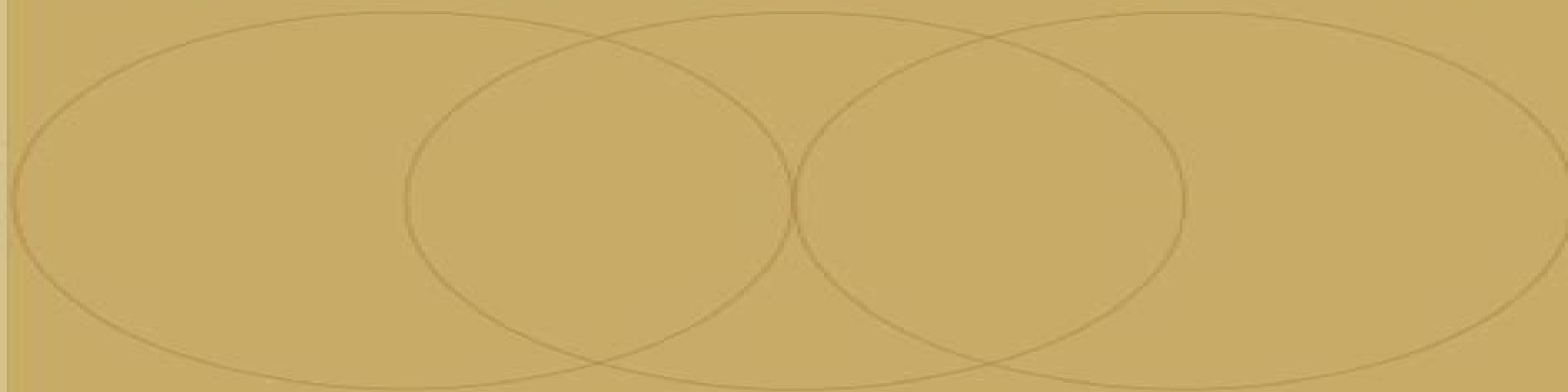


# ISLAM AND THE SECULAR STATE

ABDULLAHI AHMED AN-NA'IM



NEGOTIATING THE FUTURE OF SHARI'A



# Islam And The Secular State Negotiating The Future Of Sharia

**Mohammad Affan**



## **Islam And The Secular State Negotiating The Future Of Sharia:**

Islam and the Secular State Abdullahi Ahmed An-Na'im, 2010-03-30 What should be the place of Shari'a Islamic religious law in predominantly Muslim societies of the world In this book a Muslim scholar and human rights activist envisions a positive and sustainable role for Shari'a based on a profound rethinking of the relationship between religion and the secular state in all societies

Islam and the Secular State Abdullahi Ahmed An-Na'im, 2010-03-30 What should be the place of Shari'a Islamic religious law in predominantly Muslim societies of the world In this ambitious and topical book a Muslim scholar and human rights activist envisions a positive and sustainable role for Shari'a based on a profound rethinking of the relationship between religion and the secular state in all societies An Na'im argues that the coercive enforcement of Shari'a by the state betrays the Qur'an's insistence on voluntary acceptance of Islam Just as the state should be secure from the misuse of religious authority Shari'a should be freed from the control of the state State policies or legislation must be based on civic reasons accessible to citizens of all religions Showing that throughout the history of Islam Islam and the state have normally been separate An Na'im maintains that ideas of human rights and citizenship are more consistent with Islamic principles than with claims of a supposedly Islamic state to enforce Shari'a In fact he suggests the very idea of an Islamic state is based on European ideas of state and law and not Shari'a or the Islamic tradition Bold pragmatic and deeply rooted in Islamic history and theology *Islam and the Secular State* offers a workable future for the place of Shari'a in Muslim societies

*Islam and the Secular State: Negotiating the Future of Shari'a* 'Abd Allāh Aḥmad Na'im, *The Shari'a* Aryn Sajoo, 2018-03-30 2019 Choice Outstanding Academic title I B Tauris in association with the Institute of Ismaili Studies Why is the term shari'a the mention of which conjures up images of a politicised religion in many parts of the world understood in the ways that it is today For Muslims and non Muslims alike much is read into this term often with scant regard for its historical cultural or theological underpinnings The politics of identity has a profound effect on contemporary life both secular and religious and this includes our understandings of the shari'a Yet at the core of this concept for Muslims is the quest for a moral compass by which to navigate a path through life Qur'an 45:18 informed deeply by revelation and its interpretation by the Prophet Muhammad as well as his closest Companions Built on this foundation is an ongoing human endeavour to grasp and lend expression to that teaching elaborately in law but no less so in devotional ethical and customary practices in diverse Shi'i and Sunni Muslim communities including in the West Popular myths about the shari'a that it is divine law that it is contained in a single code recognised by all Muslims that it is about controlling behavior that it defines Islam are challenged in this volume by leading scholars with a view to illuminating how we arrived here and where we might be headed The claims of the modern state as the custodian of the shari'a are put into perspective alongside the vital role of a pluralist civil society From bioethics human development family law and finance to constitutional and human rights issues this fifth volume in the Muslim Heritage Series offers an accessible account of the ideals and realities of the shari'a As such it

will appeal not only to specialists in the humanities and social sciences but also to the general reader with an interest in global affairs and informed citizenship

