

# CONTEMPORARY IJTIHAD

LIMITS AND CONTROVERSIES

L. Ali Khan and  
Hisham M. Ramadan



# Contemporary Ijtihad Limits And Controversies

**Federico Lorenzo Ramaioli**



## **Contemporary Ijtihad Limits And Controversies:**

*Contemporary Ijtihad* L. Ali Khan, 2012-09-17 The book examines the challenges and limits of contemporary ijtihad in the context of diverse needs of Muslim cultures and communities living in Muslim and non Muslim nations and continents including Europe and North America

**Shari'a and the Constitution in Contemporary Legal Models** Federico Lorenzo Ramaioli, 2024-03-23 This comparative law book aims at formulating a new analytical approach to constitutional comparisons assuming as a starting point the different legal perspectives implied in the Sunni Islamic outlook on the juridical phenomena and the Western concept of law with particular reference to constitutionalism The volume adopts a wider and comprehensive viewpoint comparing the different ways in which the Islamic shar a and Western legal categories interact regardless of substantive contents of specific provisions thus avoiding conceptual biases that can sometime affect present literature on the matter The book explores the various dynamics subtended to the interactions between shar a and Western constitutionalism providing a new classification to the different contemporary models The philosophical and legal comparisons are analyzed in a dynamic way based on a wide range of contemporary constitutional systems virtually encompassing all the States in which Sunni Islam plays a major cultural role and taking also into consideration non State actors and non recognized actors Published in cooperation with gLAWcal Global Law Initiatives for Sustainable Development Hornchurch Essex United Kingdom

*Research Handbook on Islamic Law and Society* Nadirsyah Hosen, 2018-09-28 The Research Handbook on Islamic Law and Society provides an examination of the role of Islamic law as it applies in Muslim and non Muslim societies through legislation fatwa court cases sermons media or scholarly debate It illuminates the intersection of social political economic and cultural factors that inform Islamic Law across a number of jurisdictions Chapters evaluate when and how actors and institutions have turned to Islamic law to address problems faced by societies in Muslim and in some cases Western states

*Research Handbook on Natural Law Theory* Jonathan Crowe, Constance Youngwon Lee, 2019 p p1 margin 0 0px 0 0px 0 0px font 10 0px Arial p p2 margin 0 0px 0 0px 0 0px font 10 0px Arial min height 11 0px span s1 font 10 0px Helvetica This thought provoking Research Handbook provides a snapshot of current research on natural law theory in ethics politics and law showcasing the breadth and diversity of contemporary natural law thought The Research Handbook on Natural Law Theory examines topics such as foundational figures in Western natural law theory natural law ideas in a variety of religious and cultural traditions normative foundations of natural law as well as issues of law and governance Featuring contributions by leading international scholars this Research Handbook offers a valuable resource for scholars in law philosophy religious studies and related fields

*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

**The Effect of the 1958 New York Convention on Foreign Arbitral Awards in the Arab Gulf States** Reyadh Mohamed Seyadi, 2017-08-21 In the second half of the twentieth century alongside the evolution of the global economy modern technology rapid transportation and multinational enterprises there was an increased demand for a dispute resolution mechanism that met the needs of traders international trade and economic policy makers Arbitration as an alternative dispute resolution has significantly gained in popularity in the Arab Gulf States over the past two decades or so This is no doubt reason enough to take a closer look at the main theme that defines arbitration in this region National courts of the Arab Gulf states are invariably seen as not very arbitration friendly some possibly even hostile to arbitration Public order alongside the Islamic legal traditions is seen as unruly horse that could possibly undermine the development of international commercial arbitration in this region The contribution in this book will go some way toward dissipating the concerns that are routinely raised about the procedural and practical soundness of arbitration in the Arab Gulf states In addition the book serves to place arbitration in the Arab Gulf states in its present legal systems national laws and courts practices

**Advancing the Legal Status of Women in Islamic Law** Mona Samadi, 2021-05-25 Mona Samadi examines the sources of gender differences within the Islamic legal tradition and describes how Islamic law entitles individuals to justice according to their status abilities and potential In the case of men and women s capabilities the underlying principle is that they are entitled to the same rights as long as their capabilities are the same In the legal construction of women s status women have been prescribed lacking the same abilities and capabilities as men As such their status and rights differ justifying men to be the maintainers of women By presenting the historical development of women s status and how women s legal status is debated in contemporary Muslim societies Mona Samadi convincingly provides various methods for facilitating change within the Islamic legal theory framework

*Islam, Religious Liberty and Constitutionalism in Europe* Mark Hill KC, Lina Papadopoulou, 2024-02-08 For centuries since the Roman Empire s adoption

of Christianity the continent of Europe has been perceived as something of a Christian fortress Today the increase in the number of Muslims living in Europe and the prominence of Islamic belief pose questions not only for Europe s religious traditions but also for its constitutional make up This book examines these challenges within the legal and political framework of Europe The volume s contributors range from academics at leading universities to former judges and politicians Its 19 chapters focus on constitutional challenges human rights with a focus on religious freedom and securitisation and Islamophobia while adopting supranational and comparative approaches This book will appeal not merely to academics and law students in the UK and the EU but to anyone involved in diplomacy and international relations including political scientists lobbyists and members of NGOs It explores these contested relationships to open up new spaces in how we think about religious freedom and co existence in Europe and the crucial role that Islam has had and continues to have in its development

**Islamic State as a Legal Order** Federico Lorenzo Ramaioli, 2022-04-04 This book explores the legal dimension of the Islamic State an aspect which has hitherto been neglected in the literature ISIS dystopian experience intended as a short lived territorial and political governance has been analyzed from multiple points of view including the geopolitical social and religious ones However its legal dimension has never been properly dealt with in a comprehensive way assuming as a point of reference both the Islamic and the Western legal tradition This book analyzes ISIS as the expression of a potential though never fully realized legal order The book does not describe ISIS possible classifications according to the standards and the criteria of international law such as its possible statehood or proto statehood issues that are however touched upon Rather it analyzes ISIS own legal awareness based on the group s literary materials which show a considerable amount of juridical work Such material mainly propagandistic in its nature is essential in understanding which kind of legal order ISIS aimed at establishing The book will be of interest to students and academics in the fields of Law International Relations Political Sciences Terrorism Studies Religion and Middle Eastern Studies

*Islam, Liberalism, and Ontology* Joseph J. Kaminski, 2021-03-30 This book offers comparative ontologies of both Islam and liberalism as discourses more broadly construed The author argues that despite recent efforts to speak of overlapping consensuses and discursive congruence the fundamental categories that constitute Islam and Liberalism remain very different and that these differences should be taken seriously Thus far no recent scholarly works have explicitly or meticulously broken down where these differences lie The author rigorously explores questions related to rights moral epistemologies the role of religion in the public sphere and more general approaches to legal discourse via primary and canonical sources constitutive of both Islam and liberalism He then goes on to articulate why communitarian modes of thought are better suited for engaging with Islam and contemporary socio political modes of organization than liberalism is This book will be of great interest to students and scholars of politics and international relations Islam liberalism and communitarianism

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