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# Islamic Jurisprudence By Hashim Kamali

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An Introduction to Islamic Law

Maqasid al-Shari'a and Contemporary Reformist Muslim Thought

Shari'ah Law

Common Ground Between Islam and Buddhism

Tajdid, Islah and Civilisational Renewal in Islam

Equity and Fairness in Islam

Freedom, Equality and Justice in Islam

Sexual Violation in Islamic Law

Sustainability Science for Watershed Landscapes

Maqasid Al-Shariah Made Simple

Fiqh al-Aqalliyat

The Imperatives of Progressive Islam

Principles of Islamic Jurisprudence

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The Right to Life, Security, Privacy and Ownership in Islam

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War and Peace in Islam

Right to Education, Work and Welfare in Islam

A History of Islamic Legal Theories

Islamic Legal Theory

The Principles of Islamic Jurisprudence: Command of the Shari'ah and juridical norm

The Middle Path of Moderation in Islam

The Anthropology of Islamic Law

Islamic Law and Ethics

The Parameters of Halal and Haram in Shari'ah and the Halal industry

The Dignity of Man

Maqasid Al-shari'ah

Freedom of Expression in Islam

Law in Afghanistan

Constitutionalism in Islamic Countries: Between Upheaval and Continuity

Islamic Commercial Law

Principles of Islamic Jurisprudence

Islamic Law in Practice

The Cambridge Companion to Comparative Law

Shariah and the Halal Industry

Actualization (Taf'il) of the Higher Purposes (Maqasid) of Shari'ah

The Dignity of Man

A Textbook of Hadith Studies

Islamic  
Jurisprudence  
By Hashim  
Kamali

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## **DIAZ ELLEN**

### **An Introduction to Islamic Law**

Kube Publishing Ltd  
Exploring the ideas of human rights according to the laws of Islam, this discussion examines the sanctity of life, murder, unintentional killing, the death penalty, abortion, suicide, and euthanasia. The arguments are introduced by Qur'anic quotations and Prophetic anecdotes and include practical examples of both medieval and contemporary applications. Relevant to the current international interest of multicultural perspectives on human rights, this analysis also covers security against unlawful arrest, freedom from torture, immunity against invasion of privacy, and restrictions imposed by the Shari'a on the exercises of these rights.

*Maqasid al-Shari'a and Contemporary Reformist Muslim Thought* OUP  
Oxford

Centered on legal discourses of Islam's first six centuries, this book analyzes juristic writings on the topic of rape. *Shari'ah Law* Simon and

Schuster  
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.

*Common Ground Between Islam and Buddhism* Simon and Schuster  
The book delves into the 'deeper structures' of the world's legal systems, where law meets culture,

politics and socio-economic factors. *Tajdid, Islah and Civilisational Renewal in Islam* Routledge  
A Textbook of Hadith Studies provides an academic introduction to the Hadith, or the teachings of the Prophet Muhammad, which are second only to the Qur'an (Koran) in their authoritativeness within Islamic tradition. Suitable for university courses and all serious students of Islam, the topics surveyed include Hadith methodology, Hadith literature, the history of Hadith compilation and documentation, and the methods of Hadith criticism (al-jarh wa al-ta'dil) and classification. Mohammad Hashim Kamali, born in Afghanistan in 1944, was a professor of Islamic Law and Jurisprudence at the International Islamic University in Malaysia, and dean of the International Institute of Islamic Thought and Civilization (ISTAC) from 1985-2007. He is currently chairman and CEO of the International Institute of Advanced Islamic Studies, Malaysia. He is also on the international advisory boards of eleven academic journals

published in Malaysia, the United States, Canada, Kuwait, India, Australia, and Pakistan. Professor Kamali has addressed over 120 national and international conferences, and has published sixteen books and over 110 academic articles. His books include *The Principles of Islamic Jurisprudence*, *Freedom of Expression in Islam*, and *Islamic Commercial Law: An Analysis of Futures and Options*. *Equity and Fairness in Islam* Cambridge University Press. *Freedom of Expression in Islam* is informative not only on the subject of the possibilities of freedom of expression within Islam, but also on the cultural tradition of Islam and its guidelines on social behaviour. Distinguished by its clarity and readability, this book is not only essential reading for anyone interested in Islamic law, in Muslim society or in issues of comparative jurisprudence, but is also an important contribution to the current debate concerning the definition and limits of the principle of free speech. Suitable for undergraduate and post-graduate courses in Islamic Studies, Comparative

Jurisprudence and Political Theory.

