Islam and English Law

Former Archbishop of Canterbury Rowan Williams triggered a storm of protest when he suggested that some accommodation between British law and Islam's shari'a law was 'inevitable'. His foundational lecture introduced a series of public discussions on Islam and English Law at the Royal Courts of Justice and the Temple Church in London. This volume combines developed versions of these discussions with new contributions. Theologians, lawyers and sociologists look back on developments since the Archbishop spoke and forwards along trajectories opened by the historic lecture. The contributors provide and advocate a forward-looking dialogue, asking how the rights of all citizens are honoured and their responsibilities met. Twenty specialists explore the evolution of English law, the implications of Islam, shari'a and jihad and the principles of the European Convention on Human Rights, family law and freedom of speech. This book is for anyone interested in the interaction between religion and secular society.

Minority Religions under Irish Law

Minority Religions under Irish Law focuses the spotlight specifically on the legal protections afforded in Ireland to minority religions, generally, and to the Muslim community, in particular.
In The Politics of Islamic Law, Iza Hussin compares India, Malaya, and Egypt during the British colonial period in order to trace the making and transformation of the contemporary category of 'Islamic law.' She demonstrates that not only is Islamic law not the shari‘ah, its present institutional forms, substantive content, symbolic vocabulary, and relationship to state and society—in short, its politics—are built upon foundations laid during the colonial encounter. Drawing on extensive archival work in English, Arabic, and Malay—from court records to colonial and local papers to private letters and visual material—Hussin offers a view of politics in the colonial period as an iterative series of negotiations between local and colonial powers in multiple locations. She shows how this resulted in a paradox, centralizing Islamic law at the same time that it limited its reach to family and ritual matters, and produced a transformation in the Muslim state, providing the frame within which Islam is articulated today, setting the agenda for ongoing legislation and policy, and defining the limits of change. Combining a genealogy of law with a political analysis of its institutional dynamics, this book offers an up-close look at the ways in which global transformations are realized at the local level.

The Politics of Islamic Law - Iza R. Hussin - 2016-03-31

In The Politics of Islamic Law, Iza Hussin compares India, Malaya, and Egypt during the British colonial period in order to trace the making and transformation of the contemporary category of 'Islamic law.' She demonstrates that not only is Islamic law not the shari‘ah, its present institutional forms, substantive content, symbolic vocabulary, and relationship to state and society—in short, its politics—are built upon foundations laid during the colonial encounter. Drawing on extensive archival work in English, Arabic, and Malay—from court records to colonial and local papers to private letters and visual material—Hussin offers a view of politics in the colonial period as an iterative series of negotiations between local and colonial powers in multiple locations. She shows how this resulted in a paradox, centralizing Islamic law at the same time that it limited its reach to family and ritual matters, and produced a transformation in the Muslim state, providing the frame within which Islam is articulated today, setting the agenda for ongoing legislation and policy, and defining the limits of change. Combining a genealogy of law with a political analysis of its institutional dynamics, this book offers an up-close look at the ways in which global transformations are realized at the local level.

Islamic Law and International Human Rights Law - Anver M. Emon - 2012-10-11

The relationship between Islamic law and international human rights law has been the subject of considerable, and heated, debate in recent years. The usual starting point has been to test one system by the standards of the other, asking is Islamic law 'compatible' with international human rights standards, or vice versa. This approach quickly ends in acrimony and accusations of misunderstanding. By overlaying one set of norms on another we overlook the deeply contextual nature of how legal rules operate in a society, and meaningful comparison and discussion is impossible. In this volume, leading experts in Islamic law and international human rights law attempt to deepen the understanding of human rights and Islam, paving the way for a more meaningful debate. Focusing on central areas of controversy, such as freedom of speech and religion, gender equality, and minority rights, the authors examine the contextual nature of how Islamic law and international human rights law are legitimately formed, interpreted, and applied within a community. They examine how these fundamental interests are recognized and protected within the law, and what restrictions are placed on the freedoms associated with them. By examining how each system recognizes and limits fundamental freedoms, this volume clears the ground for exploring the relationship between Islamic law and international human rights law on a sounder footing. In doing so it offers a challenging and distinctive contribution to the literature on the subject, and will be an invaluable reference for students, academics, and policy-makers engaged in the legal and religious debates surrounding Islam and the West.

