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Studies In Islamic Law Religion And Society

Emine Enise Yakar



Studies In Islamic Law Religion And Society:

Studies in Islamic Law, Religion, and Society Harbans Singh Bhatia, 1989 This Book Provides The Reader With Authentic Original And Comprehensive Information On Scriptural Doctrinal Ethical Social Political Legal Judicial Etc As It Deals With Almost All Aspects Of Islam And Islamisation In This Important Book The Learned Authors Study Scholastically And Explicitly The History Of Islamic Law Nature Of Islamic Law Sources Of Islamic Law Islamic Concept Of State State And Religion The Muslim World Classification Of Legal Systems Islamisation Of Laws In Pakistan Islamic Law And Administration Of Justice A New Approach To Understanding Of Islam Islam And Christianity The Practical Laws Of Islam Marriage Guardianship And Minor S Marriage In Islamic Law Suicide Or Termination Of Life The Islamic View Political Parties And Leadership In An Islamic State Muslim Art Literature And Science Etc Studies in Islamic Law, Religion, and Society ,1998

Muslim Laws, Politics and Society in Modern Nation States Ihsan Yilmaz, 2016-12-05 Drawing on theories of legal pluralism this book tests whether and to what extent claims of the modern nation state laws to exclusive dominance over other spheres are tenable and reassesses the operation of law in society Incorporating a combination of legal theory post modern critique and socio legal analysis of three current jurisdictions in which Muslims play an important role the volume identifies Muslims current socio legal situation and attitudes from different perspectives and reconciles them with modern legal systems in three key countries It analyzes the conflict between the assumptions of modern legal systems and plural legal realities and also examines attempts by modern legal systems to impose official laws in the face of resistance from unofficial Muslim laws and discusses possible responses to the challenge of dynamic Muslim legal pluralism A valuable resource for students researchers and academics with an interest in the areas of Islamic law and politics and the interplay between secular law and religious cultural traditions The Politics of Personal Law in South Asia Partha S.

Ghosh, 2018-05-11 The viability of the Uniform Civil Code UCC has always been a bone of contention in socially and politically plural South Asia It is entangled within the polemics of identity politics minority rights women s rights national integration uniform citizenry and of late global Islamic politics and universal human rights While champions of each category view the issue from their own perspectives making the debate extremely complex this book takes up the challenge of providing a holistic political analysis As most of the South Asian states today subscribe to a decentralised view and share a common history this study is an excellent comparative analysis of the applicability of the UCC In this work India figures prominently being the most plural and vibrant democracy as well as accounting for almost three fourths of the region s population This provides the backdrop for an analysis of the other states in the region This second edition will be indispensable for scholars researchers and students of law political science and South Asian Studies **Islamic Law and Society** Emine Enise Yakar, 2021-09-30 This book places context at the core of the Islamic mechanism of ift to better understand the process of issuing fatw s 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 ift 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 ift 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 D r al Ift Turkey s Diyanet and America s FCNA and their Islamic legal opinions fatw s 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 ift and its outputs fatw s The work will be of interest to academics and researchers working in the areas of Islamic law Middle Eastern studies religion and politics

The Development of Islamic Law and Society in the Maghrib David S. Powers, 2022-02-13 The first eleven essays in this collection treat the application of Islamic law in qadi courts in the Maghrib in the period between 1100 and 1500 CE Based on preserved legal documents and the expert opinions of Muslim jurists Muftis the essays examine family law cases involving legal minority guardianship divorce inheritance bequests and endowments Cumulatively the cases bear witness to the effectiveness and efficiency of the Islamic judicial system in this period Contrary to popular perceptions the cases demonstrate that Muslim jurists placed a high value on reasoned thought and were sensitive to the manner in which law society and culture interacted with and shaped each other The final essay shows how the treatment of family endowments by colonial regimes in Algeria and India at the end of the 19th and beginning of the 20th centuries shaped or misshaped the modern western scholarly understanding of Islamic law

Islamic Law and Society in Indonesia Alfitri, 2022-04-07 No corporation is enthusiastic about paying tax yet Islamic banks in Indonesia voluntarily pay corporate zakat Why The book analyzes corporate zakat norms and practices in Indonesia by investigating how Muslim jurists have interpreted shar a of zakat and how these have been imposed through the legislative and regulatory framework It also presents original case studies based on sociolegal field research on the reception of the new obligations in the Islamic banks that choose to pay and choose not to pay what is effectively a new tax The book argues that the dynamics of shar a interpretation imposition and compliance in Indonesia are too complex to be defined using the binaries of the religious versus the secular public versus private or tradition versus modernity The corporate zakat context has revitalized the existing governance strategy in Islamic legal tradition and created a shared Islamic law vision between Islam and the state Consequently this fusion generates a mixed legal and religious consciousness toward corporate zakat Addressing broader discussions on Islamic law and modernity the book will be of interest to academics working on Asian and Comparative Law sociolegal studies anthropology of Indonesia business studies of the Islamic world Islamic shar a economics Islamic law and politics Islamic legal studies

Muslim society and Islam in Southeast Asia

Perspectives on Islamic Law, Justice, and Society Ravindra S.