*Freedom, Equality and Justice in Islam* Oxford University Press, USA. Offering insight into the Islamic perspective, this volume covers two subjects that have never before been discussed as separate topics in Islamic jurisprudence--citizenship and the accountability of government. Tracing the origins of the two concepts in the Qur'an, the Sunnah of the Prophet, and the practice of the first four caliphs, it follows their integration under different branches and explores the rights and obligations of Muslims in Islamic law, applying these to the modern world. Topics include: the definitions of citizenship; the rights of citizens; the duties of citizens; citizenship laws; the concepts of dar al-Islam (abode of Islam), dar al-harb (abode of war) and the dar al-'ahd (abode of treaty); the ummah and the nation-state; government as a trust; the selection of officials; the relationship between authority and citizens; corruption and the misuse of public funds; despotism and dynastic misrule; the right of complaint; the limits of obedience; impeachment of officials

and heads of state; and the foundation of institutions of accountability. *Sexual Violation in Islamic Law* International Institute of Islamic Thought (IIIT). The Oxford Handbook of Criminal Law reflects the continued transformation of criminal law into a global discipline, providing scholars with a comprehensive international resource, a common point of entry into cutting edge contemporary research and a snapshot of the state and scope of the field. To this end, the Handbook takes a broad approach to its subject matter, disciplinarily, geographically, and systematically. Its contributors include current and future research leaders representing a variety of legal systems, methodologies, areas of expertise, and research agendas. The Handbook is divided into four parts: Approaches & Methods (I), Systems & Methods (II), Aspects & Issues (III), and Contexts & Comparisons (IV). Part I includes essays exploring various methodological approaches to criminal law (such as criminology, feminist studies, and history). Part II provides

an overview of systems or models of criminal law, laying the foundation for further inquiry into specific conceptions of criminal law as well as for comparative analysis (such as Islamic, Marxist, and military law). Part III covers the three aspects of the penal process: the definition of norms and principles of liability (substantive criminal law), along with a less detailed treatment of the imposition of norms (criminal procedure) and the infliction of sanctions (prison law). Contributors consider the basic topics traditionally addressed in scholarship on the general and special parts of the substantive criminal law (such as jurisdiction, mens rea, justifications, and excuses). Part IV places criminal law in context, both domestically and transnationally, by exploring the contrasts between criminal law and other species of law and state power and by investigating criminal law's place in the projects of comparative law, transnational, and international law.

### **Sustainability Science for Watershed**

**Landscapes** International Institute of Islamic Thought (IIIT)  
Islamic legal theory (usūl

al-fiqh) is literally regarded as 'the roots of the law' whilst Islamic jurists consider it to be the basis of Islamic jurisprudence and thus an essential aspect of Islamic law. This volume addresses the sources, methods and principles of Islamic law leading to an appreciation of the skills of independent juristic and legal reasoning necessary for deriving specific rulings from the established sources of the law. The articles engage critically with relevant traditional views to enable a diagnostic understanding of the different issues, covering both Sunnī and Shī'ī perspectives on some of the issues for comparison. The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research. Islamic legal theory is a complex subject which challenges the ingenuity of any expert and therefore special care has been taken to select articles for their clarity as well as their quality, variety and critique to ensure an in-depth, engaging and easy understanding of what is normally a highly theoretical subject.  
*Maqasid Al-Shariah Made*

*Simple* Cambridge University Press  
Winner of the I.R. Iran World Award for Book of the Year In The Middle Path of Moderation in Islam, leading Islamic law expert Mohammad Hashim Kamali examines the concept of wasatiyyah, or moderation, arguing that scholars, religious communities, and policy circles alike must have access to this governing principle that drives the silent majority of Muslims, rather than focusing on the extremist fringe. Kamali explores wasatiyyah in both historical/conceptual terms and in contemporary/practical terms. Tracing the definition and scope of the concept from the foundational sources of Islam, the Qu'ran and Hadith, he demonstrates that wasatiyyah has a long and well-developed history in Islamic law and applies the concept to contemporary issues of global policy, such as justice, women's rights, environmental and financial balance, and globalization. Framing his work as an open dialogue against a now-decades long formulation of the arguably destructive Huntingtonian "clash of

civilizations" thesis as well as the public rhetoric of fear of Muslim extremism since the attacks of September 11, 2001, Kamali connects historical conceptions of wasatiyyah to the themes of state and international law, governance, and cultural maladies in the Muslim world and beyond. Both a descriptive and prescriptive meditation on a key but often neglected principle of Islam, *The Middle Path of Moderation in Islam* provides insight into an idea that is in the strategic interest of the West both to show and practice for themselves and to recognize in Muslim countries.

