

Islam And Public Law Arab Islamic Law Series

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Islamic feminism is defined by Islamic scholars as being more radical than secular feminism and as being anchored within the discourse of Islam with the Quran as its central text. As a "school of thought", it is said to refer to Moroccan sociologist " Fatema Mernissi and scholars such as Amina Wadud and Leila Ahmed ".

Islamic feminism – Wikipedia

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The word hijab refers to both the head-covering traditionally worn by some Muslim women and Islamic styles of dress in general.. The garment has different legal and cultural status in various countries. In the Indonesian Aceh province, Muslim women are required to wear the hijab and all women are required to do so in Iran.. France has banned overt religious symbols, including many religious ...

Hijab by country – Wikipedia

Islam And Public Law Arab in which religious law (shariah in arabic) and public law (qanun) are blended varies from one country to the next. what is more, the status of islam and consequently that of islamic law differs as

Islam And Public Law Arab Islamic Law Series

A collection of essays which represent the most advanced scholarship on public law in the world of Islam. Whilst the studies cover a wide historical and geographical span, ranging from early views in classical Islamic texts to recent decisions of the Egyptian Supreme Constitutional Court, the importance of public law in the current debate, within an Islamic legal and cultural context ...

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Contemporary Islam and the Rule of Law The Constitution is the highest fundamental law which establishes the principles and rules on which the system of government is based; the Constitution defines public authorities, delineates its duties, puts limits and constraints over their activities, and organizes the basic guarantees to protect them.22

The Centre of Islamic and Middle Eastern Law at SOAS : Public

Buy Islam and Public Law: Classical and Contemporary Studies by Mallat, Chibli online on Amazon.ae at best prices. Fast and free shipping free returns cash on delivery available on eligible purchase.

Islam and Public Law: Classical and Contemporary Studies ...

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 ...

Religious Minorities, Islam and the Law: International ...

The primary difference between Islamic law and other legal systems, like codified law or our own common law, is that the legislator, the originator of law, is God. A scholar, the jurist (faqih), is the primary interpreter of that law and produces fiqh.

Sharia law: What it is, what it isn't, and why you should ...

Foster, Nicholas HD (2001) 'The Islamic Law of Guarantees'. Arab Law Quarterly, (16) 2, pp 133-57. Baderin, Mashood .A. (2001) 'Dialogue among Civilisations as a New Paradigm for Achieving Universalism in International Human Rights: A Case Study with Islamic Law'. Asia-Pacific Journal on Human Rights and the Law, (2) 2, pp 1-41.

"Proceedings, in part, of a conference convened by the Centre of Islamic and Middle Eastern Law, the Centre of Near and Middle Eastern Studies, and the Law Department of the School of Oriental and African Studies, University of London, jointly with the Institut du monde arabe, Paris. Conference held in London, June 1990"--Title page verso.

Constitutionalism, Human Rights, and Islam after the Arab Spring offers a comprehensive analysis of the impact that new and draft constitutions and amendments – such as those in Jordan, Morocco, Syria, Egypt, and Tunisia – have had on the transformative processes that drive constitutionalism in Arab countries. This book aims to identify and analyze the key issues facing constitutional law and democratic development in Islamic states, and offers an in-depth examination of the relevance of the transformation processes for the development and future of constitutionalism in Arab countries. Using an encompassing and multi-faceted approach, this book explores underlying trends and currents that have been pivotal to the Arab Spring, while identifying and providing a forward looking view of constitution making in the Arab world.

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.

