi sought to formulate an all-embracing hermeneutic that portrays the law as a tightly interlocking structure organized around defined interactions of the Qur'an and the Sunna.

Theories of Islamic Law

Edinburgh University Press

This text deals with the theory and practice of Islamic law in both the formative classic and modern periods and over a range of societies. It is

divided into four sections dealing with: legal theory; fatwas and muftis in classical Islamic law; the position of religious minorities under Islamic law, and modern developments in Islamic law. In addition to exploring the tension between theory and practice, the book focuses on the role of ijtihad in both Sunni and Shi'i fiqh and in collections of fatwa, and looks at the relationship between judicial practice and positive law.

The sources of Islamic law

: Islamic theories of abrogation Edinburgh University Press
 Islamic law never achieved unity but developed into five surviving schools, which, when first established, were in competition with one another. This scholarly book is the first to examine critically the differing Islamic theories of abrogation (or Naskh) upon which each school based its claim to be the correct interpretation.
Theories of Islamic Law
 BRILL
 Wael Hallaq's magisterial

overview of Shari'a examines the doctrines and practices of Islamic law from the seventh century to the present. In a compelling narrative, the author unravels the complexities of his subject to reveal a deep knowledge of the law which will engage and challenge both student and scholar.
Islamic Law I.B. Tauris
 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.

Islam and Literalism BRILL
This book offers the first sustained jurisprudential inquiry into Islamic natural law theory. It introduces readers to competing theories of Islamic natural law theory

based on close readings of Islamic legal sources from as early as the 9th and 10th centuries CE. In popular debates about Islamic law, modern Muslims perpetuate an image of Islamic law as legislated by God, to whom the devout are bound to obey. Reason alone cannot obligate obedience; at most it can confirm or corroborate what is established by source texts endowed with divine authority. This book shows, however, that premodern Sunni Muslim jurists were not so

resolute. Instead, they asked whether and how reason alone can be the basis for asserting the good and the bad, thereby justifying obligations and prohibitions under Shari'a. They theorized about the authority of reason amidst competing theologies of God. For premodern Sunni Muslim jurists, nature became the link between the divine will and human reason. Nature is the product of God's purposeful creation for the benefit of humanity. Since nature is created by

God and thereby reflects His goodness, nature is fused with both fact and value. Consequently, as a divinely created good, nature can be investigated to reach both empirical and normative conclusions about the good and bad. They disagreed, however, whether nature's goodness is contingent upon a theology of God's justice or God's potentially contingent grace upon humanity, thus contributing to different theories of natural law. By recasting

the Islamic legal tradition in terms of legal philosophy, the book sheds substantial light on an uncharted tradition of natural law theory and offers critical insights into contemporary global debates about Islamic law and reform.

Child Custody in Islamic Law Edinburgh University Press

This book considers the rarely studied but pervasive concepts of doubt that medieval Muslim jurists used to resolve problematic criminal cases.

[A History of Islamic Legal Theories](#) OUP Oxford
This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete

introduction.

Islamic Law in Theory

BRILL

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.

Early Islamic Legal Theory

Cambridge University Press

Aron Zysow's 1984 Ph.D. dissertation, "The Economy of Certainty," remains the most important, compelling, and intellectually ambitious treatment of Islamic legal theory (usul al-fiqh) in Western scholarship to date. It continues to be widely read and cited, and remains unsurpassed in its incisive analysis of the most fundamental assumptions of Islamic legal thought. Zysow argues that the great

dividing line in Islamic legal thought is between those legal theories that require certainty in every detail of the law and those that will admit probability. The latter were historically dominant and include the leading legal schools that have survived to our own day. Zahirism and, for much of its history, Twelver Shi'ism, are examples of the former. The well-known dispute regarding the legitimacy of juridical analogy is only one feature of this fundamental

epistemological division, since probability can enter the law in the process of authenticating prophetic traditions and in the interpretation of the revealed texts, as well as through analogy. The notion of consensus in Islamic legal theory functioned to reintroduce some measure of certainty into the law by identifying one of the competing probable solutions as correct. Consequently consensus has only a reduced role, if any, in those systems that reject probability.

Another, more radical, means of regaining certainty was the doctrine that regarded the legal reasoning of all qualified jurists on matters of probability as infallible. The development of legal theories of both types, that of Zahirism no less than that of Hanafism, was to a large extent shaped by theology and, most significantly, by Mu'tazilism, and subsequently by Ash'arism and Maturidism. Zysow's important work is published here in full, for the first time, with

updated references and some further reflections by the author.

Theories of Islamic Law

BRILL

This book explores the relationship between custom and Islamic law and seeks to uncover the role of custom in the construction of legal rulings. On a deeper level, however, it deals with the perennial problem of change and continuity in the Islamic legal tradition (or any tradition for that matter).

Islamic Law McFarland
This book presents usul

al-fiqh, or Islamic legal theory, as comprising three major theories or methodologies. Each had a distinct function to perform in the development of Islamic law. The first theory is shown to be based on the operation of general principles and the analytical method, the methodology of the second incorporates strict interpretation and analogy, while the third theory is based on the purposes of the Islamic shari'ah. Islamic legal theory is presented here

in a manner that reflects the traditional approach, but takes into account the needs of the modern lawyer, judge and scholar. *Islamic Legal Theory* Oxford University Press
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,

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