

---

# Issues In Islamic Law

---

Shariah Law

A History of Islamic Law

Modern Challenges to Islamic Law

Working Papers for a Dialogue

The Origins and Evolution of Islamic Law

From Classical to Contemporary

The Practice Of Iftā' And Religious Institutions

Modern Challenges to Islamic Law

Women in Classical Islamic Law

Understanding Islamic Law

Islamic Law: A Very Short Introduction

Islamic Family Law in Europe and Islamic World: Current Situation and Challenges

Modern Perspectives on Islamic Law

Islamic Law and the Challenges of Modernity

Legal Pluralism and its Limits in European Family Laws

Research Handbook on Islamic Law and Society

Religion and the Nation State in Egyptian Constitution Making

Routledge Handbook of Islamic Law

Perspectives on Islamic Law, Justice, and Society

A Survey of the Sources

Shari'a

Islamic Law in Europe?

Islamic Law in the Contemporary Context

Debating Sharia

Sharia Compliant

An Introduction to Islamic Law

Islamic Law in Africa  
Rethinking Muslim Personal Law  
Issues in Islamic Law  
Islamic Law and Contemporary Issues  
An Introduction to Islamic Law  
The Ashgate Research Companion to Islamic Law  
Local Elites, Colonial Authority, and the Making of the Muslim State  
The Green Uprisings  
Islamic Criminal Law and Procedure  
Contesting the Iranian Revolution  
Islamic Law and International Law  
Islamic Law and Governance in Contemporary Iran  
Recasting Islamic Law

*Issues In Islamic Law*

*Downloaded from  
[ftp.wtvq.com](http://ftp.wtvq.com) by guest*

---

## **DALE AYERS**

---

*Shariah Law* Routledge

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.

**A History of Islamic Law** Ashgate Publishing, Ltd.

Islamic substantive law, otherwise called branches of the law (*furu' al-fiqh*), covers the textual provisions and jurisprudential rulings relating to specific transactions under Islamic law. It is to Islamic substantive law that the rules of Islamic legal theory are applied. The relationship between Islamic legal theory and Islamic

substantive law is metaphorically described by Islamic jurists as a process of ?cultivation? (istithmar), whereby the qualified jurist (mujtahid), as the ?cultivator?, uses relevant rules of legal theory to harvest the substantive law on specific issues in form of ?fruits? (thamarat) from the sources. The articles in this volume engage critically with selected substantive issues in Islamic law, including family law; law of inheritance; law of financial transactions; criminal law; judicial procedure; and international law (al-siyar). These areas of substantive law have been selected due to their contemporary relevance and application in different parts of the Muslim world today. The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research.

*Modern Challenges to Islamic Law*

Cambridge University Press

Islamic law has traditionally prohibited women from being prayer leaders and heads of state. A small number of Muslims today are beginning to challenge this stance, but they face considerable opposition from the broader Muslim

community. 'Women and Leadership in Islamic Law' examines the assumption within much existing feminist scholarship that the patriarchal nature of pre-Islamic and early Muslim Near Eastern Society is the primary reason for the development of Islamic legal rulings prohibiting women from leadership positions. It claims that the evolution of Islamic law was a complex process, shaped by numerous cultural, historical, political and social factors, as well as scriptural sources whose importance cannot be dismissed. Therefore, the book critically examines a broad survey of legal works from the four canonical Sunni schools of law to determine the factors that influenced the development of the legal rulings prohibiting women from assuming various leadership roles. The passages that elaborate rulings about women's leadership are presented in translation as an appendix to the research, and are then subjected to a variety of critical analyses to identify the reasons, influences, and assumptions underlying those rulings. This is the first time works of all four schools of law have been subjected to this kind of analysis for the express purpose of

determining the extent to which gender attitudes have influenced and determined the rulings. This book will therefore be a vital resource for students and scholars of Islamic Studies, Religious Studies and Gender Studies.