This book focuses on Islamic constitutionalism, and in particular on the relation between religion and the protection of individual liberties potentially clashing with sharica and the Islamic ethos. The analysis goes from general to particular, starting with a theoretical overview on constitutionalism, human rights and Islam, moving to the assessment of the post-Arab Spring Constitutions of Egypt and Tunisia, and concluding with a specific focus on the rights of sexual minorities and freethinkers. Part I provides a theoretical account of the conception of constitutionalism and human rights in Islam, compared and contrasted with Western constitutionalism. A set of issues where the tension between sharica and human rights is accentuated is analysed against the backdrop of the main Islamic charters of rights. Part II conducts a similar assessment based on the Constitutions of Tunisia and Egypt – the two main epicentres of the Arab Spring. Part III moves to two specific rights in the same countries, from the twofold perspective of the Constitutions and international law: the freedom from interference in one's intimate life, with particular regard to homosexuality; and the freedom of holding and expressing nonconventional beliefs, deemed unacceptable from the point of view of traditional Islam. These issues have been chosen as representative of the most controversial, still considered taboo in both legal and social terms, hence at the fringes of the debate on individual freedoms. Focusing on two overlooked and underexplored issues, the work thus pushes the boundaries of the human rights discourse in Muslim contexts.

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.

This study of Islamic law in the final phase of its pre-modern period of existence is based mainly on the fatwa collections of two prominent Arab jurists and one Turkish jurist from this period. The book re-examines the basic methodological structure of Islamic law (including its complex relations with the state) and poses the question as to whether Islamic law became increasingly closed and rigid. It was found that no such closure ever took place. The book will be of importance to those interested in Islamic law, as well as to those interested in Islamic thought in general and the relations between society and the state. Readership: All those interested in Islamic law, the Middle East under the Ottomans, Islam and civil society, Islam and the state.

"I highly recommend 'Introduction to Islamic Law: Principles of Civil, Criminal, and International Law under the Shari'a' to scholars and any individual who desires to learn about the Shari'a and its basic values through an objective, methodical study." Mohamed A. 'Arafa, Ph.D. Assistant and Adjunct Professor of Law Alexandria University Faculty of Law, Egypt Islamic law (Shari'a) is an all-inclusive legal tradition that creates a seamless web reaching from the public sphere into the private sphere of life. Thus, the Shari'a recognizes no bifurcation between legislation and religion, no wall of separation between the mosque and the state, and no compartmentalization of morality, faith, and law. Nonetheless, the duties under Islamic law can be divided into two large subcategories, the first and most important of which mainly concerns the private, individual relationship between God and man. In contrast, the second duty mainly concerns the public, transactional relationships among individuals which – in a secular framework – is most analogous to "law." Introduction to Islamic Law begins with an overview of Islam as a whole, including a discussion of the sources of Islamic law and sectarian distinctions. Then, the book thoroughly addresses the secondary duties of Islamic law, which govern daily transactions between individuals, including the law of contracts, property, banking and finance, and familial relations as well as criminal law and procedure and the law of war. The legal rules embodied within the Shari'a are mandatory in jurisdictions adhering to a strict application of Islamic law. However, Islamic law remains highly influential even in Muslim-majority countries with secular legal codes. Nevertheless, given recent developments in the Arab world, as well as the rise of terrorism in the name of Islam, the Shari'a is a subject that has seeped into the national dialogue of wholly secular, non-Muslim jurisdictions. Thus, Introduction to Islamic Law is offered for scholars and students – both Muslim and non-Muslim, with or without a legal background – for the purpose of obtaining a basic understanding of the foundational concepts of the Shari'a.

Arguing Islam after the Rebirth of Arab Politics analyzes the politics of religion in the Arab world after the emergence of new public spheres over the past few decades. The book examines those spheres as they really are, not measuring them against any ideal of democratic deliberation, and show how they are lively and increasingly participatory but also polarizing, divisive, and far from egalitarian. And while they have grown in force, they are not efficacious, leading to a widening gap between regimes and the societies they govern. Focusing on arguments aired in new and old media, neighborhood discussions, and parliaments, Arguing Islam After the Revival of Arab Politics probes in special depth debates over constitution, family law, and education. It shows how these various places where arguments take place are increasingly linked, forming not a uniformed citizenry but instead a badly divided one in which a leader's words to followers are overheard and then lampooned by opponents and various groups become aware of how deeply they differ. Arguments are detached from the authority of the person making them. Without a strong political process to forge agreement and reward coalition building, the reborn Arab politics is exciting and vital but also noisy and rough.

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, Rafiq 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.