*Islamic Doctrines and Political Liberalism* Gozde Hussain, 2024-11-13 This book delves into the compatibility of Islam with liberal values engaging in a comparative analysis of Islamic moral language and John Rawls's liberal democratic ideas Rawls a prominent modern liberal political philosopher posits that diverse moral and religious doctrines in a pluralistic society should align with the principles of a liberal democratic political culture The author shares Rawls's assumptions and maps out a spectrum of Islamic orthodoxy positions to assess the plausibility of reconciling Islamic doctrines with a liberal political order While acknowledging that such compatibility is not the mainstream outlook the book argues that it's feasible through reasonable interpretations of Islamic sources The central question addressed is the realism of observant Muslims endorsing a liberal democratic state from within their doctrinal tradition By examining a range of Islamic orthodoxy positions the book demonstrates that Muslims can theoretically find Islamic reasons rooted in acceptable interpretations of divine sources to justify their commitment to a liberal state Furthermore it provides moral reasons and strategies for the liberal state to address incompatible Islamic doctrines ensuring Muslims can maintain religious practices without an Islamic political authority This theoretical framework offers insights for future empirical and theoretical studies on Muslims navigating pluralistic liberal societies making it a vital contribution to the discourse on Islam and liberalism

**Shari'a Politics** Robert W. Hefner, 2011-04-04 One of the most important developments in Muslim politics in recent years has been the spread of movements calling for the implementation of sharia or Islamic law *Sharia Politics* maps the ideals and organization of these movements and examines their implications for the future of democracy citizen rights and gender relations in the Muslim world These studies of eight Muslim majority societies and state of the field reflections by leading experts provide the first comparative investigation of movements for and against implementation of sharia These essays reveal that the Muslim public's interest in sharia does not spring from an unchanging devotion to received religious tradition but from an effort to respond to the central political and ethical questions of the day

*Shari'a and the Constitution in Contemporary Legal Models* Federico Lorenzo Ramaioli, 2024-03-23 This comparative law book aims at formulating a new analytical approach to constitutional comparisons assuming as a starting point the different legal perspectives implied in the Sunni Islamic outlook on the juridical phenomena and the Western concept of law with particular reference to constitutionalism The volume adopts a wider and comprehensive viewpoint comparing the different ways in which the Islamic shar'a and Western legal categories interact regardless of substantive contents of specific provisions thus avoiding conceptual biases that can sometime affect present literature on the matter The book explores the various dynamics subtended to the interactions between shar'a and Western constitutionalism providing a new classification to the different contemporary models The philosophical and legal comparisons are analyzed in a dynamic way based on a wide range of contemporary constitutional systems virtually encompassing all the States in which Sunni Islam plays a major cultural role

and taking also into consideration non State actors and non recognized actors Published in cooperation with gLAWcal Global Law Initiatives for Sustainable Development Hornchurch Essex United Kingdom *The Law of God*, 2014-10-16 In today's society a positive relation between God and civilization is by no means self evident Religious believers who want to live their lives in accordance with the law of God are often considered a threat to civilization To many monotheistic religion is inherently repressive and violent The central aim of this volume is to think of both God and civilization in a more open space giving way God is seen as the One who prevents man from making an absolute claim for a relative reality including one's religion and culture The multifaceted relations between God and civilization are explored from systematic theological missiological philosophical and ethical perspectives The Oxford Handbook of Islamic Law Anver M. Emon, Rume Ahmed, 2018-10-25 This volume provides a comprehensive survey of the contemporary study of Islamic law and a critical analysis of its deficiencies Written by outstanding senior and emerging scholars in their fields it offers an innovative historiographical examination of the field of Islamic law and an ideal introduction to key personalities and concepts While capturing the state of contemporary Islamic legal studies by chronicling how far the field has come the Handbook also explains why certain debates recur and indicates fundamental gaps in our knowledge Each chapter presents bold new avenues for research and will help readers appreciate the contested nature of key concepts and topics in Islamic law This Handbook will be a major reference work for scholars and students of Islam and Islamic law for years to come

