

# *Shāṭibī's Philosophy* OF ISLAMIC LAW



Muhammad Khalid Masud

# Shatibi's Philosophy Of Islamic Law

**Muhammad Khalid Masud, McGill  
University. Institute of Islamic Studies**

## **Shatibi's Philosophy Of Islamic Law:**

*Shāṭibī's Philosophy of Islamic Law* Muhammad Khalid Masud, 1995      *Shatibi's Philosophy of Islamic Law* Muhammad Khalid Masud, 2023-12-09 A welcome contribution to the small number of English language works on Islamic legal theory and it is a work which all libraries that have an interest in Islamic Studies and cognate areas should acquire. *Journal of Near Eastern Studies* 1982 Dr Masud has clearly put much thought and effort into the making of Islamic Legal Philosophy and the result is a work of which serious students of both Islamic modernism and of the history and theory of Islamic law will have to take account. It is a work that must be taken into consideration in any future research into the question of *maslaha* for on this point the author shows himself capable of keen observation and insights. *Bulletin of the School of Oriental and African Studies* 1979 Throughout the centuries there has been a basic question asked among Islamic jurists and Muslims: Why did Allah issue the commandments that Allah did? While some schools of thought such as the Ash'ari philosophers think that this is an invalid question altogether for if Allah had reasons for doing what Allah does or did then He would be caused or compelled by some outside power, a theological impossibility, other schools have thought have gone to the other extreme such as the Mutazilites, some of who have suggested Allah had to do what is best for humanity. Muhammad Khalid Masud's detailed consideration of one philosopher, al-Shatibi, offers a much more complex consideration of possible principles behind the injunctions of Islamic law, *Shari'ah*. Primarily this book is a consideration of the concept of *maslaha* or the good and the role it plays not only in the actual injunctions of Islamic law but also in reasoning about the law making determinations in specific cases and what extent the concept of the good of humanity can provide insights into the law. Masud masterfully outlines the development of the concept of *maslaha*, his treatment of al-Razi being of particular importance and sets the scene of al-Shatibi during a time of great social change.      *Shāṭibī's Philosophy of Islamic Law* Muhammad Khalid Masud, 2000-03-22 Abu Ishaq al-Shatibi d. 1888 had sought an answer to the challenge posed by modernisation and change to Islamic law by introducing *maslahah* which forms the basis of his philosophy of Islamic law. In a fascinating way the author leads us step by step to what he considers the true import of Shatibi's views concerning Jurisprudence.      Schriften zum Islam und zur arabischen Literatur der Gegenwart Rotraud Wielandt, 2025-02-17 Das Buch sammelt Rotraud Wielandts wichtigste kleinere Schriften zum Islam in Neuzeit und Gegenwart sowie zur modernen arabischen Literatur aus vierzig Jahren erweitert um einen Originalbeitrag. Thematische Schwerpunkte liegen auf der koranexegetischen Hermeneutik, auf Fragen der theologischen Anthropologie und des Menschenrechtsdenkens, auf der islamistischen Ideologie und ihrer innerislamischen Kritik sowie auf der Verarbeitung religiöser Probleme und Motive in arabischer Erzählungsliteratur. Die Artikel bieten Islamwissenschaftlern und Arabisten viel an Material und Anregungen. Ein Großteil entstand in interdisziplinären Gesprächskontexten und wurde ursprünglich für diese verfasst. Somit bieten viele Beiträge auch Denkanstöße für christliche und muslimische Philosophen, Theologen und Pädagogen, die sich mit dem interreligiösen Dialog befassen.      **Human Rights**

