

Equity and Fairness in Islam

Mohammad Hashim Kamali



Equity And Fairness In Islam Islamic Law And Jurisprudence Series

David L. Johnston



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Equity and Fairness in Islam Mohammad Hashim Kamali, 2005 This is the first work in the English language to deal specifically with the subjects of equity and fairness in Islamic law Prof M H Kamali takes these concepts back to their origin in the Qur'an the sayings of the Prophet Muhammad and the era of the Companions of the Prophet in the first two centuries of Islam This is followed by discussions of equity as a basis for the formulation of Islamic law and a comparison between it and other concepts essential for law making such as general consensus analogical reasoning and considerations of public interest Part Two of Equity and Fairness in Islam is an attempt to apply the concepts of equity and fairness to certain issues of contemporary concern and especially to commercial transactions The issues raised here are related to Islamic banking sale transactions charitable endowments pensions funds and other long term saving accounts Equity and Fairness in Islam can be read in conjunction with M H Kamali's titles especially Islamic Commercial Law *The Right to Development in International Law* Khurshid Iqbal, 2009-09-10 This book explores the right to development in international law The volume draws on a range of relevant sources to analyze the legal status of international cooperation in contemporary international law before going on to explore the domestic application of the right to development looking at the example of Pakistan

International Law and Muslim States Dawood Hamzah, 2021-08-12 This book analyses the general interaction between international law and Islamic law in the Muslim world today It interrogates factors that often form the root of the tension between the two legal regimes Literalist interpretations of Islamic law and the modern international law's disposition that does not give due consideration to differences among cultures and civilizations are some of these factors This work examines the Saudi Arabia textualist approach to the two primary sources of law in Islam the Qur'an and Sunnah and argues that a liberal approach of interpretation has become sine qua non especially now that myriad issues are confronting the Muslim world generally and Saudi Arabia in particular Similarly globalization has generated an unprecedented multi culturalism legal pluralism and trans border interactions in socio economic and political relations Therefore Saudi Arabia as the bastion of Islam and Islamic nations is faced with the imperative of adopting a liberal approach to interpretation of Islamic law with a view to accommodating a wide spectrum of other laws and cultures The book provides a timely examination of the issue of modern Saudi Arabia Islamic legal order vis vis the contemporary concept of international law and international relations in specific areas such as international human rights law and trans national economic matters As such it will be of interest to academics and researchers working in Islamic law international and comparative law human rights law and law and religion *Tawhid and Shari'ah* Masudul Alam Choudhury, 2020-11-30 This book invokes the Tawhidi ontological foundation of the Qur'anic law and worldview and is also a study of ta'wil the esoteric meaning of Qur'anic verses It presents a comparative analysis between the Tawhidi methodology and the contemporary subject of Shari'ah Masudul Alam Choudhury brings about a serious criticism of the traditional understanding of Shari'ah as Islamic law contrary to the

holistic socio scientific worldview of the unity of knowledge arising from Tawhid as the law A bold repudiation of the Islamic traditional understanding and the school of theocracy Choudhury s critique is in full consonance with the Qur an and Sunnah It is critical of the sectarian madhab conception of relational independence of facts Thus the non creative outlook of Shari ah contrasts with universality and uniqueness of Tawhid as the analytically established law explaining the monotheistic organic unity of being and becoming in everything This wide and strict methodological development of the Tawhidi worldview is articulated in this work The only way that Tawhid and Shari ah can converge as law is in terms of developing the Tawhidi methodology purpose and objective of the universal and unique law in consonance with the ontology of Tawhid Such a convergence in the primal ontological sense of Tawhid is termed as maqasid as shari ah al Tawhid

God-Conscious Organization and the Islamic Social Economy Masudul Alam Choudhury,2016-08-05 Can there be God conscious organizational behaviour in the real world of today s capitalist corporations and the alternatives In this overview of God consciousness as a moral awareness model of preference formation functions structures and programs of organization within the purview of institutions and society the authors explain and compare the major ethical issues of organizational behaviour and structure in Islamic economic theory and application By analysing the nature of inclusive organizations and institutions and the ethical preferences in Islamic choice framework the authors from Saudi Arabia Australia Malaysia Bangladesh Canada Indonesia and the UK can highlight individual aspects to show whether capitalist organizational behaviour is sustainable They describe how The Tawhidi epistemological framework governing conscious moral decision making by institutions and organization are used to establish the meaning and potential application of the concept of sustainability and whether organizational moral objectives achieve their goals of life fulfilment development Poverty alleviation and the equitable distribution of wealth and resources

