

MAQASID
AL-SHARIAH
AS
PHILOSOPHY
OF ISLAMIC LAW

A SYSTEMS APPROACH



JASSER AUDA

THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT

Maqasid Al Shariah As Philosophy Of Islamic Law A Systems Approach

Mohammed Hashas



Maqasid Al Shariah As Philosophy Of Islamic Law A Systems Approach:

Maqasid Al-shariah as Philosophy of Islamic Law Jasser Auda, 2008-01-01 In this path breaking study Jasser Auda presents a systems approach to the philosophy and juridical theory of Islamic law based on its purposes intents and higher objectives maqasid For Islamic rulings to fulfill their original purposes of justice freedom rights common good and tolerance in today s context Auda presents maqasid as the heart and the very philosophy of Islamic law He also introduces a novel method for analysis and critique one that utilizes relevant features from systems theory such as wholeness multidimensionality openness and especially purposefulness of systems This book will benefit all those interested in the relationship between Islam and a wide variety of subjects such as philosophy of law morality human rights interfaith commonality civil society integration development feminism modernism postmodernism systems theory and culture

Maqasid Al-Shariah as Philosophy of Islamic Law (Bosnian Language) Jasser Auda, 2017-01-01 In this path breaking study Jasser Auda presents a systems approach to the philosophy and juridical theory of Islamic law based on its purposes intents and higher objectives maqasid For Islamic rulings to fulfill their original purposes of justice freedom rights common good and tolerance in today s context Auda presents maqasid as the heart and the very philosophy of Islamic law He also introduces a novel method for analysis and critique one that utilizes relevant features from systems theory such as wholeness multidimensionality openness and especially purposefulness of systems This book will benefit all those interested in the relationship between Islam and a wide variety of subjects such as philosophy of law morality human rights interfaith commonality civil society integration development feminism modernism postmodernism systems theory and culture

Maqasid Al-shariah as Philosophy of Islamic Law Jasser Auda, 2010 *The Objectives of Islamic Law* Rumea Ahmed, Idris Nassery, Muna Tatari, 2020-07-06 Scholars thinkers and activists around the world are paying increasing attention to a legal reform method that promises to revolutionize the way people think about Islamic law Known as The Objectives of the Shari a maqa id al shari a the theory offers a way to derive and apply new Islamic laws using an ancient methodology The theory identifies core objectives that underlie Islamic law and then looks at inherited Islamic laws to see whether they meet those objectives According to the maqa id theory historical Islamic laws that meet their objectives should be retained and those that do not no matter how entrenched in practice or embedded in texts should be discarded or reformed Recently several scholars have questioned the maqa id theory arguing that it is designed not to reform laws but to support existing power structures They warn that adopting the maqa id wholesale would set the reform project back ensuring that inherited Islamic laws are never fully reformed to agree with contemporary values like gender egalitarianism and universal human rights *The Objectives of Islamic Law The Promises and Challenges of the Maqa id al Shari a* captures the ongoing debate between proponents and skeptics of the maqa id theory It raises some of the most important issues in Islamic legal debates today and lays out visions for the future of Islamic law **American Journal of Islamic Social Sciences 25:3** Sebastian