Khare,1999 This book provides an accessible introductory discussion of issues in Islamic law justice and society At the center of the volume is a discussion of some interrelated theological historical legal and practical issues facing Islamic law in such different countries and regions as Algeria Morocco South Africa and South Asia This will be a valuable book for students and scholars of Middle Eastern studies law and history *Religion Law in Austria* Richard Potz,Brigitte Schinkele,2024-12-09

Derived from the renowned multi volume International Encyclopaedia of Laws this convenient resource provides systematic information on how Austria deals with the role religion plays or can play in society the legal status of religious communities and institutions and the legal interaction among religion culture education and media After a general introduction describing the social and historical background the book goes on to explain the legal framework in which religion is approached Coverage proceeds from the principle of religious freedom through the rights and contractual obligations of religious communities international transnational and regional law effects and the legal parameters affecting the influence of religion in politics and public life Also covered are legal positions on religion in such specific fields as church financing labour and employment and matrimonial and family law A clear and comprehensive overview of relevant legislation and legal doctrine make the book an invaluable reference source and very useful guide Succinct and practical this book will prove to be of great value to practitioners in the myriad instances where a law related religious interest arises in Austria Academics and researchers will appreciate its value as a thorough but concise treatment of the legal aspects of diversity and multiculturalism in which religion plays such an important part **Islamic Law And Society** Dr. Muhammad Roy

Purwanto, MA ,2023-10-17 Traditional theory of Islamic Law recognizes four sources of Sharia the Quran sunnah authentic hadith qiyas analogical reasoning and ijma juridical consensus Four Sunni Madhhab legal school of Sunni Islam Hanafi Maliki Shafi i Hanbali and Zahiri developed Sunni methodologies for deriving Sharia rulings from scriptural sources using a process known as ijti had Traditional jurisprudence fiqh distinguishes two principal branches of law ib d t rituals and mu mal t social relations which together comprise a wide range of topics Its rulings are concerned with ethical standards as much as with legal norms assigning actions to one of five categories mandatory recommended neutral abhorred and prohibited Fiqh was elaborated over the centuries by legal opinions fatwas issued by qualified jurists muftis and historically applied in Sharia courts by ruler appointed judges complemented by various economic criminal and administrative laws issued by Muslim rulers The result of legal thought is the production of legal documents based on the requirements of the community In Indonesia Islamic law grows and evolves in the form of four products of legal thought fiqh ulama fatwas court rulings jurisprudence and laws In Indonesia the four products of legal thinking serve as rules for Muslims in national state and social life Islamic Law and Society Emine Enise Yakar,2021-09-30 This book places context at the core of the Islamic

mechanism of ift to better understand the process of issuing fatw s 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 *ift* 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 *ift* 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 *Dar al Ift*, Turkey's *Diyanet* and America's *FCNA* and their Islamic legal opinions (*fatw*'s) 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 *ift* and its outputs (*fatw*'s). The work will be of interest to academics and researchers working in the areas of Islamic law, Middle Eastern studies, religion and politics.

Constitutional Law, Religion and Equal Liberty Azin Tadjini, 2019-09-19
During the 20th century many countries embarked on a process of constitutional secularization by which the role of religion gradually became limited. Yet by the late 20th century and increasingly following the end of the Cold War this development began to be challenged. This book examines the return of religion in constitutions through the concept of constitutional de secularization. It places this phenomenon in the context of the constitutional memory of the countries in which it has taken place and critically examines it against the development and standards of constitutionalism as the prevailing constitutional legal and political theory. Central to this analysis is the impact of constitutional de secularization on the regulation of equality in liberty that is both the regulation of constitutional rights and the scope for equality of those who are granted such rights. The book argues that equal liberty forms an essential part of constitutionalism as a theory and that constitutionalism therefore entails a continuous development towards expanding it. The first and second part of the book presents a conceptual framework for the study of constitutional de secularization. The third part presents and analyses three cases of constitutional de secularization in Afghanistan, Iran and Iraq. The book will be of interest to researchers and policy makers interested in constitutional history and theory and the role of religion in law and its compatibility with human rights.