Land, Law and Islam Hilary Lim,2013-07-18 In this pioneering work Siraj Sait and Hilary Lim address Islamic property and land rights drawing on a range of socio historical classical and contemporary resources They address the significance of Islamic theories of property and Islamic land tenure regimes on the webs of tenure prevalent in the Muslim societies They consider the possibility of using Islamic legal and human rights systems for the development of inclusive pro poor approaches to land rights They also focus on Muslim women s rights to property and inheritance systems Engaging with institutions such as the Islamic endowment waqf and principles of Islamic microfinance they test the workability of authentic Islamic proposals Located in human rights as well as Islamic debates this study offers a well researched and constructive appraisal of property and land rights in the Muslim world

Islamic Finance David Eisenberg,2012-03-22 This work is a practical and commercial guide to the fundamental principles of Islamic finance and their application to Islamic finance transactions Islamic finance is a rapidly expanding global industry and this book is designed to provide a practical treatment of the subject It includes discussion and analysis of the negotiation and structure involved in Islamic finance transactions with relevant case studies structure diagrams and precedent material

supporting the commentary throughout An introductory section describes the theoretical background and explains the principles and their sources of Islamic law which underpin Islamic finance practices providing an important backdrop to the work as a whole The work also considers the role of Shariah supervisory boards Islamic financial institutions and the relevance of accounting approaches The work adopts an international perspective to reflect the pan global nature of the industry and accepted practices with the aim to bring together different schools of thought applied in international Islamic finance transactions It also highlights any regional differences in accepted practice by reviewing the position in the Gulf states Asia the UK and Europe and the USA The second part of the book concentrates on Islamic financial law in practice and begins with a section on financial techniques This section explains the basic requirements for Islamic finance contracts both in terms of the underlying asset types and also both the applicability and acceptability of the underlying asset There is a full discussion of the various types of contractual models such as Mudaraba trustee finance Musharaka partnership or joint venture Murabaha sale of goods and Sukuk participation securities coupons etc The nascent area of Takaful insurance is also covered as are matters specific to the important field of project and asset finance

Islam, Sharia and Alternative Dispute Resolution Mohamed M. Keshavjee, 2013-06-30 The meanings and contexts of Shari a are the subject of both curiosity and misunderstanding by non Muslims Shari a is sometimes crudely characterised by outsiders as a punitive legal system operating broadly outside and separate from national laws and customs This groundbreaking book shows that Shari a and its fiqh laws set forward by various Islamic legal schools comprise a far more nuanced matrix of interpretations than is often assumed to be the case Far from being monolithic or impervious to change from without Muslim legal tradition has since its beginnings in the early Islamic period placed an emphasis on equity and non adversarial conflict resolution

Mohamed Keshavjee examines both Sunni and Shi a applications of Islamic law demonstrating how political cultural and other factors have influenced the practice of fiqh and Shari a in the West Exploring in particular the modern development of Alternative Dispute Resolution ADR the author shows that this process can revitalise some of the essential principles that underlie Muslim teachings and jurisprudence delivering not only formal remedies but also perceived justice even to non Muslims

Global Justice and Sustainable Development Duncan French, 2010-09-24 In recognising the significant role international law can play in supporting the objectives of justice and sustainable development Global Justice and Sustainable Development provides a wide ranging analysis of some of the most fundamental challenges facing global society In particular the volume seeks to consider the synergies between sustainable development and global justice two notions that are simultaneously hugely important and in equal measure enormously contentious within both international law and international relations Organized in a three part structure Global Justice and Sustainable Development revisits some of the basic assumptions on which the general principles are built considers the implications for differing aspects of international law and focuses on national and regional approaches

The Justice of Islam Lawrence Rosen, 2000 Using data ranging

from the courts of North Africa to the treatment of Islam in American courts these essays demonstrate the appeal of Islamic law in the lives of everyday adherents

Modern Perspectives on Islamic Law E. Ann Black, Hossein Esmaeili, Nadirsyah Hosen, 2013-01-01 This book presents an invaluable contribution to the debate on the compatibility of Islam and modernity It is full of arguments and examples showing how Islam can be understood in line with modern life human rights democracy the rule of law civil society and pluralism The three authors come from different countries represent different gender perspectives and have a Shia a Sunni and a non Muslim background respectively which makes the book a unique source of information and inspiration Irmgard Marboe University of Vienna Austria This well informed book explains reflects on and analyses Islamic law not only in the classical legal tradition of Sharia but also its modern contemporary context The book explores the role of Islamic law in secular Western nations and reflects on the legal system of Islam in its classical context as applied in its traditional homeland of the Middle East and also in South East Asia Written by three leading scholars from three different backgrounds a Muslim in the Sunni tradition a Muslim in the Shia tradition and a non Muslim woman the book is not only unique but also enriched by differing insights into Islamic law Sir William Blair provides the foreword to a book which acknowledges that Islam continues to play a vital role not just in the Middle East but across the wider world the discussion on which the authors embark is a crucial one The book starts with an analysis of the nature of Islamic law its concepts meaning and sources as well as its development in different stages of Islamic history This is followed by accounts of how Islamic law is being practised today Key modern institutions are discussed such as the parliament judiciary dar al ifta political parties and other important organizations It continues by analysing some key concepts in our modern times nation state citizenship ummah dhimmah recognition of the status of certain non Muslims in Islamic states and the rule of law The book investigates how in recent times more and more fatwas are issued collectively rather than emanating from an individual scholar The authors then evaluate how Islamic law deals with family matters economics crime property and alternative dispute resolution Lastly the book revisits certain contemporary issues of debate in Islamic law such as the burqa halal food riba interest and apostasy Modern Perspectives on Islamic Law will become a standard scholarly text on Islamic law Its wide ranging coverage will appeal to researchers and students of Islamic law or Islamic studies in general Legal practitioners will also be interested in the comparative aspects of Islamic law presented in this book