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**Sharia Compliant** - Rumee Ahmed - 2018-05
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**An Introduction to Al-Islam and Islamic Law** - Muhamad Mugraby - 2013-01-28
Al-Islam, by linguistic definition, is the state of being at peace and security. It is a house of peace. Al-Sharia is part and parcel of Al-Islam. It is Islamic law. It occupies a central role in the Islamic system, a role designed to insure and protect peace and security for all. Lack of adequate public as well as academic knowledge of and about Al-Sharia is prevalent and is underscored by the inability of thousands of authors in various languages to come to grips with its nature. Most of them define Al-Sharia as religious law. They do so because they interpret Al-Islam as a religion just like Christianity and try to apply to it principles and doctrines that various Christian churches have come either to accept or to reject. A case in point is the doctrine of separation of church and state which, when applied to Al-Islam, serves to de-legitimize Al-Sharia. Hence any call for reinstating Al-Sharia is adamantly rejected as an affront to secularism and modernity. The author, a jurist educated in Western universities, a Doctor of the Science of Law from Columbia University, a former law lecturer, and a well-known human rights defender, demonstrates that Al-Islam is not a mere religion in the Christian sense, but religion and religious worship and belief are parts of it. Al-Islam is a universal system that cannot be separated from Al-Sharia for Al-Sharia embodies and upholds a number of general principles of law and aims to insure peace and protect all inalienable individual rights cherished by Al-Islam. He compares those rights with rights upheld under the Universal Declaration of Human Rights, the American Declaration of Independence and the French Declaration of the Rights of man and the Citizen. In the process, the author demonstrates how Al-Sharia embodies and upholds a rule of law that ranks above kings and all other sovereigns. He argues that the full application of Al-Sharia, which recognizes the bounds, or hudood, of Allah, does not require the rise of one Islamic State to do the job nor will it prevent Islamic states from co-existing in peace and cooperation with each other as well as with non-Islamic states that are willing and agreeable to joining a peace for all humans without discrimination. The conclusion is inevitable that Al-Islam cannot be itself without Al-Sharia and, therefore, denial of Al-Sharia is, in truth, denial of Al-Islam.
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**On British Islam** - John R. Bowen - 2016-03-15

On British Islam examines the history and everyday workings of Islamic institutions in Britain, with a focus on shari’a councils. These councils concern themselves with religious matters, especially divorce. They have a higher profile in Britain than in other Western nations. Why? Taking a historical and ethnographic look at British Islam, John Bowen examines how Muslims have created distinctive religious institutions in Britain and how shari’a councils interpret and apply Islamic law in a secular British context. Bowen focuses on three specific shari’a councils: the oldest and most developed, in London; a Midlands community led by a Sufi saint and barrister; and a Birmingham-based council in which women play a leading role. Bowen shows that each of these councils represents a prolonged, unique experiment in meeting Muslims' needs in a Western country. He also discusses how the councils have become a flash point in British public debates even as they adapt to the English legal environment. On British Islam highlights British Muslims' efforts to create institutions that make sense in both Islamic and British terms. This balancing act is rarely acknowledged in Britain—or elsewhere—but it is urgent that we understand it if we are to build new ways of living together.

**Constituting Religion** - Tamir Moustafa - 2018-07-25

Constituting Religion examines how constitutional provisions for both Islam and liberal rights catalyze conflicts over religion in Malaysia and feed a 'rights-versus-rites' binary. This title is also available as Open Access.