Günther, Nevin Reda, Mohammed Rustom, Liyakat Takim, Ingrid Hehmeyer, Walid Saleh, Omid Safi, Noga Hartmann, Y. Tzvi Langermann, K. Luisa Gandolfo, Alexandra Jerome, Sajjad H. Rizvi, Devin J. Stewart, Houchang Hassan-Yari, Mumina Kowalski, Daniel Martin Varisco, Isa Blumi, Imad-ad-Dean Ahmad and Alejandro J. Beutel, Ali Altaf Mian, Richard Phillips, Sameen Ahmed Khan, 2008-11-03 The American Journal of Islamic Social Sciences AJISS is a double blind peer reviewed and interdisciplinary journal that publishes a wide variety of scholarly research on all facets of Islam and the Muslim world anthropology economics history philosophy and meta physics politics psychology religious law and traditional Islam Submissions are subject to a blind peer review process *A Critique of Creative Shari'ah Compliance in the Islamic Finance Industry* Ahmad A Alkhamees, 2017-09-18 Ahmad Alkhamees defines Creative Shari ah compliance as compliance with the letter but not the objectives of Shari ah In recent years Islamic finance industry practises have come under scrutiny with strong critiques levelled against many institutions that claim to provide Shari ah compliant products and services which in fact undermine the spirit and the objectives of Shari ah This book significantly contributes to the sphere of Islamic finance in three main ways First it critically appraises justifications of creative Shari ah compliance practises Second it examines how Shari ah supervisory board SSB governance practises and the inconsistent fatwas issued by SSBs contribute to the issue of creative Shari ah compliance Most importantly it suggests regulatory mechanisms which regulators can employ in Islamic countries such as Saudi Arabia and in secular countries such as the United Kingdom to deal with the issue of creative Shari ah compliance **American Journal of Islamic Social Sciences 25:2** Umer O. Thasneem, Muhamad S. Olimat, Mohamed El-Tahir El-Mesawi, Seyed Mahdi Sajjadi, Mahdi Tourage, Birgit Krawietz, Amr G. E. Sabet, Doug Kiel, Anita Mir, Sajjad H. Rizvi, Efrat E. Aviv, Timothy P. Daniels, Minoo Derayeh, Naama Ben-Ami, David Johnston, Syed Asim Ali, Alyson E. Jones, Livnat Holtzman, Altaf Fatima, Junaid S. Ahmad, Qamar-ul Huda, 2008-06-02 The American Journal of Islamic Social Sciences AJISS is a double blind peer reviewed and interdisciplinary journal that publishes a wide variety of scholarly research on all facets of Islam and the Muslim world anthropology economics history philosophy and meta physics politics psychology religious law and traditional Islam Submissions are subject to a blind peer review process *American Journal of Islam and Society (AJIS) - Volume 39 Issues 1-2* Ali Altaf Mian, Emily Goshey, Aasim Padela, Thahir Jamal Kiliyamannil, Suheil Laher, Ismail Hashim Abubakar, Martin Jiajun He, Ali Cebeci, Max Dugan, Abdallah Rothman, Alisha Ahmed, Rania Awaad, 2022-08-01 The four articles two review essays various book reviews and obituary contained in this issue all revolve around contestations of Islamic authority Notably two of these articles are drawn from the AJIS symposium on Maq id whose first set of essays were featured in the previous issue 38 3 4 dedicated to the topic In the first article Agents of Grace Ali Altaf Mian develops a sophisticated and nuanced reading of intentionality in the work of the moral theologian al Ghazali Mian reads the latter s work to disclose ethical action as a site of contingency and ambivalence indeed of the subject s non sovereignty He contributes this theorization of intentionality as a constructive critique of accounts of ethical agency in the anthropology of Islam In the

second article No Scholars in the West Emily Goshey carefully unpacks the ostensible paradox by which Western Salafis who studied in the Muslim world are not seen as scholars by the very communities they lead What then comprises religious authority and scholarship within these models of knowledge transmission Goshey tracks the dynamics of scholarship and community leadership based on fieldwork with African American Salafi affiliate communities in Philadelphia In the third article Maq idi Models for an Islamic Medical Ethics Aasim Padela presents a typology of maq id based approaches to medical ethics Whether requiring a field based redefinition a conceptual extension or a text based postulation of the classical maq id theory however Padela shows that these frameworks remain woefully underdeveloped to offer appropriate and sufficient guidance for pressing bedside cases In the fourth article Developing an Ethic of Justice Thahir Jamal Kiliyamannil offers a creative rereading of new Muslim movements in South India Rather than relying on old typologies about political Islam or secularized activists he considers the Solidarity Youth Movement to articulate an Islamic ethic of justice inspired by Abul A la Maududi This case study shows not only how the maq id framework may inform discourses well beyond the domains of legal practice but also how this specific articulation of political justice is based in the praxis of the Indian Muslim minority These four articles and the remaining elements of the issue foreground contemporary contestations of Islamic authority Read together they also offer a set of terms for thinking productively about its contours limits affordances and possibilities