### **Fiqh al-Aqalliyyat**

Routledge

*Constitutionalism in Islamic Countries: Between Upheaval and Continuity* offers a comprehensive analysis of the issues associated with the theory and practice of constitutionalism in Islamic countries. This collection of essays is written by leading constitutional and comparative law scholars and constitutional practitioners and essays provide readers with an overview of the constitutional developments in countries in the Islamic world, an

understanding of the potential and actual impact of Islam and Sharia on the notion of modern constitutionalism, and insight into the ways in which "Western" ideals may be reconciled with Islamic tradition.

### *The Imperatives of Progressive Islam*

International Institute of Islamic Thought (IIIT)

This book examines the development of a contemporary internal debate among Muslim minorities living in Western Europe and North America to establish a specific form of Islamic jurisprudence. *Fiqh al-aqalliyyat* attempts to strike a balance between Muslim's religious commitments and their civic identity as citizens in Western liberal states.

### **Principles of Islamic Jurisprudence**

Cambridge University Press

*Maqasid al-Shari'ah*, or the higher goals and objectives of Islamic law, is an important and yet somewhat neglected theme of the Shari'ah. Generally the Shari'ah is predicated on the benefits of the individual and that of the community, and its laws are designed so as to protect these benefits and facilitate improvement and perfection of the

conditions of human life on earth. This easy to read guide gives a bird's eye view of the subject, simplifying its main principles to help readers understand the subject of *maqasid al-shari'ah* and how it explains the 'wisdoms behind rulings.' The paper focuses on a general characterisation of *maqasid al-shari'ah* and its origins in the Quran; the classification of *maqasid*; historical developments and the contributions of some of the leading ulama to the theory of *maqasid*; the differential approaches the ulama have taken toward the identification of *maqasid*; and finally the relevance of *maqasid* to *ijtihad* and the ways in which *maqasid* can enhance the scope and caliber of *ijtihad*.

### **Freedom, Equality and Justice in Islam**

Oxford University Press

Does Islamic law define Islamic ethics? Or is the law a branch of a broader ethical system? Or is it but one of several independent moral discourses, Islamic and otherwise, competing for Muslims' allegiance? The essays in this book present a range of answers: some take *fiqh* as the defining framework for ethics, others insert

the law into a broader ethical system, and others present it as just one among several parallel Islamic ethical discourses, or show how Islamic ethics might coexist with non-Muslim normative systems. Their answers have far reaching implications for epistemology, for the authority of jurists and lay Muslims, for the practical moral challenges of daily life, and for relationships with non-Muslims. The book presents Muslim ethicists with a strategic contemporary choice: should they pursue a single overarching methodology for judging all ethical questions, or should they relish the rhetorical and political competition of alternative but not necessarily incompatible moral discourses?

Shariah Law International Institute of Islamic Thought (IIIT)

The history of Islamic thought is marked by a continuous tradition of internal revitalisation and reform embedded in the principles of *islah*, and *tajdid*. The ultimate purpose has been to bring existing realities and social change in line with the transcendent and universal standard of the Qur'an and Sunnah

through a process of restoration and reform. The tradition of *islah-tajdid* has thus consistently challenged the Muslim status quo and prompted fresh interpretation of the Qur'an and Sunnah, understood and implemented through the methodologies of interpretation and *ijtihad*, as well as the rejection of unwarranted accretions to the original messages of Islam. The basic theme of the paper is that civilisational renewal is an integral part of Islamic thought. The paper looks into the meaning, definition and origins of *tajdid* and *islah* and their relationship with *ijtihad*, and how these have been manifested in the writings and contributions of the thought leaders of Islam throughout its history. It also develops *tajdid*-related formulas and guidelines that should lead the efforts of contemporary Muslims in forging the objectives of inter-civilisational harmony and their cooperation for the common good.