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**Sharia - The Islamic Law** - Corinna Standke - 2008-08

Seminar paper from the year 2008 in the subject Orientalism / Sinology
Today, we live in a multicultural society. In our nearest environment there are people from different cultures or religions and they are part of our society. Muslims are one group that participates in our daily lives. For example, we are surrounded by many Turkish people, without really knowing which principles they follow. If we open a newspaper, we find plenty of articles dealing with Sharia, the Islamic law. There is for example the Archbishop of Canterbury who wants to integrate Islamic law into British law. And at present, the debate on headscarves in Turkish universities revives. Once in a while, we hear from women who are sentenced to death because they had unlawful sexual intercourse. But what do we really know about Muslims? Which rules do they follow and where do these rules come from? If we cannot answer this question, it is difficult to understand why there are these harsh punishments in some Islamic countries and why Islam is so important for the social development of these countries. There are Islamically inspired schools, clinics, social welfare services, and insurance and finance companies that have proliferated. Governments have to face crises of identity and political legitimacy and they are pressured to reformulate values and legislation within an Islamic framework. Some people call for the implementation of Sharia and others call for the Islamization of existing laws. In my paper, I will give an insight into Sharia and I will show how it is implemented in different Islamic countries. As this is a very complex topic, I will focus on the origin of Sharia, customs, family law, and crime and punishment, so as to explain the main principles of Muslim faith.

Sharia - The Islamic Law - Corinna Standke - 2008-08
Seminar paper from the year 2008 in the subject Orientalism / Sinology - Islamic Studies, grade: 1,7, University of Hildesheim (Institut fur Angewandte Sprachwissenschaft), course: Ba-Seminar Interkulturelle Kommunikation, 18 entries in the bibliography, language: English, abstract: Today, we live in a multicultural society. In our nearest environment there are people from different cultures or religions and they are part of our society. Muslims are one group that participates in our daily lives. For example, we are surrounded by many Turkish people, without really knowing which principles they follow. If we open a newspaper, we find plenty of articles dealing with Sharia, the Islamic law. There is for example the Archbishop of Canterbury who wants to integrate Islamic law into British law. And at present, the debate on headscarves in Turkish universities revives. Once in a while, we hear from women who are sentenced to death because they had unlawful sexual intercourse. But what do we really know about Muslims? Which rules do they follow and where do these rules come from? If we cannot answer this question, it is difficult to understand why there are these harsh punishments in some Islamic countries and why Islam is so important for the social development of these countries. There are Islamically inspired schools, clinics, social welfare services, and insurance and finance companies that have proliferated. Governments have to face crises of identity and political legitimacy and they are pressured to reformulate values and legislation within an Islamic framework. Some people call for the implementation of Sharia and others call for the Islamization of existing laws. In my paper, I will give an insight into Sharia and I will show how it is implemented in different Islamic countries. As this is a very complex topic, I will focus on the origin of Sharia, customs, family law, and crime and punishment, so as to explain the main principles of Muslim faith.

An assessment of recent Islamic human-rights schemes that dilute or eliminate the human-rights protections afforded by international law. The author compares these schemes both with the Islamic legal heritage, where they have no exact counterparts, and with

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Islamic Law and Civil Code - Richard A. Debs - 2010-07-28
Richard A. Debs analyzes the classical Islamic law of property based on the Shari'ah, traces its historic development in Egypt, and describes its integration as a source of law within the modern format of a civil code. He focuses specifically on Egypt, a country in the Islamic world that drew upon its society's own vigorous legal system as it formed its modern laws. He also
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Sharia Law for the Non-Muslim - Bill Warner - 2010

"Sharia, an Arabic word meaning "the right path," refers to traditional Islamic law. The Sharia comes from the Koran, the sacred book of Islam, which Muslims consider the actual word of God. The Sharia also stems from the Prophet Muhammad's teachings and interpretations of those teachings by certain Muslim legal scholars. Muslims believe that Allah (God) revealed his true will to Muhammad, who then passed on Allah's commands to humans in the Koran. Since the Sharia originated with Allah, Muslims consider it sacred. Between the seventh century when Muhammad died and the 10th century, many Islamic legal scholars attempted to interpret the Sharia and to adapt it to the expanding Muslim Empire. The classic Sharia of the 10th century represented an important part of Islam's golden age. From that time, the Sharia has continued to be reinterpreted and adapted to changing circumstances and new issues. In the modern era, the influences of Western colonialism generated efforts to codify it."--Definition from Constitutional rights foundation.

