

ISLAMIC LAW AND THE CHALLENGES OF MODERNITY. Edited by Yvonne Yazbeck Haddad and Barbara Freyer Stowasser. Altamira Press 2004. Pp. 264. \$26.95. ISBN: 0-759-10671-1.

This edited collection of essays presents multiple treatments of how Muslims in the Arab world, contending with their post-colonial nation-state contexts and a globalizing international order, address the role of *Shari'a* or Islamic law in their contemporary contexts. As Wael Hallaq argues, the rise of the nation state with its centralized legislative institutions is a far cry from the decentralized, polycentric modes of Islamic reasoning engaged in by premodern '*ulama*' writing outside the government sphere of control. In fact, as Hallaq seems to suggest, the idea that Islamic law is even a viable legal system seems questionable in the light of the changes in the conception of legal authority brought on by the advent of the nation state. For instance, he argues that ongoing discourses about the role of Islamic law in the modern nation-state system are in an "irredeemable state of denial" about the fact that *Shari'a* has met its demise. (22) For Hallaq, "the demise of the shari'a was ushered in by the material internalization of the concept of nationalism in Muslim countries, mainly by the creation of the nation-state." (22) Whereas premodern '*ulama*' articulated the law generally from outside the government sector, and the ruler was held to be subjected to that law, now the tables have turned and it is the ruler, either in dictatorial fashion or through legislative assemblies, who articulates the law of Islam.

Yet, we find that several articles by other authors in this volume address the role of Islamic law in various Arab states, as if Islamic law remains a viable legal system. But what seems quite apparent from the articles in this volume is that the conception of Islamic law that many of the authors seem to share is a thin one. While Hallaq provides a thick account of premodern Islamic law and the modes of analysis and authority that made the system a viable working system, the other authors write about a tradition that seems almost stripped of its authority and its systemic viability in legal systems that have been imposed by or borrowed from the European West. Consequently, when writing about the challenges that "Islamic law" faces with the advent of modernity, the subsequent authors seem to embrace a tragic narrative of the reduction of Islamic law to a political symbol, or a stand-in for political identity

Islamic Law And The Challenges Of Modernity

M Carnoy



Islamic Law And The Challenges Of Modernity:

Islamic Law and the Challenges of Modernity Yvonne Yazbeck Haddad, Barbara Freyer Stowasser, 2004-03 Since Europeans first colonized Arab lands in the 19th century they have been pressing to have the area's indigenous laws and legal systems accord with Western models. Although most Arab states now have national codes of law that reflect Western influence, fierce internal struggles continue over how to interpret Islamic law particularly in the areas of gender and family. From different geographical and ideological points across the contemporary Arab world, Haddad and Stowasser demonstrate the range of views on just what Islam's legal heritage in the region should be. For either law or religion classes. **Islamic Law and the Challenges of Modernity** provides the broad historical overview and particular cases needed to understand this contentious issue. Visit our website for sample chapters.

Islamic Law and the Challenges of Modernity Yvonne Yazbeck Haddad, Barbara Freyer Stowasser, 2004 From different geographical and ideological points across the contemporary Arab world, this book demonstrates the range of views on just what Islam's legal heritage in the region should be.

Modern Challenges to Islamic Law Shaheen Sardar Ali, 2016-10-06 This book offers unique insights into Islamic law considering its theoretical perspectives alongside its practical application in daily Muslim life.

Islam and the Challenges of Modernity Dr. Shaukat Ali, 2004 **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

Wahhābī Islam Facing the Challenges of Modernity Muhammad Al-Atawneh, 2010-06-14 This book focuses on the history and work of the Saudi Dar al Ift one of the most central modern Islamic official religious institutions The study was undertaken from two perspectives 1 Dar al Ift creation power structure functions and the sociopolitical environment in which it operates and 2 The actual work of this institution mainly the mechanisms by which modern Saudi state muftis cope with clashes between Wahhābī idealism and the reality of an evolving society This is a critical work which updates the readers grasp of contemporary law and society in the modern Saudi state in particular and in Islamic jurisprudence in general *Islamic Law: A Very Short Introduction* Mashood A. Baderin, 2021-02-25 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

The Kuyper Center Review, Volume 2 John Bowlin, 2011 Includes papers presented

at conferences sponsored by the Abraham Kuyper Center for Public Theology at Princeton Theological Seminary over the last two years