Searching for a Universal Ethic John Berkman, William C. Mattison, 2014-12-29 The best contemporary English language resource on pursuing a universal ethics In this volume twenty three major scholars comment on and critically evaluate In Search of a Universal Ethic the 2009 document written by the International Theological Commission ITC of the Catholic Church That historic document represents an official Church contribution both to a more adequate understanding of a universal ethic and to Catholicism s own tradition of reflection on natural law The essays in this book reflect the ITC document s complementary emphases of dialogue across traditions universal ethic and reflection on broadly applicable ethical guidance within the Christian tradition natural law Among other things the document situates the natural law ethical tradition within the larger search for a universal ethic Along with its insightful essays Searching for a Universal Ethic offers for the first time in published form the Vatican s official English translation of In Search of a Universal Ethic Contributors John Berkman Serge Thomas Bonino O P David Burrell C S C Lisa Sowle Cahill Joseph E Capizzi David Cloutier Anver M Emon Robert P George Sherif Girgis Jennifer A Herdt Russell Hittinger M Cathleen Kaveny Anthony J Kelly C Ss R Fergus Kerr O P Steven A Long William C Mattison III Gilbert Meilaender Livio Melina Michael S Northcott David Novak Jean Porter Martin Rhonheimer Tracey Rowland Islamic Civilisation and The Modern World Osman Bakar, 2015-01-21 This book presents a thematic treatment of Islamic civilisation Each of the fourteen chapters comprising this book treats at least one of the major themes that are characteristic of this youngest religiously based civilisation of the world The author s thematic approach is primarily meant to promote a better appreciation of the living nature of Islamic civilisation The book s content

provides ample evidence that Islamic civilisation is not merely a passing historical phenomenon The various themes it discusses clearly demonstrate the continuing relevance of Islamic civilisation to the present and future humanity **Islamic Interpretive Tradition and Gender Justice** Nevin Reda,Yasmin Amin,2020-12-10 Since the 1980s Muslim women reformers have made great strides in critiquing and reinterpreting the Islamic tradition Yet these achievements have not produced a significant shift in the lived experience of Islam particularly with respect to equality and justice in Muslim families A new approach is needed one that examines the underlying instruments of tradition and explores avenues for effecting change In Islamic Interpretive Tradition and Gender Justice leading intellectuals and emerging researchers grapple with the problem of entrenched positions within Islam that affect women investigating the processes by which interpretations become authoritative the theoretical foundations upon which they stand and the ways they have been used to inscribe and enforce gender limitations Together they argue that the Islamic interpretive tradition displays all the trappings of canonical texts canonical figures and canon law despite the fact that Islam does not ordain religious authorities who could sanction processes of canonization Through this lens the essays in this collection offer insights into key issues in Islamic feminist scholarship ranging from interreligious love child marriage polygamy and divorce to stoning segregation seclusion and gender hierarchies Rooting their analysis in the primary texts and historical literature of Islam contributors to Islamic Interpretive Tradition and Gender Justice contest oppressive interpretative canons subvert classical methodologies and provide new directions in the ongoing project of revitalizing Islamic exegesis and its ethical and legal implications **Sharia Dynamics** Timothy P. Daniels,2017-01-12 This multidisciplinary volume explores the role of Islamic law within the dynamic processes of postcolonial transformation nation building and social reform Here eleven international scholars examine Islamic law in several contemporary sociopolitical contexts focusing specifically on Malaysia Indonesia Pakistan China Tunisia Nigeria the United States and the International Islamic Fiqh Academy IIFA of the Organization of Islamic Cooperation OIC The contributors also address the entanglement of Islamic law and ethics with the history of Muslim religious discourses shifts toward modernity gender relations and efforts to construct exclusive or plural national communities Sharia Dynamics at once enchanting and enlightening is a must read for scholars of contemporary Islam

Proceedings of the International Conference on Communication, Language, Education and Social Sciences (CLESS 2022) Sareen Kaur Bhar,Hawa Rahmat,2023-02-10 This is an open access book The 3rd International Conference on Communication Language Education and Social Sciences CLESS 2022 will be held on 25 27 July 2022 This year s conference will be a part of the bigger Digital Future Congress DIFCON comprising of various other conferences in different fields and will be held online CLESS 2022 is unique in which it combines communication language education and social science in an international academic conference The aim of CLESS 2022 is to offer a platform for both local and international academics educators researchers and other professionals to meet share and discuss latest research trends ideas and innovation in the

field of communication language education psychology and social sciences The conference is aimed to provide a platform for young researchers as well as to support and encourage other researchers to present their research to network within the international community of researchers and to share and seek the insight and advice of successful senior researchers all over the world during the conference

Salafi-Jihadism Shiraz Maher,2016-11-01 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 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 ground breaking 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

