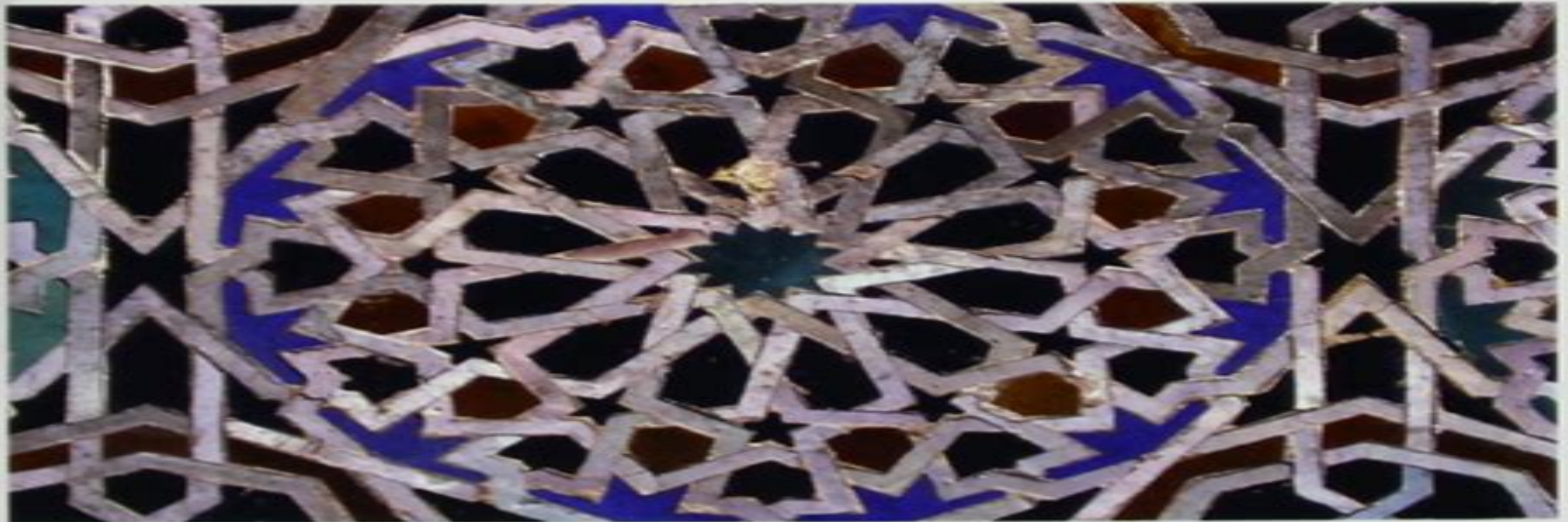


ISLAMIC LAW IN CONTEXT



WOMAN'S IDENTITY AND RETHINKING THE HADITH



Nimat Hafez Barazangi

Womans Identity And Rethinking The Hadith Islamic Law In Context

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Woman's Identity and Rethinking the Hadith Nimat Hafez Barazangi, 2016-03-09 The Prophet Muhammad's reported traditions have evolved significantly to affect the social cultural and political lives of all Muslims. Though centuries of scholarship were spent on the authentication and trustworthiness of the narrators, there has been less study focused on the contents of these narratives known as Hadith or Sunnah and their corroboration by the Qur'an. This book is a first step in a comprehensive attempt to contrast Hadith with the Qur'an in order to uncover some of the unjust practices by Muslims concerning women and gender issues. Using specific examples, the author helps the reader appreciate and understand the magnitude of the problem. It is argued that the human rights and the human development of Muslim women will not progress in a meaningful and sustainable manner until the Hadith is re-examined in a fresh new approach from within the Islamic framework, shifting the discourse in understanding Islam from a dogmatic religious law to a religious moral rational worldview. The author argues that such re-examination requires the involvement of women in order to affirm their authority in exegetical and practical leadership within Muslim societies and she encourages Muslim women to stand up for their rights to effect change in understanding the role of sunnah in their own life.

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Islamic Law and Society Emine Enise Yakar, 2021-09-30 This book places context at the core of the Islamic mechanism of ijtihad to better understand the process of issuing fatwas 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 ijtihad 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 ijtihad 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

Applied Family Law in Islamic Courts Nahda Shehada, 2018-03-20 Written from an ethnographic perspective this book investigates the socio legal aspects of Islamic jurisprudence in Gaza Palestine It examines the way judges lawyers and litigants operate with respect to the law and with each other particularly given their different positions in the power structure within the court and within society at large The book aims at elucidating ambivalences in the codified statutes that allow the actors to find practical solutions to their often legally unresolved problems and to manipulate the law The book demonstrates that present day judges are not only confronted with novel questions they have to find an answer to but perhaps more importantly they are confronted with contradictions between the letter of codified law and their own notions of justice The author reminds us that these notions of justice should not be set a priori they are socially constructed in particular time and space Making a substantial contribution to a number of theoretical debates on family law and gender the book will appeal to both academic and non academic readers alike

Islamic Law and International Commercial Arbitration Maria Bhatti, 2018-09-27 This book examines the intersection between contemporary International Commercial Arbitration and Shari a law in order to determine possible tensions that may arise between the two systems It develops evidentiary and procedural rules under Shari a as well as examining the consequences of stipulating qualifications of arbitrators based on gender and or religion The author extensively analyses the prohibition against interest riba and uncertainty gharar under Shari a and its impact on arbitration agreements arbitral awards and public policy The book also explores the prohibition against riba in light of international conventions such as the United Nations Convention on Contracts for the International Sale of Goods Case studies in the book include the Asian International Arbitration Centre formerly the Kuala Lumpur Regional Centre for Arbitration and the International Islamic Centre for Reconciliation and Arbitration as well as the Shari a Standards developed by the Accounting and Auditing Organization for Islamic Financial Institutions The book will be a valuable resource for academics students and practitioners working in the areas of Islamic law and the Islamic finance industry