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.

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Religious Minorities, Islam and the Law - Al Khanif - 2020-09-04
This book examines the legal conundrum of reconciling international human rights law in a Muslim majority country and identifies a trajectory for negotiating the protection of religious minorities within Islam. The work explores the history of religious minorities within Islam in Indonesia, which contains the world’s largest Muslim population, as well as the present-day ways by which the government may address issues through reconciling international human rights law and Islamic law. Given the context of multiple sets of religious norms in Indonesia, this is a complicated endeavour. In addition to amending and enacting human rights norms, the government is also negotiating with the long history of Islamisation in Indonesia. Particularly relevant is the practice of customary law, which puts the rights of community over individualism. This practice directly affects the rights of religious minorities within Islam. Readers, especially those conducting research, will also be provided with information and references which are relevant to the field of human rights, especially in relation to religious minorities and international law. The book will be a valuable resource for academics and researchers in the fields of International Human Rights Law, Law and Religion, and Islamic Studies.

The General Principles of Human Rights in Islamic Law - Dr. Bekim Hasani - 2021-07-22
The Australian Federation of Islamic Councils (AFIC) is proud to support Dr. Bekim Hasani's book; this is a welcome addition to the knowledge base of English readers. Dr. Rateb Jneid, AFIC President The Islamic Certification Council of Victoria (ICCV) proudly supports the great work produced in this book by Dr Bekim Hasani and urges Muslims and non-Muslims to read and understand the importance of human rights, which is set in the teachings of Islam, and how Islam established these rights from the first message in the Holy Qur’an - "read". Mohamed Koyu, ICCV Acting Head of Operations & Quality This book provides a comprehensive explanation of human rights in Islam and will benefit both Muslim and non-Muslim communities in the west to understand Islam. Naim Tërnava, Grand Mufti of Kosova

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There has long been a need for an objective study such as this dealing with the legal rights and obligations of women under the Sharia and under modern Arab Islamic legislation. Seen within the broad principles of Islamic law, the book examines the status of women with regard to marriage, the iddat, parentage and fosterage and custody, and fills an important gap left by recent and more general publications on Islamic law.

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Argues that Islamic law does not accord a lesser status to women and elaborates Muslim women's rights in a variety of areas. Challenging the conservative framers of Islamic law who accorded a lesser status to women, Mohammad Ali Syed argues that the Quran and the Hadith—the two primary sources of Islamic law—actually place Muslim women on the same level as Muslim men. Syed provides an overview of both sources and explores their respective roles in Islamic law, emphasizing the Quran's role as the supreme authority and questioning the authenticity of some of the alleged sayings of the Prophet Muhammad (pbuh). From these texts, he elaborates women's rights in a variety of areas, including treatment by God; marriage, divorce, financial provisions, and custody of children; coming out of seclusion (purdah), and taking part in social, economic, legal, and political activities. Rather than presenting what is practiced today, the book covers the theoretical position of Muslim women as sanctioned by the Quran and the authentic Hadith and offers a glimpse of the exalted position of honor and dignity enjoyed by Muslim women in the early days of Islam. This well-researched book is made more distinctive by the author's personal experience. Raised in Bengal, India, Syed was inspired by his family, who valued men and women equally. As he grew up, Syed realized that most Muslim women lived very differently than the women of his family. According to the author, his family was egalitarian because his father and male relatives were not only devout Muslims but also very knowledgeable about Islam. This book is a culmination of his lifelong concern for women's rights under Islam. "The topic is certainly important for Muslims, and for anyone interested in comprehending the issues that are debated among contemporary Muslims. Mohammad Ali Syed handles these complex issues with clarity." — Sheila McDonough, coeditor of The Muslim Veil in North America: Issues and Debates