**Rethinking Islamic Studies** Carl W. Ernst, Richard C. Martin, 2012-11-27 A groundbreaking response to the challenges of interpreting Islamic religion in the post 9 11 and post Orientalist era Rethinking Islamic Studies upends scholarly roadblocks in post Orientalist discourse within contemporary Islamic studies and carves fresh inroads toward a robust new understanding of the discipline one that includes religious studies and other politically infused fields of inquiry Editors Carl W Ernst and Richard C Martin along with a distinguished group of scholars map the trajectory of the study of Islam and offer innovative approaches to the theoretical and methodological frameworks that have traditionally dominated the field In the volume's first section the contributors reexamine the underlying notions of modernity in the East and West and allow for the possibility of multiple and incongruent modernities This opens a discussion of fundamentalism as a manifestation of the tensions of modernity in Muslim cultures The second section addresses the volatile character of Islamic religious identity as expressed in religious and political movements at national and local levels In the third section contributors focus on Muslim communities in Asia and examine the formation of religious models and concepts as they appear in this region This study concludes with an afterword by accomplished Islamic studies scholar Bruce B Lawrence reflecting on the evolution of this post Orientalist approach to Islam and placing the volume within existing and emerging scholarship Rethinking Islamic Studies offers original perspectives for the discipline each utilizing the tools of modern academic inquiry to help illuminate contemporary incarnations of Islam for a growing audience of those invested in a sharper understanding of the Muslim world

**The Shariatisation of Indonesia** Syafiq Hasyim, 2023-01-09 This book is a succinct and critical account on the shariatisation of Indonesia the largest Muslim country in the world It is the first book in English to uncover and explain the shariatisation of Indonesia in a comprehensive way With the abundant primary and secondary sources this book is a reference for other scholars who conduct research on the inclusion of sharia into legal and public sphere of Indonesia It comes with an important conclusion that the change of such a non theocratic state like Indonesia into a theocratic state is highly possible when its law is penetrated by those who want to change the state system

**Islamic Law in Action** Kristen Stilt, 2012-01-12 A dynamic account of the practice of Islamic law this book focuses on the actions of a particular legal official the muhtasib whose vast jurisdiction included all public behavior In the cities of Cairo and neighboring Fustat during the Mamluk period 1250 1517 the men who held the position of muhtasib acted as regulators of markets and public spaces generally They traversed their jurisdictions carrying out the duty to command right and forbid wrong and were as much a part of the legal landscape as the better known figures of judge and mufti Taking directions from the rulers the sultan foremost among them they were also guided by legal doctrine as formulated by the jurists combining these two sources of law in one face of authority The daily workings of the law are illuminated by the reports of the muhtasib in the vivid Mamluk era chronicles which often also captured the responses of the individuals who encountered the official The book is organized around actions taken by the muhtasib in the areas of Muslim devotional and pious practices crimes and offenses the management of Christians and Jews market regulation and consumer protection the specific markets for essential bread currency and taxes and public order The case studies presented show that while legal doctrine was clearly relevant to the muhtasib's actions the policy demands of the sultan were also quite significant and rules from both sources of authority intersected with social political economic and personal factors to create full and vibrant scenarios that reveal the practice of Islamic law

**The Rule of Law, Freedom of Expression and Islamic Law** Hossein Esmaeili, Irmgard Marboe, Javaid Rehman, 2017-12-14 The importance of the rule of law is universally recognised and of fundamental value for most societies Establishing and promoting the rule of law in the Muslim world particularly in the Middle East North Africa and Central Asia has become a pressing but complicated issue These states have Muslim majority populations and the religion of Islam has an important role in the traditional structures of their societies While the Muslim world is taking gradual steps towards the establishment of rule of law systems most Muslim majority countries may not yet have effective legal systems with independent judiciaries which would allow the state and institutions to be controlled by an effective rule of law system One important aspect of the rule of law is freedom of expression Given the sensitivity of Muslim societies in relation to their sacred beliefs freedom of expression as an international human rights issue has raised some controversial cases This book drawing on both International and Islamic Law explores the rule of law and freedom of expression and its practical application in the Muslim world

**The Bloomsbury Companion to Islamic Studies** Clinton Bennett, 2014-11-20 The

Bloomsbury Companion to Islamic Studies is a comprehensive one volume reference guide to Islam and study in this area A team of leading international scholars Muslim and non Muslim cover important aspects of study in the field providing readers with a complete and accessible source of information to the wide range of methodologies and theoretical principles involved Presenting Islam as a variegated tradition key essays from the contributors demonstrate how it is subject to different interpretations with no single version privileged In this volume Islam is treated as a lived experience not only as theoretical ideal or textual tradition Featuring a series of indispensable research tools including a substantial A Z of key terms and concepts chronology and a detailed list of resources this is the essential reference guide for anyone working in Islamic Studies

*Maqasid al-Shari'a and Contemporary Reformist Muslim Thought* A. Duderija, 2014-09-04 It is the first study which comprehensively systematically and critically examines the role and usefulness of the concept of Maqasid al Shari a higher Objectives of Islamic Law in contemporary Muslim reformist thought in relation to number of specific issues pertaining to Islamic legal philosophy law ethics and the socio political sphere

