

Legal Maxims In Islamic Criminal Law Theory And Applications Brills Arab And Islamic Laws

In Coercion and Responsibility in Islam, Mairaj Syed explores how classical Muslim theologians and jurists from four intellectual traditions argue about the thorny issues that coercion raises about responsibility for one's action. This is done by assessing four ethical problems: whether the absence of coercion or compulsion is a condition for moral agency; how the law ought to define what is coercive; coercion's effect on the legal validity of speech acts; and its effects on moral and legal responsibility in the cases of rape and murder. Through a comparative and historical examination of these ethical problems, the book demonstrates the usefulness of a new model for analyzing ethical thought produced by intellectuals working within traditions in a competitive pluralistic environment. The book compares classical Muslim thought on coercion with that of modern Western thinkers on these issues and finds significant parallels between them. The finding suggests that a fruitful starting point for comparative ethical inquiry, especially inquiry aimed at the discovery of common ground for ethical action, may be found in an examination of how ethicists from different traditions considered concrete problems.

Debunking conventional narratives, Faiz Ahmed presents a vibrant account of the first Muslim-majority country to gain independence, codify its own laws, and

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ratify a constitution after the fall of the Ottoman Empire. Afghanistan, he shows, attracted thinkers eager to craft a modern state within the interpretive traditions of Islamic law and ethics.

Legal Maxims in Islamic Criminal Law: Theory and Applications BRILL

This pioneering research brings into focus the Islamic contribution and influence in the development of the modern law of the sea.

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.

The role of women in Islamic societies, not to mention in the religion itself, is a defining issue. It is also one that remains resistant to universal dogma, with a wide range of responses to women's social roles across the Islamic world. Reflecting this heterogeneity, the editor of this volume has assembled the latest research on the issue, which combines contemporary with historical data. The

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material comes from around the world as well as from Muslim and non-Muslim researchers. It takes in work from majority Muslim nations such as Bangladesh, Iran, Iraq, Lebanon, Pakistan, Palestine, Tunisia and Turkey, as well as countries with troubled interfaith relations such as India and Israel. Nations with minority Muslim populations such as France, the UK, Canada and Australia, are also represented. The work also features varying Islamic sub-groups such as the two main ones, Sunni and Shi'a, as well as less well known populations such as the Ismaili Muslims. In each case, the work is underpinned by the very latest socio-theological insights and empirical data.

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

In *Crime and Punishment in Islamic Law: A Fresh Interpretation*, Mohammad Kamali considers problems associated with and proposals for reform of the hudud punishments prescribed by Islamic criminal law, and other topics related to crime and punishment in Shariah. He examines what the Qur'an and hadith say about hudud punishments, as well as just retaliation (qisas), and discretionary punishments (ta'zir), and looks at modern-day applications of Islamic criminal law in 15 Muslim countries. Particular attention is given to developments in Malaysia, a multi-religious society, federal state, and self-described democracy, where a lively debate about hudud has been on-going for

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the last three decades. Malaysia presents a particularly interesting case study of how a reasonably successful country with a market economy, high levels of exposure to the outside world, and a credible claim to inclusivity, deals with Islamic and Shariah-related issues. Kamali concludes that there is a significant gap between the theory and practice of hudud in the scriptural sources of Shariah and the scholastic articulations of jurisprudence of the various schools of Islamic law, arguing that literalism has led to such rigidity as to make Islamic criminal law effectively a dead letter. His goal is to provide a fresh reading of the sources of Shariah and demonstrate how the Qur'an and Sunnah can show the way forward to needed reforms of Islamic criminal law.

No topic has captured the public imagination of late quite so dramatically as the specter of global jihadism. While much has been said about the way jihadists behave, their ideology remains poorly understood. As the Levant has imploded and millenarian radicals claim to have revived a Caliphate based on the teachings of the Prophet Mohammed, the need for a nuanced and accurate understanding of jihadist beliefs has never been greater. Shiraz Maher charts the intellectual underpinnings of salafi-jihadism from its origins in the mountains of the Hindu Kush to the jihadist insurgencies of the 1990s and the 9/11 wars. What

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emerges is the story of a pragmatic but resilient warrior doctrine that often struggles - as so many utopian ideologies do - to consolidate the idealism of theory with the reality of practice. His groundbreaking introduction to salafi-jihadism recalibrates our understanding of the ideas underpinning one of the most destructive political philosophies of our time by assessing classical works from Islamic antiquity alongside those of contemporary ideologues. Packed with refreshing and provocative insights, Maher explains how war and insecurity engendered one of the most significant socio-religious movements of the modern era.