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Master's Thesis from the year 2018 in the subject Law - European and International Law, Intellectual Properties, grade: C, Hamburg University of Economy and Policy (Europa-kollege), course: LLM/EU Legal Studies, language: English, abstract: This thesis is about finding out if there is a possibility to consider reconciliation between Islam a minority religion and European law in regards to human rights. The aim is to understand the conflict between Islam and liberal political concept human rights law to present a picture that can show human rights protection in European society of which Muslims have become an essential part. Sharia law is taken as an Islamic legal and political manifestation that considered being in conflict with contemporary liberal political concepts like European Union and its laws. With the help of comparative analysis of Islamic countries both in a non European country and a country that is a party to European convention, and historical practices of Muslim societies and regimes in relation to value of Sharia in Islamic civilizations and contemporary world. It was observed that Sharia has never been the primary source of legal and political fabric of Islamic rules throughout the history and a larger part of Islamic morals and values recognize modern liberal political concepts and values such as constitutionalism and human rights which are also practiced in modern Muslim majority states like Turkey. John Rawls’ theory of overlapping consensus is used in support which says that a desired consensus is only possible if a concept affirms a political conception that is sufficient to express values under favorable conditions make a just constitutional regime despite other values may oppose them.

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Islam and the Everyday World - Sohrab Behdad - 2006-11-22
This is a new examination of how Shari’a law affects public policy both theoretically and in practice, across a wide range of public policy areas, including for example human rights and family law. The process by which public policy is decided - through elections, debates, political processes, and political discourse - has an additional dimension in the Islamic world. This is because Shari’a (divine law) has a great deal to say on many mundane matters of everyday life and must be taken into account in matters of public policy. In addition, matters are complicated further by the fact that there are differing interpretations of the Shari’a and how it should be applied to contemporary social issues. Written by leading experts in their field, this is the first comprehensive single volume analysis of Islam and public policy in the English language and offers further understanding of Islam and its wider social and political implications.

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Is there a basis for human rights in Islam? Beginning with an exploration of what rights are and how the human rights discourse developed, Abdullah Saeed explores the resources that exist within Islamic tradition. He looks at those that are compatible with international human rights law and can be garnered to promote and protect human rights in Muslim-majority states. A number of rights are given specific focus, including the rights of women and children, freedom of expression and religion, as well as jihad and the laws of war. Human Rights and Islam emphasises the need for Muslims to rethink problematic areas of Islamic thought that are difficult to reconcile with contemporary conceptions of human rights.

**Comparative Religious Law** - Norman Doe - 2018-11-15

Compares the modern legal instruments of Jewish, Christian and Muslim organisations in light of their historical religious laws.

**Islam and the Challenge of Human Rights** - Abdulaziz Sachedina - 2009-11-05

In 1948, the General Assembly of the United Nations adopted and proclaimed the International Declaration of Human Rights, a document designed to hold both individuals and nations accountable for their treatment of fellow human beings, regardless of religious or cultural affiliations. Since then, the compatibility of Islam and human rights has emerged as a particularly thorny issue of international concern, and has been addressed by Muslim rulers, conservatives, and extremists, as well as Western analysts and policymakers; all have commonly agreed that Islamic theology and human rights cannot coexist. Abdulaziz Sachedina rejects this informal consensus, arguing instead for the essential compatibility of Islam and human rights. He offers a balanced and incisive critique of Western experts who have ignored or underplayed the importance of religion to the development of human rights, contending that any theory of universal rights necessarily emerges out of particular cultural contexts. At the same time, he re-examines the juridical and theological traditions that form the basis of conservative Muslim objections to human rights, arguing that Islam, like any culture, is open to development and change. Finally, and most importantly, Sachedina articulates a fresh position that argues for a correspondence between Islam and secular notions of human rights.
been addressed by Muslim rulers, conservatives, and extremists, as well as Western analysts and policymakers; all have commonly agreed that Islamic theology and human rights cannot coexist. Abdulaziz Sachedina rejects this informal consensus, arguing instead for the essential compatibility of Islam and human rights. He offers a balanced and incisive critique of Western experts who have ignored or underplayed the importance of religion to the development of human rights, contending that any theory of universal rights necessarily emerges out of particular cultural contexts. At the same time, he re-examines the juridical and theological traditions that form the basis of conservative Muslim objections to human rights, arguing that Islam, like any culture, is open to development and change. Finally, and most importantly, Sachedina articulates a fresh position that argues for a correspondence between Islam and secular notions of human rights.