**Comparative Secularisms in a Global Age** L. Cady, E. Hurd, 2010-05-10 The history and politics of secularism and the public role of religion in France India Turkey and the United States It interprets the varieties of secularism as a series of evolving and contested processes of defining and remaking religion rather than a static solution to the challenges posed by religious and political difference

**Religious Ideology and the Roots of the Global Jihad** J. Turner, 2014-08-26 The events of 9 11 prompted questions as to the origins nature and purpose of international jihadist organisations In particular why had they chosen to target the US and the West in general Turner s book provides a unique holistic insight into these debates taking into account historical perceptions and ideology as key factors

*Americans at War* James R. Arnold, 2018-05-18 This unprecedented compilation of eyewitness accounts records the thoughts and emotions of American soldiers spanning nearly 250 years of national history from the American Revolution to the Afghanistan War Understanding primary sources is essential to understanding warfare This outstanding collection provides a diverse set of eyewitness accounts of Americans in combat throughout U S history Offering riveting true stories it includes accounts from participants in the American Revolution the War of 1812 the Indian Wars the Mexican American War the Civil War the Spanish American War and Philippine Insurrection World War I World War II the Korean War the Vietnam War The Persian Gulf War the Afghanistan War and the Iraq War Most eyewitness accounts of war currently available to the public are those of writers who enjoy higher military rank Americans at War addresses this imbalance between officers accounts and enlisted men s accounts by invoking oral history archives Contextual essays and timelines allow the reader to place the accounts in time and place while the entries themselves allow the reader to experience the thoughts and emotions of Americans who engaged in combat

*Modern Perspectives on Islamic Law* E. Ann Black, Hossein Esmaeili, Nadirsyah Hosen, 2013-01-01 This book presents an invaluable contribution to the debate on the compatibility of Islam and modernity It is full of arguments and examples showing how Islam can be understood in line with

modern life human rights democracy the rule of law civil society and pluralism The three authors come from different countries represent different gender perspectives and have a Shia a Sunni and a non Muslim background respectively which makes the book a unique source of information and inspiration Irmgard Marboe University of Vienna Austria This well informed book explains reflects on and analyses Islamic law not only in the classical legal tradition of Sharia but also its modern contemporary context The book explores the role of Islamic law in secular Western nations and reflects on the legal system of Islam in its classical context as applied in its traditional homeland of the Middle East and also in South East Asia Written by three leading scholars from three different backgrounds a Muslim in the Sunni tradition a Muslim in the Shia tradition and a non Muslim woman the book is not only unique but also enriched by differing insights into Islamic law Sir William Blair provides the foreword to a book which acknowledges that Islam continues to play a vital role not just in the Middle East but across the wider world the discussion on which the authors embark is a crucial one The book starts with an analysis of the nature of Islamic law its concepts meaning and sources as well as its development in different stages of Islamic history This is followed by accounts of how Islamic law is being practised today Key modern institutions are discussed such as the parliament judiciary dar al ifta political parties and other important organizations It continues by analysing some key concepts in our modern times nation state citizenship ummah dhimmah recognition of the status of certain non Muslims in Islamic states and the rule of law The book investigates how in recent times more and more fatwas are issued collectively rather than emanating from an individual scholar The authors then evaluate how Islamic law deals with family matters economics crime property and alternative dispute resolution Lastly the book revisits certain contemporary issues of debate in Islamic law such as the burqa halal food riba interest and apostasy

**Modern Perspectives on Islamic Law** will become a standard scholarly text on Islamic law Its wide ranging coverage will appeal to researchers and students of Islamic law or Islamic studies in general Legal practitioners will also be interested in the comparative aspects of Islamic law presented in this book

**Secularism Confronts Islamism** Mohammad Affan, 2022-01-31 This book provides in depth examination of the recent confrontation between Islamists and secularists in Egypt and Tunisia Presenting a new approach to understand Islamism and secularism the research addresses the variables that could affect the outcome of transitional negotiations The secularist Islamist conflict proved to be a major hindrance for democratisation and a main source of political instability in the Middle East During the Arab Spring disputes between both political trends sparked shortly after getting rid of their common enemy the autocratic rulers First they disagreed on how to lead the transitional period Then polarisation grew deeper with the political competition in the parliamentary and presidential elections and the ideological disagreements during the drafting of the constitution Eventually this conflict put Tunisia at a verge of civil strife in the summer of 2013 and led to collapse of the transitional process in Egypt after the military coup Examining the causes of the conflict between the secularists and the Islamists during the transitional period the work provides new insights from the Arab Spring experience

Updating the transition literature the book is a key resource to academics and students interested in democratization theory and Middle East politics

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