The Essentials of Islamic Banking, Finance, and Capital Markets John Oluseyi Kuforiji, 2022-11-15 This multidisciplinary book on Islamic finance covers Islamic economic financial and legal systems insurance takaful commercial jurisprudence and the socio political and political economy of the Islamic world It examines the dichotomies and similarities between Islamic and conventional financial systems and suggests future roles and governance of Islamic financial institutions Distinctive features of the second edition include an emphasis on the theoretical foundations of Islamic finance the distinctions between the micro and macroeconomic concepts and theories to the readers and an expansion on Islamic approved forms of trade dealings transactions and

contracts Furthermore this work discusses the newly introduced Islamic capital market products of the years 2020 to 2022 including the transition from the inter bank offer rates IBORs as global benchmark lending rate to the new risk free rates RFRs that became effective on January 1 2022 and discusses the transition of Saudi Arabia Monetary Agency to Saudi Central Bank in 2020 Though every effort is made to avoid tedious mathematical proof and derivatives this work provides working calculations for the pricing of Islamic instruments and provides supplemental materials in the form of faculty resources and students study guide and workbook This work acts as a useful textbook for graduate and advanced undergraduate students who are looking at broadening their knowledge in finance Similarly this book is a helpful guide and tool for financial practitioners who are interested in learning more about the innovative discipline of Islamic finance For financial practitioners to drive maximum benefits from this innovative financing mechanism they need to know understand and participate in the investment opportunities which are provided by Islamic finance

The Global Muslim Community at a Crossroads Abdul Basit Ph.D.,2012-01-16 Tackling a subject that is as timely as it is complex this expert work examines the turmoil inside Muslim communities helping outsiders to understand and insiders to examine ways in which Islam can be reinterpreted for a modern world The Global Muslim Community at a Crossroads Understanding Religious Beliefs Practices and Infighting to End the Conflict is an illuminating work Written by an eminent psychologist who was raised as a Muslim in India and now resides in the United States it examines the core reasons for the current state of affairs in Muslim communities explaining the psychological underpinnings of Muslim religion and practices and the reasons they can fuel violence Drawing on the editor s exposure to Eastern and Western cultures and his longstanding interest in the study of comparative world religions this impartial analysis takes a multidimensional approach to explaining the current plight of Muslim countries It candidly discusses issues such as the influence of Islamic schools the negative and positive roles of Ulema religious scholars a lack of critical inquiry into religious thought Sharia and the status of women in Islam Finally there are positive suggestions about a road to recovery explaining how Muslim communities can address the interlocking problems they face while retaining the positive aspects of their beliefs

Transboundary Water Resources in Afghanistan John F. Shroder,Sher Jan Ahmadzai,2016-06-13 Transboundary Water from Afghanistan Climate Change and Land Use Implications brings together diverse factual material on the physical geography and political cultural and economic implications of Southwest Asian transboundary water resources It is the outgrowth of long term deep knowledge and experience gained by the authors as well as the material developed from a series of new workshops funded by the Lounsbery Foundation and other granting agencies Afghanistan and Pakistan have high altitude mountains providing vital water supplies that are highly contentious necessities much threatened by climate change human land use variation and political manipulation which can be managed in new ways that are in need of comprehensive discussions and negotiations between all the riparian nations of the Indus watershed Afghanistan China India and Pakistan This book provides a description of the basic topographic

configuration of the Kabul River tributary to the Indus river together with all its tributaries that flow back and forth across the border between Afghanistan and Pakistan and the basic elements that are involved with the hydrological cycle and its derivatives in the high mountains of the Hindu Kush and Himalaya Synthesizes information on the physical geography and political cultural and economic implications of Southwest Asian transboundary water resources Offers a basic topographic description of the Indus River watershed Provides local water management information not easily available for remote and contentious border areas Delivers access to the newest thinking from chief personnel on both sides of the contentious border Features material developed from a series of new workshops funded by the Lounsbery Foundation and other granting agencies