Islam and International Law explores the multifaceted relationship of Islam and international law. Current debates on Sharia, Islam and the "West" often suffer from prejudice and platitudes. The book seeks to engage such self-centrism by providing a plurality of perspectives, both in terms of interdisciplinary research and geographic backgrounds.

The American Journal of Islamic Social Sciences (AJISS), established in 1984, is a quarterly, double blind peer-reviewed and interdisciplinary journal, published by the International Institute of Islamic Thought (IIIT), and distributed worldwide. The journal showcases a wide variety of scholarly research on all facets of Islam and the Muslim world including subjects such as anthropology, history, philosophy

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and metaphysics, politics, psychology, religious law, and traditional Islam.

For the first time, the author has explored the intertwinement of written law, Islamic law, and customary law in the highly complex Afghan society, being deeply influenced by traditional cultural and religious convictions. Given these facts, the author explores how to bridge the exigencies of a human rights-driven penal law and conflicting social norms and understandings by using the rich tradition of Islamic law and its possible openness for contemporary rule of law standards. This work is based on ample field research in connection with a thorough analysis of the normative contexts. It is a landmark, since it offers broadly acceptable and thus feasible solutions for the Afghan legal practice. The book is of equal interest for scientists and practitioners interested in legal, religious, social, and political developments concerning human rights and regional traditions in the MENA region, in Afghanistan in particular.

Provides a close analysis of the Aqila, a group collectively liable for blood money payments, in Islamic law and history.

This book, though not intended as a supplement, is a small scale updated version to the earlier work viz., Words, Phrases & Maxims - Legally & Judicially Defined , a 20 volume work compiled by Dr. Anandan. The Current work is, however, handier and

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could easily be carried and made reference to by the law lecturers and the students alike. It comprises most up-to-date and important Latin legal maxims and phrases as used by the Malaysian Courts.

Legal foundations : victim's rights and retribution -- Codifying mercy : judicial reform, affective process, and judge's knowledge -- Seeking reconciliation : sentimental reasoning and reconciled duties -- Judicial forbearance advocacy : motivations, potentialities, and the interstices of time -- Forgiveness sanctioned : affective faith in healing -- Mediating Mercy : the affective lifeworlds of forgiveness activists -- The art of forgiveness -- Cause lawyers : advocating mercy's law. From a Christian, Greek- and Armenian-speaking land to a predominantly Muslim and Turkish speaking one, the Islamisation of medieval Anatolia would lay the groundwork for the emergence of the Ottoman Empire as a world power and ultimately the modern Republic of Turkey. Bringing together previously unpublished sources in Arabic, Persian and Turkish, Peacock offers a new understanding of the crucial but neglected period in Anatolian history, that of Mongol domination, between c. 1240 and 1380. This represents a decisive phase in the process of Islamisation, with the popularisation of Sufism and the development of new forms of literature to spread Islam. This book integrates the study of Anatolia with that of the broader Islamic world, shedding new light on this crucial turning point in the history of the Middle East.

This study analyses the legal maxims from a conceptual and historical point of view and gives a broad overview of the application of legal maxims in substantive law manuals as well as some other sub-genres.

Using contemporary illustrations, Legal Maxims in Islamic Criminal Law delves into the theoretical and practical studies

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of al-Qawaid al-Fiqhiyyah in Islamic legal theory. It elucidates the importance of this concept in the application of Islamic law and demonstrates how the concept relates to the objectives of Islamic law (maq??id al-Shar?'ah), generally.

An innovative exploration of the local histories of the Persianate world and its preoccupation with identity, authority, and legitimacy.

Examines a complex global legal problem to demonstrate a compelling method for comparative legal, cultural, and social understanding.