**The Right to Life, Security, Privacy and Ownership in Islam**

Springer

The higher purposes, or *maqasid*, of Shariah are

applied and actualized (*taf`il*) through their means (*was`il*). This paper begins with the definition and meaning of *maqasid* and proceeds to ascertain three discernible tendencies regarding their scope: reductionist, expansionist, and the moderate approach of *wasatiyyah/i'tidal*. It addresses the question as to whether the *maqasid* may be recognized as a proof or source of Shariah in its own right. Can one, in other words, extract a ruling (*hukm*) of Shariah directly from the *maqasid*, or should one always follow the *usul al-fiqh* approach? Responding to these questions would help the reader to know more clearly what to expect of the *maqasid*. We often speak of the *maqasid* but when it comes to actual practice, we apply the *fiqh* rules. Can one just ignore the latter and refer directly to *maqasid*? The work explores the relationship of *maqasid* to the Qur'an and *hadith*, and to *usul al-fiqh* respectively. It also ascertains the roles respectively of the human intellect (*'aql*) and innate human nature (*fitrah*) in the identification of *maqasid*. The author reviews the means and



actualization of maqasid and elucidates this subject through several illustrations and a set of actionable recommendations.

The Oxford Handbook of Criminal Law Oxford University Press

In *Freedom, Equality and Justice in Islam*, M H Kamali presents the reader with an analysis of the three concepts of freedom, equality and justice from an Islamic point of view and their manifestations in the religious, social, legal and political fields. The author discusses the evidence to be found for these concepts in the Qur'an and Sunna, and reviews the interpretations of the earlier schools of law. The work also looks at more recent contributions by Muslim jurists who have advanced fresh interpretations of freedom, equality and justice in the light of the changing realities of contemporary Muslim societies. *Freedom, Equality and Justice in Islam* is part of a series dedicated to the fundamental rights and liberties in Islam and should be read in conjunction with *The Dignity of Man: An Islamic Perspective and Freedom of Expression in Islam*.

**Citizenship and Accountability of Government** Institute of Southeast Asian Studies

Exploring the question in detail Kamali explains the basic principles of halal and haram and discusses, particularly in relation to the meat industry, key issues surrounding their implementation. In doing so he gives important insights into, and relevant understanding of, many of the misconceptions and challenges confronting Muslims today. The issue of additives for instance has caused considerable confusion in food consumption. Not surprisingly, perceptions of what constitutes halal also vary among the schools and scholars of Islam. Other factors such as custom and climate also tend to be influential. In addition the work at hand examines issues in halal certification procedures, and matters of concern to uniformity in halal industry practices.

*War and Peace in Islam* Cambridge University Press

The rapid expansion of the halal industry and its markets has occurred not only in the heavily Islamic regions of Southeast Asia and the Middle East, but also in more unexpected countries such as Turkey,

Japan, and South Korea, plus many others around the world. Yet despite both the increasing number of practicing Muslims and the demand for halal products worldwide, a base of scholarship on the subject has never emerged. The industry has been more market driven rather than knowledge driven. As such, industry operators have frequently drawn attention to the absence of such an authoritative text, one that would elucidate the shariah credibly of halal as well as its market presence.

Mohammad Hashim Kamali's *Shariah and the Halal Industry* is designed to fill this gap. The first of its kind in the English language, the book is written in an accessible and reader-friendly style by a world-renowned authority on Islamic law and jurisprudence. The book serves as a reference on the shariah foundations of halal and meets the needs not only of industry operators and decision-makers, but also of students, scholars of Islam, and the many practicing Muslims who are customers of the halal industry across the globe. The book can also serve to educate the general public and non-specialist

readers on Islam and shariah law at-large.

**Right to Education, Work and Welfare in Islam** Oxford University Press

In *Freedom, Equality and Justice in Islam*, M H Kamali presents the reader with an analysis of the three concepts of freedom, equality and justice from an Islamic point of view and their

manifestations in the religious, social, legal and political fields. The author discusses the evidence to be found for these concepts in the Qur'an and Sunna, and reviews the interpretations of the earlier schools of law. The work also looks at more recent contributions by Muslim jurists who have advanced fresh interpretations of freedom, equality and

justice in the light of the changing realities of contemporary Muslim societies. *Freedom, Equality and Justice in Islam* is part of a series dedicated to the fundamental rights and liberties in Islam and should be read in conjunction with *The Dignity of Man: An Islamic Perspective* and *Freedom of Expression in Islam*.