Islam, Law, and Equality in Indonesia John R. Bowen, 2003-05-29 This book looks at how Muslims in Indonesia struggle to reconcile radically different sets of social norms and laws

Modernization of the Law in Arab States George N. Sfeir, 1998 This is a major study of the definition and effects of Modernization on 20th century Arab law communities and their societies Focus is on the codification and implementation of legal change in the post 1945 era of nation building and patterns of reform interaction between Islamic and Western law in the Middle East

Evolving Muslim Theologies of Justice **Jamal Al-Banna, Mohammad Hashim Kamali and Khaled Abou El Fadl (Penerbit USM)** David L. Johnston, 2014-11-25 In this book the author reflects upon the writings of three well known contemporary Muslim thinkers Jamal al Banna Mohammad Hashim Kamali and Khaled Abou El Fadl All three try to make sense of Islam's contemporary role in the face of modernity and globalization by examining the religion from within the tradition These are scholars whose religious authenticity has never been questioned At the same time they remain open to not only non Muslim religions and secular philosophies but also to the diversity of thought that lies within Islam which is sometimes suppressed by those who adopt an authoritarian approach to religion Universiti Sains Malaysia Penerbit Universiti Sains Malaysia

Islamic Finance in the Digital Age Syed Nazim Ali, Zul H. Jumat, 2024-11-08 This book investigates the integration of emerging technologies within Islamic finance reconciling Islamic values with contemporary financial innovations and ensuring ethical integrity in the face of rapid digital transformation It delves into the challenges and opportunities posed by 21st century technological advancements including decentralized finance and AI

The Oxford Handbook of Islamic Law Anver M. Emon, Rume Ahmed, 2018-10-25 This volume provides a comprehensive survey of the contemporary study of Islamic law and a critical analysis of its deficiencies Written by outstanding senior and emerging scholars in their fields it offers an innovative historiographical examination of the field of Islamic law and an ideal introduction to key personalities and concepts While capturing the state of contemporary Islamic legal studies by chronicling how far the field has come the Handbook also explains why certain debates recur and indicates fundamental gaps in our knowledge Each chapter presents bold new avenues for research and will help readers appreciate the contested nature of key concepts and topics in Islamic law This Handbook will be a major reference work for scholars and students of Islam and Islamic law for years to come

The

Religious Other Alon Goshen-Gottstein, 2018-08-08 One of the biggest challenges for relations between religions is the view of the religious Other The question touches the roots of our theological views The Religious Other Hostility Hospitality and the Hope of Human Flourishing explores the views of multiple religious traditions on how to regard otherness How does one move from hostility to hospitality How can hospitality be understood not simply as social hospitality but as theological hospitality making room for the religious Other on theological grounds What is our vision for the flourishing of the Other while respecting his otherness This volume is an exercise in constructive interreligious theology By including Abrahamic and non Abrahamic traditions it approaches these challenges from multiple perspectives highlighting commonalities in approach and ways in which one tradition might inspire another Contributors Vincent J Cornell Alon Goshen Gottstein Richard P Hayes Lord Rabbi Jonathan Sacks Deepak Sarma Stephen W Sykes Dharma Master Hsin Tao Ashok Vohra

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Table of Contents Equity And Fairneb In Islam Islamic Law And Jurisprudence Series

1. Understanding the eBook Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - The Rise of Digital Reading Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - Advantages of eBooks Over Traditional Books
2. Identifying Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - User-Friendly Interface
4. Exploring eBook Recommendations from Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - Personalized Recommendations
 - Equity And Fairneb In Islam Islamic Law And Jurisprudence Series User Reviews and Ratings
 - Equity And Fairneb In Islam Islamic Law And Jurisprudence Series and Bestseller Lists
5. Accessing Equity And Fairneb In Islam Islamic Law And Jurisprudence Series Free and Paid eBooks
 - Equity And Fairneb In Islam Islamic Law And Jurisprudence Series Public Domain eBooks
 - Equity And Fairneb In Islam Islamic Law And Jurisprudence Series eBook Subscription Services
 - Equity And Fairneb In Islam Islamic Law And Jurisprudence Series Budget-Friendly Options
6. Navigating Equity And Fairneb In Islam Islamic Law And Jurisprudence Series eBook Formats

- ePub, PDF, MOBI, and More
 - Equity And Fairneb In Islam Islamic Law And Jurisprudence Series Compatibility with Devices
 - Equity And Fairneb In Islam Islamic Law And Jurisprudence Series Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - Highlighting and Note-Taking Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - Interactive Elements Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 8. Staying Engaged with Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 9. Balancing eBooks and Physical Books Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - Setting Reading Goals Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - Fact-Checking eBook Content of Equity And Fairneb In Islam Islamic Law And Jurisprudence Series
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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