How does materiality matter to legal scholarship? What can affect studies offer to legal scholars? What are the connections among visual studies, art history, and the knowledge and experience of law? What can the disciplines of book history, digital humanities, performance studies, disability studies, and post-colonial studies contribute to contemporary and historical understandings of law? These are only some of the important questions addressed in this wide-ranging collection of law and humanities scholarship. Collecting 45 new essays by leading international scholars, The Oxford Handbook of Law and Humanities showcases the work of law and humanities across disciplines, addressing methods, concepts and themes, genres, and areas of the law. The essays explore under-researched domains such as comics, videos, police files, form contracts, and paratexts, and shed new light on traditional topics, such as free speech, intellectual property, international law, indigenous peoples, immigration, evidence, and human rights. The Handbook provides an exciting new agenda for scholarship in law and humanities, and will be essential reading for anyone interested in the intersections of law and humanistic inquiry. Recent events such as 'Iran's Green Revolution' and the 'Arab Uprisings' have exploded notions that human rights are irrelevant to Middle Eastern and North African politics.

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Increasingly seen as a global concern, human rights are at the fulcrum of the region's on-the-ground politics, transnational intellectual debates, and global political intersections. The Routledge Handbook on Human Rights and the Middle East and North Africa: emphasises the need to consider human rights in all their dimensions, rather than solely focusing on the political dimension, in order to understand the structural reasons behind the persistence of human rights violations; explores the various frameworks in which to consider human rights—conceptual, political and transnational/international; discusses issue areas subject to particularly intense debate—gender, religion, sexuality, transitions and accountability; contains contributions from perspectives that span from global theory to grassroots reflections, emphasising the need for academic work on human rights to seriously engage with the thoughts and practices of those working on the ground. A multidisciplinary approach from scholars with a wide range of expertise allows the book to capture the complex dynamics by which human rights have had, or could have, an impact on Middle Eastern and North African politics. This book will therefore be a key resource for students and scholars of Middle Eastern and North African politics and society, as well as anyone with a concern for Human Rights across the globe.

"Contemporary Muslims face the challenge of how can a legal system that was formulated in the classical period of Islam respond to the multitudinous challenges that present-day Muslims encounter? Is there a need for reformation in Islam? If so, where should it begin and in which direction should it proceed? Addressing this gap in Western scholarship, and contributing to the ongoing debate in Islamic scholarship, Shi'ism Revisited: Ijtihad and Reformation in Contemporary Times will: (i) explore how modernity has impinged on the classical formulation of Islamic law, and (ii) analyse how Shi'i

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jurists have responded to the intersection of shari'a (Islamic law) and modernity. The study is original and ground-breaking in that it seeks to tackle issues such as how Islamic law is being revised by Shi'i scholars on cases such as human rights, gender equality, the rights of non-Muslim minorities, and reconfiguring the rational and moral basis of Islamic law. Such questions have required scholars to apply *ijtihad* (independent reasoning) in providing solutions to the pressing questions in the religious and social fields. By examining the principles and application of Islamic legal theory (*usul al-fiqh*) and reformation in Shi'ism, as well as the current discourse on juristic hermeneutics and the basis of a new *ijtihad*, this research will address topics that have attracted much public attention. Since such issues have been largely neglected by Western scholarship, this book will provide a unique analysis of *ijtihad* and reformation in the Shi'i world"--

This book explores a broad range of issues on Islam and international criminal law and justice. Ten authors shed detailed light on the relationship between Islam, Islamic law and Islamic thought and international criminal law.

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.

Bringing together essays on topics related to Islamic law, this book is composed of articles by prominent legal scholars and historians of Islam. They exemplify a critical development in the field of Islamic Studies: the proliferation of methodological approaches that employ a broad variety of sources to analyze social and political developments.

A dynamic account of the practice of Islamic law, this book focuses on the actions of a particular legal official, the *muhtasib*, whose vast jurisdiction included all public behavior. In the cities of Cairo and neighboring Fustat during the Mamluk period (1250-1517), the men who held the position of

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muhtasib acted as regulators of markets and public spaces generally. They traversed their jurisdictions carrying out the duty to command right and forbid wrong, and were as much a part of the legal landscape as the better-known figures of judge and mufti. Taking directions from the rulers, the sultan foremost among them, they were also guided by legal doctrine as formulated by the jurists, combining these two sources of law in one face of authority. The daily workings of the law are illuminated by the reports of the muhtasib in the vivid Mamluk-era chronicles, which often also captured the responses of the individuals who encountered the official. The book is organized around actions taken by the muhtasib in the areas of Muslim devotional and pious practices; crimes and offenses; the management of Christians and Jews; market regulation and consumer protection; the specific markets for essential bread; currency and taxes; and public order. The case studies presented show that while legal doctrine was clearly relevant to the muhtasib's actions, the policy demands of the sultan were also quite significant, and rules from both sources of authority intersected with social, political, economic, and personal factors to create full and vibrant scenarios that reveal the practice of Islamic law.