The Islamic Law on Land Tax and Rent - Baber Johansen - 2016-11-10
This book, first published in 1988, argues that a close inspection of the development of Hanafite law in the Mamluk and Ottoman periods reveals changes in legal doctrine which were not restricted to civil transactions but also concerned the public law. It focuses in particular on the interrelated areas of property, rent and taxation of arable lands, arguing that changes in the relationship between tax and rent led to a redefinition of the concept of landed property, a concept at the very heart of the Islamic legal system. This title will be of particular interest to students of Islamic history.

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Islam and International Law - - 2013-06-13
Islam and International Law explores the multi-faceted relationship of Islam and international law. Current debates on Sharia, Islam and the “West” often suffer from prejudice and platitudes. The book seeks to engage such self-centrism by providing a plurality of perspectives, both in terms of interdisciplinary research and geographic backgrounds.

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Recasting Islamic Law - Rachel M. Scott - 2021-03-15
By examining the intersection of Islamic law, state law, religion, and culture in the Egyptian nation-building process, Recasting Islamic Law highlights how the sharia, when attached to constitutional commitments, is reshaped into modern Islamic state law. Rachel M. Scott analyzes the complex effects of constitutional commitments to the sharia in the wake of the Egyptian Revolution of 2011. She argues that the sharia is not dismantled by the modern state when it is applied as modern Islamic state law, but rather recast in its service. In showing the particular forms that the sharia takes when it is applied as modern Islamic state law, Scott pushes back against assumptions that introductions of the sharia into modern state law result in either the revival of medieval Islam or in its complete transformation. Scott engages with premodern law and with the Ottoman legal legacy on topics concerning Egypt's Coptic community, women's rights, personal status law, and the relationship between religious scholars and the Supreme Constitutional Court. Recasting Islamic Law considers modern Islamic state law's discontinuities and its continuities with premodern sharia.

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Islamic Family Law in a Changing World - 'Abd Allah Ahmad Na'im - 2002-08
Socio-cultural and historical contextualizations precede legal profiles for nine regions and 38 Islamic countries around the world. [back cover].

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An Introduction to Islamic Law - Joseph Schacht - 1982

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Understanding Sharia - Raficq S. Abdulla - 2018-04-30
I.B.Tauris in association with the Institute of Ismaili Studies Sharia has been a source of misunderstanding and misconception in both the Muslim and non-Muslim worlds. Understanding Sharia: Islamic Law in a Globalised World sets out to explore the reality of sharia, contextualising its development in the early centuries of Islam and showing how it evolved in line with historical and social circumstances. The authors, Raficq S. Abdulla and Mohamed M. Keshavjee, both British-trained lawyers, argue that sharia and the positive law flowing from it, known as fiqh, have never been an exclusive legal system or a fixed set of beliefs. In addition to tracing the history of sharia, the book offers a critique concerning its status today. Sharia is examined with regard to particular issues that are of paramount importance in the contemporary world, such as human rights; criminal penalties, including those dealing with apostasy, blasphemy and adultery, commercial transactions, and bio-medical ethics, amongst other subjects. The authors show that sharia is a legal system underpinned by ethical principles that are open to change in different circumstances and contexts, notwithstanding the claims for ‘transcendental permanence’ made by Islamists. This book encourages new thinking about the history of sharia and its role in the modern world.