Working Papers for a Dialogue Carl Grossmann Verlag

This unparalleled Companion provides a comprehensive and authoritative guide to Islamic law to all with an interest in this increasingly relevant and developing field. The volume presents classical Islamic law through a historiographical introduction to and analysis of Western scholarship, while key debates about hot-button issues in modern-day circumstances are also addressed. In twenty-one chapters, distinguished authors offer an overview of their particular specialty, reflect on past and current thinking, and point to directions for future research. The Companion is divided into four parts. The first offers an introduction to the history of Islamic law as well as a discussion of how Western scholarship and historiography have evolved over time. The second part delves into the substance of Islamic law. Legal rules for the areas of legal status,

family law, socio-economic justice, penal law, constitutional authority, and the law of war are all discussed in this section. Part three examines the adaptation of Islamic law in light of colonialism and the modern nation state as well as the subsequent re-Islamization of national legal systems. The final section presents contemporary debates on the role of Islamic law in areas such as finance, the diaspora, modern governance, and medical ethics, and the volume concludes by questioning the role of Sharia law as a legal authority in the modern context. By outlining the history of Islamic law through a linear study of research, this collection is unique in its examination of past and present scholarship and the lessons we can draw from this for the future. It introduces scholars and students to the challenges posed in the past, to the magnitude of milestones that were achieved in the reinterpretation and revision of established ideas, and ultimately to a thorough conceptual understanding of Islamic law.

*The Origins and Evolution of Islamic Law*

Rowman Altamira

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.

From Classical to Contemporary McFarland

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 Practice Of Iftā' And Religious Institutions Routledge

When democracy was introduced to Nigeria in 1999, one-third of its federal

states declared that they would be governed by sharia, or Islamic law. This work argues that such a break with secular constitutional traditions in a multireligious country can have disastrous consequences

Modern Challenges to Islamic Law

Cambridge University Press

2. The origins of Islamic law

*Women in Classical Islamic Law*

Bloomsbury Publishing

Understanding Islamic law is crucial not only for Muslims, but for non-Muslims who work with Muslims in legal contexts as well as for anyone wanting to understand the role of Islam in the world today. For unlike western legal systems where religious and legal spheres are kept separate, Islamic law is all-encompassing, directing all human actions. Legal scholar Hisham Ramadan brings together articles to give an excellent overview of the formation of Islamic law and its role in contemporary Islamic and Non-Islamic states. Following an overview of Islamic Law, chapters cover Islamic criminal law, International Humanitarian Law, contract law, & family law. A concluding essay offers an explanation of the legal value of Islam and appendices include original Islamic legal

documents from Muhammad's time until today.

*Understanding Islamic Law* Edward Elgar Publishing

This book places context at the core of the Islamic mechanism of *iftā'* to better understand the process of issuing *fatwās* in Muslim and non-Muslim countries, thus highlighting the connection between context and contemporaneity, on one hand, and the adaptable perception of Islamic law, on the other. The practice of *iftā'* is one of the most important mechanisms of Islamic law that keeps Islamic thought about ethical and legal issues in harmony with the demands, exigencies and developments of time. This book builds upon the existing body of work related to the practice of *iftā'*, but takes the discussion beyond the current debates with the intent of unveiling the interaction between Islamic legal methodologies and different environmental contexts. The book specifically addresses the three institutions (Saudi Arabia's *Dār al-Iftā'*, Turkey's *Diyanet* and America's *FCNA*) and their Islamic legal opinions (*fatwās*) in a comparative framework. This demonstrates the existence of complex

and diverse ideas around similar issues within contemporary Islamic legal opinions that is further complicated by the influence of international, social, political, cultural and ideological contexts. The book thus unveils a more complicated range of interactive constituents in the process of the practice of *iftā'* and its outputs, *fatwās*. The work will be of interest to academics and researchers working in the areas of Islamic law, Middle Eastern studies, religion and politics.

*Islamic Law: A Very Short Introduction*

Edward Elgar Publishing

Very Short Introductions: Brilliant, Sharp, Inspiring Islamic law is one of the major legal systems in the world today, yet it is often misunderstood, particularly in the West. It is applicable in different forms as part of state law in countries across the Middle East, Asia, and Africa, and also has a strong influence on Muslim communities throughout the Western world. This Very Short Introduction provides an authoritative perspective on the evolution and nature of Islamic law. Mashood A. Baderin considers its theory, covering the history and nature of Islamic jurisprudence; its scope, covering Family

Law, Inheritance Law, Financial Law, Penal Law, and International Law; and, finally, its practice. He takes into account both classical and modern scholarly perspectives in examining the various facets of Islamic law, to provide an overview of this key legal system. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

Islamic Family Law in Europe and Islamic World: Current Situation and Challenges

BRILL

This book offers unique insights into Islamic law, considering its theoretical perspectives alongside its practical application in daily Muslim life.