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

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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.aboutobo.com.
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This book is the first study of late Hanafism in the early modern Ottoman Empire. It examines Ottoman imperial authority in authoritative Hanafi legal works from the Ottoman world of the sixteenth to nineteenth centuries CE, casting new light on the understudied late Hanafi jurists (al-muta'akhhirun). By taking the madhhab and its juristic discourse as the central focus and introducing "late Hanafism" as a framework of analysis, this study demonstrates that late Hanafi jurists assigned probative value and authority to the orders and edicts of the Ottoman sultan. This authority is reflected in the sultan's ability to settle juristic disputes, to order specific opinions to be adopted in legal opinions (fatawa), and to establish his orders as authoritative and final reference points. The incorporation of sultanic orders into authoritative Hanafi legal commentaries, treatises, and fatwa collections was made possible by a shift in Hanafi legal commitments that embraced sultanic authority as an indispensable

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element of the lawmaking process.

Islamist thinkers used to debate the doctrine of the caliphate of man, which holds that God is sovereign but has appointed the multitude of believers as His vicegerent. Andrew March argues that the doctrine underpins a democratic vision of popular rule over governments and clerics. But is this an ideal regime destined to survive only in theory?

A direct counterpoint to fear mongering headlines about shariah law—a Muslim American legal expert tells the real story, eliminating stereotypes and assumptions with compassion, irony, and humor Through scare tactics and deliberate misinformation campaigns, anti-Muslim propagandists insist wrongly that shariah is a draconian and oppressive Islamic law that all Muslims must abide by. They circulate horror stories, encouraging Americans to fear the “takeover of shariah” law in America and even mounting “anti-shariah protests” . . . with zero evidence that shariah has taken over any part of our country. (That’s because it hasn’t.) It would be almost funny if it weren’t so terrifyingly wrong—as puzzling as if Americans suddenly began protesting the Martian occupation of Earth. Demystifying Shariah explains that shariah is not one set of punitive rules or even law the way we think of law—rigid and enforceable—but religious rules and recommendations that provide Muslims with guidance in various aspects of life. Sumbul Ali-Karamali draws on scholarship and her degree in Islamic law to explain shariah in an accessible, engaging narrative style—its various meanings, how it developed, and how the shariah-based legal system operated for over a

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thousand years. She explains what shariah means not only in the abstract but in the daily lives of Muslims. She discusses modern calls for shariah, what they mean, and whether shariah is the law of the land anywhere in the world. She also describes the key lies and misunderstandings about shariah circulating in our public discourse, and why so many of them are nonsensical. This engaging guide is intended to introduce you to the basic principles, goals, and general development of shariah and to answer questions like: How do Muslims engage with shariah? What does shariah have to do with our Constitution? What does shariah have to do with the way the world looks like today? And why do we all—Muslims or not—need to care?

The present volume offers nineteen studies of takfir: accusations of unbelief, covering different periods and parts of the Muslim world. Takfir was and is an effective instrument to delegitimize one's opponents, who may face social exclusion or even persecution.

This book analyses the artistic and cultural legacy of Western Islamic societies and their interactions with Islamic, Christian and Jewish societies in the framework of the late medieval Mediterranean, from a range of multi-disciplinary perspectives. The book, organised in four parts, addresses the Andalusí legacy from its presence in the East and the West; analyses the relations and transfers between Al-Andalus and the artistic productions of the Christian kingdoms of the Iberian Peninsula; explores other manifestations of the Andalusí legacy in the fields of knowledge, construction, identity and religious studies; and reconsiders ornamental transfers

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and exchanges in artistic manifestations between East and West across the Mediterranean basin. Chapter 2 is open access under a CC BY 4.0 license.

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