International Law and Muslim States Dawood Hamzah, 2021-08-12 This book analyses the general interaction between international law and Islamic law in the Muslim world today It interrogates factors that often form the root of the tension between the two legal regimes Literalist interpretations of Islamic law and the modern international law s disposition that does not give due consideration to differences among cultures and civilizations are some

of these factors This work examines the Saudi Arabia textualist approach to the two primary sources of law in Islam the Qur'an and Sunnah and argues that a liberal approach of interpretation has become sine qua non especially now that myriad issues are confronting the Muslim world generally and Saudi Arabia in particular Similarly globalization has generated an unprecedented multi culturalism legal pluralism and trans border interactions in socio economic and political relations Therefore Saudi Arabia as the bastion of Islam and Islamic nations is faced with the imperative of adopting a liberal approach to interpretation of Islamic law with a view to accommodating a wide spectrum of other laws and cultures The book provides a timely examination of the issue of modern Saudi Arabia Islamic legal order vis vis the contemporary concept of international law and international relations in specific areas such as international human rights law and trans national economic matters As such it will be of interest to academics and researchers working in Islamic law international and comparative law human rights law and law and religion

Changing God's Law Nadjma Yassari, 2016-06-03 This volume identifies and elaborates on the significance and functions of the various actors involved in the development of family law in the Middle East Besides the importance of family law regulations for each individual family law has become the battleground of political and social contestation Divided into four parts the collection presents a general overview and analysis of the development of family law in the region and provides insights into the broader context of family law reform before offering examples of legal development realised by codification drawn from a selection of Gulf states Iran and Egypt It then goes on to present a thorough analysis of the role of the judiciary in the process of lawmaking before discussing ways the parties themselves may have shaped and do shape the law Including contributions from leading authors of Middle Eastern law this timely volume brings together many isolated aspects of legal development and offers a comprehensive picture on this topical subject It will be of interest to scholars and academics of family law and religion

Democracy in International Law-Making Salar Abbasi, 2021-12-20 This book provides a critique of current international law making and draws on a set of principles from Persian philosophers to present an alternative to influence the development of international law making procedure The work conceptualizes a substantive notion of democracy in order to regulate international law making mechanisms under a set of principles developed between the twelfth and seventeenth centuries in Persia What the author here names democratic egalitarian multilateralism is founded on the idea of egalitarian law by Suhrawardi the account of substantial motion by Mulla Sadra and the ideal of intercultural dialectical democracy developed by R m Following a discussion of the conceptual flaws of the chartered and customary sources of international law it is argued that democratic egalitarian multilateralism could be a source for a set of principles to regulate the procedures through which international treaties are made as well as a criterion for customary international law ascertainment Presenting an alternative drawn from a less dominant culture to the established ideas of international law making the book will be essential reading for researchers and academics working in public international law history of law legal theory comparative legal theory Islamic law and history

Feminism, Law,

and Religion Marie Failing, Elizabeth Schiltz, Susan J. Stabile, 2016-04-15 With contributions from some of the most prominent voices writing on gender law and religion today this book illuminates some of the conflicts at the intersection of feminism theology and law It examines a range of themes from the viewpoint of identifiable traditions such as Judaism Christianity Islam and Buddhism from a theoretical and practical perspective Among the themes discussed are the cross over between religious and secular values and assumptions in the search for a just jurisprudence for women the application of theological insights from religious traditions to legal issues at the core of feminist work feminist legal readings of scriptural texts on women's rights and the place that religious law has assigned to women in ecclesiastic life Feminists of faith face challenges from many sides patriarchal remnants in their own tradition dismissal of their faith commitments by secular feminists and balancing the conflicting loyalties of their lives The book will be essential reading for legal and religious academics and students working in the area of gender and law or law and religion

Truth and Transitional Justice Alice Panepinto, 2022-02-24 With a unique transitional justice perspective on the Arab Spring this book assesses the relocation of transitional justice from the international paradigm to Islamic legal systems The Arab uprisings and new and old conflicts in the Middle East North Africa and other contexts where Islam is a prominent religion have sparked an interest in localising transitional justice in the legal systems of Muslim majority communities to uncover the truth about past abuse and ensure accountability for widespread human rights violations This raises pressing questions around how the international paradigm of transitional justice and in particular its truth seeking aims might be implemented and adapted to local settings characterised by Muslim majority populations and at the same time drawing from relevant norms and principles of Islamic law This book offers a critical analysis of the relocation of transitional justice from the international paradigm to the legal systems of Muslim majority societies in light of the inherently pluralistic realities of these contexts It also investigates synergies between international law and Islamic law in furthering truth seeking the formation of collective memories and the victims right to know the truth as key aims of the international paradigm of transitional justice and broadly supported by the shari'ah This book will be a useful reference for scholars practitioners and policymakers seeking to better understand the normative underpinnings of potential transitional truth seeking initiatives in the legal systems of Muslim majority societies At the same time it also proposes a more critical and creative way of thinking about the challenges and opportunities of localising transitional justice in contexts where the principles and ideas of Islamic law carry different meanings

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