*Modern Perspectives on Islamic Law*

Stanford University Press

The issue of how U.S. courts should apply Islamic law is complicated by the various meanings that can be ascribed to the term Islamic law. Generally, it refers to any law

that has a foundation in the Islamic religion, but to be more precise, it usually refers to the national laws that apply in any of the Muslim-majority countries. As there are many such countries, there are many different versions of Islamic law. Additionally, it can refer to religious law that governs the relationship between Muslims and God. When a U.S. court is confronted with an issue that requires the application of Islamic law, the court first needs to determine what type of Islamic law is before it. When the Islamic law is that of a nation-state, the court should use the method as described in Federal Rules of Civil Procedure 44.1 to determine the relevant substantive law of the foreign law to be applied and then do so. Even though such a national law is founded on religious precepts, the fact that it is a foreign law allows it to be applied in U.S. courts. If on the other hand, Islamic law refers to religious law that parties have voluntarily agreed to be bound by, then the courts need to approach it similarly to other religious law. The court would need to apply the religious law to the extent that it can do so using the neutral principles of law that do not depend upon making

determinations as to doctrinal issues. This report deals with the application of Islamic law while examining contract and tort cases meeting choice-of-law rules as well as Islamic marriage contracts. The use of Islamic law in this country's forums is inconsistent demonstrating an uneasiness to engage in such cases by the nation's factfinders. This variability should stabilize as increasing numbers of cases involving Islamic law are heard

### **Islamic Law and the Challenges of Modernity** Encountering Traditions

The essays presented in this special issue of the Electronic Journal of Islamic and Middle Eastern Law (EJIMEL) offer sustained consideration of issues arising from the interaction between the Islamic family laws being lived in Europe and the Muslim world. They discuss in different ways the dynamics of Muslim matrimonial laws as they are debated and developing in thought and practice both in the Muslim-majority and European states. Furthermore, they examine the challenges in Islamic family law faced by all sides and the solutions to these challenges that are at our disposal. The authors are drawn from a range of disciplines including law,

Islamic studies, theology, social anthropology, and other social sciences. Legal Pluralism and its Limits in European Family Laws Oxford University Press Examines the last forty years of Iranian and Middle-Eastern history through the prism of the Green Uprisings of 2009. **Research Handbook on Islamic Law and Society** Rowman & Littlefield Pub Incorporated

A survey of the extent to which Islamic law is applied in those parts of East and West Africa which were at one time under British administration.

Religion and the Nation State in Egyptian Constitution Making Simon and Schuster Cultural and religious identity and family law are inter-related in a number of ways and raise various complex issues. European legal systems have taken various approaches to meeting these challenges. This book examines this complexity and indicates areas in which conflicts may arise by analysing examples from legislation and court decisions in Germany, Switzerland, France, England and Spain. It includes questions of private international law, comments on the various degrees of consideration accorded

to cultural identity within substantive family law, and remarks on models of legal pluralism and the dangers that go along with them. It concludes with an evaluation of approaches which are process-based rather than institution-based. The book will be of interest to legal professionals, family law students and scholars concerned with legal pluralism.

*Routledge Handbook of Islamic Law* Cambridge University Press

The Islamic Shari'a as a phrase has two scope of meanings. Generally and widely construed it denotes everything that has been written by Moslem jurists throughout the centuries, whether it dealt with contemporaneous issues of the time or in anticipation of future ones. The jurist derived their principles from the Qur'an and the Sunna (way of action and the opinions of the Prophet), and from the other sources of Shari'a such as Ijma', (the consensus of the community represented by its scholars and learned men), and public interest considerations. The Shari'a looked upon in this wide scope constitute a huge Juristic tradition the value of which depends on the individual jurist himself, his era, or even the particular problem

confronting him. As such the system has a tremendous scholastic value to the Moslem, however, it has no binding authority; since within it one might find different, and sometimes contradictory principles resolving the same issues, depending on the Juristic school that propagated the principle. Furthermore, it cannot have a binding authority since circumstances that brought about a certain principle might not be in existence any more, and surely we cannot maintain that previous Moslem Jurists have anticipated all our existing contemporary problems. Yet, as I said before in this wide sense, one cannot deny the Shari'a scholastic value as an elaborate system of deduction which should be relied upon for future derivations of principles. Construed narrowly, the Shari'a is confined to the undoubted principles of the Qur'an, to what is true and valid of the Sunna, and the consensus of the community represented by its scholars and learned men during a certain period and regarding a particular problem, provided such consensus was possible. Viewed as such, the Shari'a has a binding authority on every Moslem, and he is obligated to