**Between Universality and Islamic Legitimacy** Mahmoud Bassiouni, 2024 Historically the dynamics underlying contemporary Muslim human rights discourse and the related question of identity can be traced back to the second half of the nineteenth century Faced with European superiority and aware of their own need for reform Muslim intellectuals pondered how to explain the stagnation of Islamic societies and what initiatives were needed to bring about the desired progress Many Muslims were troubled not only by Europe's material superiority but also by the sense of inferiority they felt in the face of Europe's ideological defamation of Islamic societies Any person wrote the French philosopher Ernest Renan in 1883 with a modicum of instruction in the affairs of our time clearly sees the current inferiority of Muslim countries the decadence of the states governed by Islam the intellectual nonentity of the races that derive their culture and education solely from this religion Thus the idea of reform derived its impetus from an ideological challenge that saw the causes of Muslim stagnation as residing in Islam and identified the latter as inhibiting or even blocking the progress of Islamic societies Accordingly the crisis of the Muslim search for identity unfolded in response to the question of how to define oneself in relation to Europe and what role Islam should play in this regard In a broader sense Muslims were confronted with the basic questions of political philosophy What principles should we live by and where do we derive these principles from Can the principles of a modern society be derived from Islam Or is it necessary to refer to the ideas and institutions of Europe To what extent can we then still define ourselves as Muslims in relation to Europe In response to these questions three broad currents of thought can be identified

2.1 Trialogue of Identities Echoing the European position a secularist school of thought believed that Muslims by virtue of their religion were intellectually incapable of developing progressive thought in the European sense According to this view Islam was fundamentally incompatible with science and modern civilization Muslims should therefore accept European modernity as the ultimate frame of reference and assimilate to Europe as much as possible Politically this assimilationist stance became most prominent in Turkey In contrast a second much broader current of thought which might be called traditionalist argued that the plight of Muslims was due to colonization and oppression by the European West According to this view the stagnation of Islamic societies was caused by the exercise of European imperial power to which Muslims had fallen victim so that adopting European ideas would be tantamount to intellectual capitulation Rather Muslims should seek and rediscover their strength in their own past The only way to express one's true identity according to this argument is to return to one's own tradition

**Shatibi's Philosophy of Islamic Law** Muhammad Khalid Mas'ud, 1973 This thesis studies Shatibi's d. 790-1388 frequently quoted yet little explored and often misunderstood concept of maslaha The thesis argues that Shatibi's doctrine that the protection of the maslaha of men is the main objective of Islamic law was a product of the grave need of his time to adapt Islamic legal theory to new social conditions Certain theological and moral considerations had limited the validity of maslaha as a principle of legal reasoning After an analysis of such considerations Shatibi proposed maslaha as the most fundamental source of Islamic law Shatibi was however reluctant to

accept the logical conclusions of his argument and let his definition of ta'abbud be ambiguous Shāṭibi's Philosophy of Islamic Law Muhammad Khalid Masud, McGill University. Institute of Islamic Studies, 1973 This thesis studies Shatibi's d. 790/1388 frequently quoted yet little explored and often misunderstood concept of maslaha Islamic Legal Philosophy Muhammad Khalid Masud, 1977 **Islamic Legal Philosophy** Muhammad Khalid Masud, 1977 Islamic Legal Philosophy is a study of the famous Spanish Maliki jurist Abu Ishaq al-Shatibi's d. 790/1388 life and legal thought Shatibi is one of the prominent jurists whose thought particularly the idea of maslaha which is the focal point of his legal philosophy maqasid al-shari'a has played a very significant role in the modern Muslim liberal legal thought In fourteen chapters the book is a pioneer study of Shatibi's essential legal concepts The analysis is preceded by a detailed study of the historical and intellectual background of social changes which necessitated a reinterpretation of Islamic Legal Theory Page 4 of cover **Shāṭibi's Philosophy of Islamic Law** Muhammad Khalid Masud, 1973 **Islamic Legal Philosophy and the Qur'ānic Origins of the Islamic Law** Syed Habibul Haq Nadvi, 1989 *Islamic Studies*, 2003 **Islamic Law** Gavin N. Picken, 2011 Volume III focuses on the consolidation and consequent perceived stagnation of Islamic law in the medieval period alluded to in the traditional accounts of Islamic legal theory The final volume in the collection examines Islamic law in the modern period and the challenges of living in a modern technologically advanced world Supplemented with a full index Islamic Law includes a comprehensive introduction newly written by the editor which places the collected material in its historical and intellectual context It is certain to be valued as a vital research resource Publisher description *Islamic Jurisprudence*, 2001

