The Sources of Islamic Jurisprudence: Justice and Law in Islam

Mahgoub El-Tigani Mahmoud

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This is a highly recommend book. People of all faiths should read this book as it can provide a giant step in overcoming so many of the myths and half-truths that prevent Muslims, Christians, and peoples of other faiths from living together in an atmosphere of justice, peace, and community. Volume I of this work aims to enlighten readers with a clear understanding of Islamic jurisprudence as firmly based on the sacredness of the Book of Islam and the Sunna that translated the word of the Qur'an to workaday obligations on all Muslims. The philosophy of these sources is fairly elaborated in theories of social justice and criminal law by many madhahib or scholars that provided the Muslim thought and action over long centuries with workable rules, as well as debatable approaches. Unlike misconception of Shari'a as a dogmatic heritage, this work finds that continuous Ijtihad has been encountered between Muslim scholars that reveal vivid intellectuality of a genuine concern for objectivity versus subjectivity, rationality versus emotionality, and other significant dualisms. The Iftihad tradition had been largely exercised by the early Muslims after death of the Prophet in the light of the changing conditions of the social life, besides the complex interactions of Muslim societies with a multitude of regional and international cultures, philosophies, and civilizations in a massive exchange of ideas and human interactions. This lively interaction gave birth to great many schools of Fiqh jurisprudence, as well as Sufi orders. The encyclopedia research analyses the Muslim writings that touched upon the theoretical and practical complexities of modern forms in the public life; constitutionality; the Caliphate; military-civilian relations in peace and war; concepts of defense and Jihad; and the efforts of reconciliation between international human rights' norms and the Muslim deeply-rooted concerns for a state applying Islamic justice, while still aspiring to exercise democracy in varying degrees in the modern social life and political performance.

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