Religious Minorities, Islam and the Law Al Khanif, 2020-09-03
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

Research Handbook on Islamic Law and Society Nadirsyah Hosen,2018-09-28 The Research Handbook on Islamic Law and Society provides an examination of the role of Islamic law as it applies in Muslim and non Muslim societies through legislation fatwa court cases sermons media or scholarly debate It illuminates the intersection of social political economic and cultural factors that inform Islamic Law across a number of jurisdictions Chapters evaluate when and how actors and institutions have turned to Islamic law to address problems faced by societies in Muslim and in some cases Western states

Routledge Handbook of Islamic Law Khaled Abou El Fadl,Ahmad Atif Ahmad,Said Fares Hassan,2019-05-10 This handbook is a detailed reference source comprising original articles covering the origins history theory and practice of Islamic law The handbook starts out by dealing with the question of what type of law is Islamic law and includes a critical analysis of the pedagogical approaches to studying and analysing Islamic law as a discipline The handbook covers a broad range of issues including the role of ethics in Islamic jurisprudence the mechanics and processes of interpretation the purposes and objectives of Islamic law constitutional law and secularism gender bioethics Muslim minorities in the West jihad and terrorism Previous publications on this topic have approached Islamic law from a variety of disciplinary and pedagogical perspectives One of the original features of this handbook is that it treats Islamic law as a legal discipline by taking into account the historical functions and processes of legal cultures and the patterns of legal thought With contributions from a selection of highly regarded and leading scholars in this field the Routledge Handbook of Islamic Law is an essential resource for students and scholars who are interested in the field of Islamic Law **American Journal of**

Islam and Society (AJIS) - Volume 37 Issues 3-4 Timothy Gutmann,Brannon Wheeler,Abbas Ahsan,Ali Altaf Mian,Katherine Bullock,Yahya Nurgat,Dženita Karić,Lauren E. Osborne,Elizabeth Urban,John Kaltner,Mojtaba Rostampour-Jahromi ,Antonia Bosanquet,Mobeen Vaid,Tauseef Ahmad Parray,Scott Lucas,2020-11-07 In an editorial essay Ovamir Anjum reflects on the current moment of and literature on de globalization considering in turn conservative and liberal arguments He concludes by raising several questions which de globalization opens key among them the challenges posed by ongoing ecological degradation In the first research article Timothy Gutmann offers the term propaedeutic to refer to the critical pedagogy necessary for teaching unfamiliar material to audiences whose sensibilities and expectations are already structured by distinctive anxieties and concerns Gutmann addresses common caricatures of Islamic law and suggests that Islamic traditions may themselves contain a propaedeutic potential for teaching Islamic studies in the North American context In the second research article Brannon Wheeler traces a possible Islamic Responsibility To Protect By focusing on

Islamist exegesis of Q 3 110 and on classical and contemporary understandings of migration Wheeler ultimately notes the political and intellectual compromises involved in accepting certain instances of violence and rejecting others In the third research article Abbas Ahsan makes an analytic philosophical case for radical epistemic relativism Our inability to conceive of the logically impossible he concludes is itself a testimony that God transcends the laws of logic Next a review essay is followed by ten book reviews in this issue s Forum article Scott Lucas introduces readers to the sophisticated work of four Muslim thinkers of the 5th 11th century Miskawayh al Hakim al Jishumi Ibn Hazm and al Khatib al Baghdadi Lucas encourages Muslims to emulate these figures practices of reading widely with intellectual generosity and commitment and to insist on the relationship between knowledge and practice **Islamic Law and Society in Iran** Nobuaki Kondo, 2017-03-31

The relationship between Islamic law and society is an important issue in Iran under the Islamic Republic Although Islamic law was a pivotal element in the traditional Iranian society no comprehensive research has been made until today This is because modern reformers emphasized the lack of rule of law in nineteenth century Iran However a legal system did exist and Islamic law was a substantial part of it This is the first book on the relationship between Islamic law and the Iranian society during the nineteenth century The author explores the legal aspects of urban society in Iran and provides the social context in which political process occurred and examines how authorities applied law in society how people utilized the law and how the law regulated society Based on rich archival sources including court records and private deeds from Qajar Tehran this book explores how Islamic law functioned in Iranian society The judicial system sharia court and religious endowments vaqf are fully discussed and the role of ulama as legal experts is highlighted throughout the book It challenges nationalist and modernist views on nineteenth century Iran and provides a unique model in terms of the relationship between Islamic law and society which is rather different from the Ottoman case Providing an understanding of this legal system in Iran and its role in society this book offers a basis for assessing the motives and results of modern reforms as well as the modernist discourse This book will be of interest to students of Middle Eastern and Iranian Studies Studies in Islamic Law and Society ,1996 **Civil & Military Law Journal** ,1989 *Religious Freedom and the Law* Brett G. Scharffs, Asher Maoz, Ashley Isaacson Woolley, 2018-08-06 This volume presents a timely analysis of some of the current controversies relating to freedom for religion and freedom from religion that have dominated headlines worldwide The collection trains the lens closely on select issues and contexts to provide detailed snapshots of the ways in which freedom for and from religion are conceptualized protected neglected and negotiated in diverse situations and locations A broad range of issues including migration education the public space prisons and healthcare are discussed drawing examples from Europe the US Asia Africa and South America Including contributions from leading experts in the field the book will be essential reading for researchers and policy makers interested in Law and Religion

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