Child Custody in Islamic Law - Ahmed Fekry Ibrahim - 2018-08-31
A longitudinal history of Islamic child custody law, challenging Euro-American exceptionalism to reveal developments that considered the best interests of the child.
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Islamic Law - Hunt Janin - 2007-02-22
The sharia is a set of traditional laws that define a Muslim's obligations to God and his fellow human beings. Westerners often misunderstand the nature of the sharia, born as it is of a complicated legal and academic tradition that may not always seem relevant to today's world. Written for those unfamiliar with Islam, this volume provides an accurate and objective assessment of the sharia's achievements, shortcomings and future prospects. It explores the fundamentals of Islam and traditional sharia laws. In addition, the sharia is discussed with respect to Ottoman law, puritanism and jihad. The sharia's relevance to today's world events is also explored. Among items provided in appendices are a commentary on a Western translation of the concept of jihad and an analysis of the sharia in 29 selected countries.

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Thomas Jefferson's Qur'an - Denise A. Spellberg - 2013-10-01
In this original and illuminating book, Denise A. Spellberg reveals a little-known but crucial dimension of the story of American religious freedom—a drama in which Islam played a surprising role. In 1765, eleven years before composing the Declaration of Independence, Thomas Jefferson bought a Qur'an. This marked only the beginning of his lifelong interest in Islam, and he would go on to acquire numerous books on Middle Eastern languages, history, and travel, taking extensive notes on Islam as it relates to English common law. Jefferson sought to understand Islam notwithstanding his personal disdain for the faith, a sentiment prevalent among his Protestant contemporaries in England and America. But unlike most of them, by 1776 Jefferson could imagine Muslims as future citizens of his new country. Based on groundbreaking research, Spellberg compellingly recounts how a handful of the Founders, Jefferson foremost among them, drew upon Enlightenment ideas about the toleration of Muslims (then deemed the ultimate outsiders in Western society) to fashion out of what had been a purely speculative debate a practical foundation for governance in America. In this way, Muslims, who were not even known to exist in the colonies, became the imaginary outer limit for an unprecedented, uniquely American religious pluralism that would also encompass the actual despised minorities of Jews and Catholics. The rancorous public dispute concerning the inclusion of Muslims, for which principle Jefferson’s political foes would vilify him to the end of his life, thus became decisive in the Founders’ ultimate judgment not to establish a Protestant nation, as they might well have done. As popular suspicions about Islam persist and the numbers of American Muslim citizenry grow into the millions, Spellberg’s revelatory understanding of this radical notion of the Founders is more urgent than ever. Thomas Jefferson’s Qur’an is a timely look at the ideals that existed at our country’s creation, and their fundamental implications for our present and future.

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**Between Feminism and Islam** - Zakia Salime - 2011
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Islam and Human Rights is a probing examination of how the Islamic tradition has been exploited for political ends by regimes and institutions seeking to legitimize policies inimical to human rights. Ann Elizabeth Mayer critically appraises Islamic human rights schemes that dilute the human rights afforded by international law, comparing them with the complex Islamic legal heritage and international human rights law. Challenging stereotypes about a supposedly monolithic Islam inherently incompatible with human rights, Mayer dissects the political motives behind the selective deployment of elements of the Islamic tradition by conservative forces seeking to delegitimize demands for democracy and human rights. The fifth edition provides an updated consideration of government policies on Islam and human rights activism and how they are affecting developments in several Middle Eastern countries, and features a new chapter on the resistance of human rights for sexual minorities by the Organization of Islamic Cooperation (OIC) project to co-opt international human rights law to criminalize ‘defamation of Islam’ occurring in the West. The new edition also analyzes the other most recent and important issues of the region, including: The burgeoning pressures in the Middle East for human rights leading up to the Arab Spring; The ambitious campaign of the (OIC) to influence the UN human rights system by forging alliances with non-Muslim states hostile to human rights; The concerted efforts by this cross-cultural alliance to subvert international human rights law under pretenses of supporting human rights; The intensifying controversies over issues of sexual orientation and gender identity in the Middle East; The Danish Cartoons controversy and the OIC project to co-opt international human rights law to criminalize ‘defamation of Islam’ occurring in the West.