follow and employ it to resolve his affairs, deriving what is not explicit of its principles by the methods and means. The statement that it is too late for Shari'a to face contemporary issues is an exaggerated prejudiced statement, made possible because of the closing of the doors of investigation many centuries ago. The spirit and general principles of Shari'a are as valid today as they were yesterday many centuries ago and as they will be tomorrow many centuries to come. They are like a green oasis in the desolate desert of our lives which is over crowded with problems and conflicting ideologies. At the time of the original publication Ahmed Zaki Yamani was Minister of Petroleum and Mineral Resources, Kingdom of Saudi Arabia. AUTHOR COMMENTS The Islamic world, relying on the principles of Shari'a, can achieve its own entity, independent of East and West, and by which it can defend and protect itself from the torrent of communism and certain inequities of capitalism. The ability of Shari'a, to developed and evolve to meet the ever-changing needs of society, by relying on the concept of public interest as a source of legislation. The collective

notion in Islam should be emphasized, outstanding quality in Shari'a which establishes a profound equilibrium between the individual and the community, should be put in perspective in relation to our own age. When our political leaders begin to think seriously about the happiness and welfare of their people, they shall find in Shari'a a guiding proven system to achieve and fulfill their aims. The immortal principles of Shari'a can be used to correct and cure our social diseases in the Islamic world. Perhaps even the West might find it, again, a ray of light and knowledge to achieve still a more advanced civilization, or at least to preserve its existing one. **Perspectives on Islamic Law, Justice, and Society** Ashgate Publishing, Ltd. "Islamic Law and International Law is a comprehensive examination of differences and similarities between the Islamic legal tradition and international law, especially in the context of dispute settlement. Sharia embraces a unique logic and culture of justice--based on nonconfrontational dispute resolution--as taught by the Quran and the Prophet Muhammad. This book explains how the

creeds of Islamic dispute resolution shape the Islamic milieu's views of international law. Is the Islamic legal tradition ab initio incompatible with international law, and how do states of the Islamic milieu view international courts, mediation, and arbitration? Islamic law constitutes an important part of the domestic legal system in many states of the Islamic milieu--Islamic law states--displacing secular law in state governance and affecting these states' contemporary international dealings. The book analyzes constitutional and subconstitutional laws in Islamic law states. The answer to the "Islamic law-international law nexus puzzle" lies in the diversity of how secular laws and religious laws fuse in domestic legal systems across the Islamic milieu. These states are not Islamic to the same degree or in the same way. Thus, different international conflict management methods appeal to different states, depending on each one's domestic legal system. The main claim of the book is that in many instances the Islamic legal tradition points in one direction while Western-based, secularized international law points in another direction. This



conflict is partially softened by the reality that the Islamic legal tradition itself has elements fundamentally compatible with modern international law. Islamic legal tradition, international law, sharia settlement, peaceful dispute resolution"--

**A Survey of the Sources** University of Chicago Press

This volume critically analyses Muslim Personal Law (MPL) in India and offers an alternative perspective to look at MPL and the Uniform Civil Code (UCC) debate. Tracing the historical origins of this legal

mechanism and its subsequent political manifestations, it highlights the complex nature of MPL as a sociological phenomenon, driven by context-specific social norms and cultural values. With expert contributions, it discusses wide-ranging themes and issues including MPL reforms and human rights; decoding of UCC in India; the contentious Triple Talaq bill and MPL; the Shah Bano case; Sharia (Islamic jurisprudence) in postcolonial India; women's equality and family laws; and MPL in the media discourse in India.

The volume highlights that although MPL is inextricably linked to Sharia, it does not necessarily determine the everyday customs and local practices of Muslim communities in India. This topical book will greatly interest scholars and researchers of law and jurisprudence, political studies, Islamic studies, Muslim Personal Law, history, multiculturalism, South Asian studies, sociology of religion, sociology of law and family law. It will also be useful to practitioners, policymakers, law professionals and journalists.