**Islamic Culture** Marmaduke William Pickthall, Muhammad Asad, 1979 **State Law as Islamic Law in Modern Egypt** Clark B. Lombardi, 2006 Explores the decision by the government of Egypt in the 1970s to constitutionalize Islamic Shari'a and discusses its impact on Egypt's constitutional jurisprudence *Narratives of Truth in Islamic Law* Baudouin Dupret, Annelies Moors, Barbara Drieskens, 2008 The truth in legal terms is the version of what happened which carries most authority This original and thought provoking book looks at how this narrative is constructed in Muslim societies and which truths are privileged over others in constructing it Looking at a range of contrasting case studies from Sharia courts to inquiries into police abuse this book explores how ordinary stories are transformed into authoritative truths **Bulletin of the School of Oriental and African Studies, University of London**, 1979 Hierarchie der Rechtsquellen im tradierten sunnitischen Islam Birgit Krawietz, 2002 Die vorliegende Arbeit ist die erste umfassende Untersuchung in deutscher Sprache die sich der sunnitisch islamischen juristischen Methodik und Rechtsquellenlehre in systematischer Absicht zuwendet Der Verfasserin geht es darum normative Systemzusammenhänge und Charakteristika islamischer Rechtsquellenlehren herauszuarbeiten so wie sie sich für arabischsprachige muslimische Autoren und Adressaten heutzutage blickerweise darstellen auch wenn diese de facto unterschiedlichen Rechtsordnungen angehören Zwar darf islamisches Recht nicht mit dem Recht islamischer Staaten verwechselt werden doch ist die Scharia in islamischen Ländern und vielen arabischen

Staaten Ausgangspunkt Grundlage und Maßstab der Beurteilung Als solche beansprucht sie auch zukünftige Geltung Die Autorin rekonstruiert die Entwicklung des islamischen Rechts von den Anfängen bis zur Gegenwart Sie folgt dabei den Eigendeutungen und den Selbst Periodisierungen des tradierten wie des zeitgenössischen Rechtsdenkens aus der Binnenperspektive des islamischen Rechtssystems Der begriffliche Rahmen und das von ihr entwickelte Verfahren gestatten ihr einen hinreichend weiten wie detaillierten Blick auf das Gesamtgefüge approbierter Rechtsquellen Im Zentrum stehen dabei vor allem diejenigen Rechtsquellenlehren die einem tradierten Verständnis folgen Diese Orientierung am Mainstream zeitgenössischen islamischen Rechtsdenkens schließt jedoch gewisse Neuerungen nicht aus Insgesamt zeigt die vorgestellte Literatur einen hohen Grad an Reflektiertheit und Flexibilität Zu den Zielen dieser Untersuchung gehört es auch dem unter westlichen Betrachtern verbreiteten Zerrbild einer vermeintlich apodiktischen wenig differenzierungsfähigen Scharia und ihrer Jurisprudenz zu begegnen das nun wirklich nicht der Wahrheit entspricht So kann sie u a zu dem Ergebnis gelangen das es im Bereich der juristischen Methodik formal gesehen mehr Gemeinsamkeiten mit der westlichen Jurisprudenz gibt als gemeinhin angenommen wird Dies gilt auch eingedenk der Tatsache das zwischen islamischem und westlichem Recht rechtsinhaltlich betrachtet vielfach radikale Unterschiede bestehen die man in Rechnung zu stellen hat

**Great Books of Islamic Civilization** Nabī Bakhshu Khānu Balocu, 1989

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