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**Ahkam Al-Islam** - Ayatollah Sayed Muhammad Taqi al-Mudarresi - 2016-04-27
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This book offers an exploration of aspects of the subject, Islam and Human Rights, which is the focus of considerable scholarship in recent years predominantly from Western scholars. Thus it is interesting and important to have the field addressed from a non-Western perspective and by an Iranian scholar. The study draws on Persian language literature that addresses both theological and legal dimensions of the theme. The work is also distinctive in that it tackles three areas that have been largely ignored in the literature. It undertakes a comparative study of the laws of several Muslim States with respect to religious freedom, minorities and the rights of the child. The study offers an optimistic vision of the fundamental compatibility of Islam and international human rights standards.

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necessary expertise in Islamic law and its implementation. As such, this book provides lessons and direction for other countries that operate a dual system of secular and Islamic laws.

Islamic Law in Malaysia - Adnan Trakic - 2021-04-17
This book examines the challenges of the implementation of Islamic law in Malaysia. Malaysia is a pertinent jurisdiction to explore such challenges given its global focus, colonial history and institutions, and the intersection of the Shari’ah and secularism/multiculturalism. The resultant implementation challenges are underpinned by three factors that make Malaysia an important jurisdiction for those interested in understanding the place of Islamic law in the global context. First, Malaysia is often considered as a model Islamic country. Islamic law is a source of law in Malaysia. The Islamic law legal system in Malaysia operates in parallel with a common law legal system. The two systems of law generally are in harmony with one another. Nevertheless, occasional cross-jurisdictional issues do arise, and when they do, the Malaysian judiciary has been quite efficient in solving them. The Malaysian experience in maintaining such harmony between the two legal systems provides lessons for a number of countries facing such challenges. Second, Malaysia has a developed Shari’ah court system that interprets and applies Islamic law predominantly based on the Shafi’i school of thought. While, for the most part, the approach has been successful, there have been times when the implementation of the law has raised concerns as to the compatibility of Islamic law with modern principles of human rights and common law-based values. Third, there have been cases where Islamic law implementation in Malaysia has gained global attention due to the potential for wider international implications. To do justice to this complex area, the book calls on scholars and practitioners who have the necessary expertise in Islamic law and its implementation. As such, this book provides lessons and direction for other countries that operate a dual system of secular and Islamic laws.

A History of Islamic Law - N. Coulson - 2017-07-12
Lawyers, according to Edmund Burke, are bad historians. He was referring to an unwillingness, rather than an inaptitude, on the part of early nineteenth-century English lawyers to concern themselves with the past: for contemporary jurisprudence was a pure and isolated science wherein law appeared as a body of rules, based upon objective criteria, whose nature and very existence were independent of considerations of time and place. Despite the influence of the historical school of Western jurisprudence, Burke’s observation is generally valid for Middle East studies. Muslim jurisprudence in its traditional form provides an extreme example of a legal science divorced from historical considerations. Law, in classical Islamic theory, is the revealed will of God, a divinely ordained system preceding, and not preceded by, the Muslim state controlling, but not controlled by, Muslim society. There can thus be no relativistic notion of the law itself evolving as an historical phenomenon closely tied with the progress of society. The increasing number of nations that are largely Muslim or have a Muslim head of state, emphasizes the growing political importance of the Islamic world, and, as a result, the desirability of extending and expanding the understanding and appreciation of their culture and belief systems. Since history counts for much among Muslims and what happened in 632 or 656 is still a live issue, a journalistic familiarity with present conditions is not enough; there must also be some awareness of how the past has molded the present. This book is designed to give the reader a clear picture. But where there are gaps, obscurities, and differences of opinion, these are also indicated.

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