The Islamic Rational State and New Religious Foundations for an Islamic Liberal Theory Ahmed Meiloud,2024-10-07 This ground breaking volume on political Islam takes the question of Islam and secularism in an entirely different direction It shows how leading Islamists use Islamic legal theory to liberate the political sphere from the narrow exegetical worldviews of classical jurists and modern fundamentalists Exploring the work of a vanguard of Islamists the book brilliantly parses out the broadlines of these Islamists liberal theory and its underpinning legal grounds This theory promises much Beyond resolving the problem of political legitimacy in Muslim majority countries it opens immense potential for reasonable overlapping consensus between traditional worldviews and modern secular perspectives Most strikingly this resolution rests not on a break with the Islamic legal heritage but on rediscovering and refining the most profound aspects of it The secret of this liberal theory lies in the broad application of the medieval concept of maqasid the Lawgiver s aims This approach shifts the focus from textual analysis emphasizing what God said to a systematic rational exploration of what He intended

Pluralism in Islamic Contexts - Ethics, Politics and Modern Challenges Mohammed Hashas,2021-03-12 This book brings together international scholars of Islamic philosophy theology and politics to examine these current major questions What is the place of pluralism in the Islamic founding texts How have sacred and prophetic texts been interpreted throughout major Islamic intellectual history by the Sunnis and Shi a How does contemporary Islamic thought treat religious and political diversity in modern nation states and in societies in transition How is pluralism dealt with in modern major and minor Islamic contexts How does modern political Islam deal with pluralism in the public sphere And what are the major

internal and external challenges to pluralism in Islamic contexts These questions that have become of paramount relevance in religious studies especially during the last three four decades are answered as critically highlighted in Islamic founding sources the formative classical sources and how it has been lived and practiced in past and present Islamic majority societies and communities around the world Case studies cover Egypt Turkey Indonesia and Thailand besides various internal references to other contexts

Contemporary Thought in the Muslim World Carol Kersten, 2019-06-17 This book presents an intellectual history of today's Muslim world surveying contemporary Muslim thinking in its various manifestations addressing a variety of themes that impact on the lives of present day Muslims Focusing on the period from roughly the late 1960s to the first decade of the twenty first century the book is global in its approach and offers an overview of different strands of thought and trends in the development of new ideas distinguishing between traditional reactionary and progressive approaches It presents a variety of themes and issues including The continuing relevance of the legacy of traditional Islamic learning as well as the use of reason the centrality of the Qur'an the spiritual concerns of contemporary Muslims political thought regarding secularity statehood and governance legal and ethical debates related current issues like human rights gender equality and religious plurality as well as globalization ecology and the environment bioethics and life sciences An alternative account of Islam and the Muslim world today counterbalancing narratives that emphasise politics and confrontations with the West this book is an essential resource for students and scholars of Islam

Shari'a (Islamic Law): Oxford Bibliographies Online Research Guide Oxford University Press, 2010-05-01 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.aboutobo.com

Challenges and Impacts of Religious Endowments on Global Economics and Finance Saiti, Buerhan, Sarea, Adel, 2019-12-27 Poverty is one of the top problems the Muslim community faces today A scholastic approach towards a solution based on the values and cultural contexts of the Muslim community holds great

importance and significance to the Islamic civilizations and modern economic and cultural applications in the world Challenges and Impacts of Religious Endowments on Global Economics and Finance is a pivotal reference source that examines the role of waqf and similar endowments in Islamic financial systems and how these religious endowments impact global economics and finance While highlighting topics such as Islamic finance risk management and economic development this publication explores adopting Islamic approaches to contemporary socio economic issues and the methods of content analysis and meta analysis methods This book is ideally designed for professionals economist regulators financial analysts academics researchers and postgraduate students seeking current research on modernized Islamic economic models in order to tackle the problem of fiscal deficiency *Heritage, Culture and Society* Salleh Mohd Radzi, Mohd Hafiz Mohd Hanafiah, Norzuwana Sumarjan, Zurinawati Mohi, Didi Sukyadi, Karim Suryadi, Pupung Purnawarman, 2016-10-26 Heritage Culture and Society contains the papers presented at the 3rd International Hospitality and Tourism Conference IHTC2016 2nd International Seminar on Tourism ISOT 2016 Bandung Indonesia 10 12 October 2016 The book covers 7 themes i Hospitality and tourism management ii Hospitality and tourism marketing iii Current trends in hospitality and tourism management iv Technology and innovation in hospitality and tourism v Sustainable tourism vi Gastronomy foodservice and food safety and vii Relevant areas in hospitality and tourism Heritage Culture and Society is a significant contribution to the literature on Hospitality and Tourism and will be of interest to professionals and academia in both areas

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