Introduction *Islam and Democracy in the Maldives* Azim Zahir, 2021-11-29 This book examines Islam's relationship to democratization in the Indian Ocean nation of the Maldives. It explores how and why an electoral democracy based in a constitution that has many liberal features but also Islam-based limitations, especially lack of religious freedom, emerged in the country by 2009. In doing so, the book interrogates a major approach to Muslim politics that assumes reformist interpretations of Islam are a positive and even a necessary force for liberalization and democratization in Muslim majority contexts. This book shows reformist Islam did play certain positive roles in democratization in the Maldives. However, the book suggests reformist Islam may not be an invariably uncontroversial force in the space of politics. It argues that modern nation building in the Maldives, shaped by political actors with reformist Islamic orientations since around the 1930s, has also completely transformed Islam as a modern institutional and discursive political religion. These transformations of Islam as a modern political religion have existed as path-dependent constraints on the depth of democratization, ensuring religion-based limitations and intensifying controversy over religion vis-à-vis the state and individual rights. An original empirical contribution towards a better understanding of Islam and politics in the Maldives, this book will be of interest to academics and students working on democracy and Islam in particular and in the fields of political science and area studies, especially South Asian politics.

The New Cambridge History of Islam: Volume 6, Muslims and Modernity: Culture and Society since 1800 Robert W. Hefner, 2010-11-04 Unparalleled in its range of topics and geographical scope, the sixth and final volume of *The New Cambridge History of Islam* provides a comprehensive overview of Muslim culture and society since 1800. Robert Hefner's thought-provoking account of the political and intellectual transformation of the Muslim world introduces the volume, which proceeds with twenty-five essays by luminaries in their fields through a broad range of topics. These include developments in society and population, religious thought and Islamic law, Muslim views of modern politics and economics, education and the arts, cinema and new media. The essays, which highlight the diversity and richness of Islamic civilization, engage with regions outside the Middle East as well as within Islam's historic heartland. Narratives are clear and absorbing and will fascinate all those curious about the momentous changes that have taken place among the world's 1.4 billion Muslims in the last two centuries.

The Ashgate Research Companion to Islamic Law Peri Bearman, 2016-03-16 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

Beyond Modernity Mohammed Moussa,Emi Goto,2023-10-30 A contest is afoot in Muslim discourses around the world in the twenty first century Prevalent norms and acts are subject to competing motivations trends and forces The image of a monolithic Islam is thus wholly inadequate to identify and interpret the different expressions of Muslim thought and practice in their specific yet connected contexts This book proposes competing and persuasive perspectives for interpreting what Muslims say do and think in collective settings or in the light of common frames of reference The chapters contained in this book reflect a diversity of disciplines and interests Nonetheless a common thread of the preoccupation with meanings in context unites the contributors and the approaches to their chosen examples Islam is not a discrete category that is taken for granted Instead the cacophony of voices in the Muslim world situated in specific contexts variously national regional or global is allowed to inform each chapter Here one encounters contemporary Muslims participating in discourses with a contested character that create opportunities to augment or question orthodox dictates or transmit or alter existing beliefs and practices What emerges are nuanced portraits of contemporary Muslim thought and practice that reveal a far from monolithic Islam to which all things Islamic can be reduced Islamic Law on Trial Sohaira Z. M. Siddiqui,Sohaira Zahid Siddiqui,2025 Prior to the East India Company's arrival in India in 1661 Islamic law was widely applied in India by the Mughal Empire As the Company's power grew it quickly established a court system intended to limit Islamic law Following the Great Rebellion of 1857 the project of jural colonization replaced the decentralized Islamic legal system with a new standardized system Islamic Law on Trial interrogates the project of juridical colonization and demonstrates that alongside and despite the violent displacement of Muslim legal sovereignty Muslims were able to engage with and even champion Islamic law from inside the colonial judiciary The outcome of their work was a paradoxical legal terrain that appeared legitimate both to Muslim practitioners and English colonizers Through this story of courtroom contestations Sohaira Siddiqui challenges long standing assumptions about Islamic law under British rule the ways in which colonial power displaced pre existing traditions and how local elites navigated the new institutions imposed upon them *The Impossible*

State Wael B. Hallaq, 2014-09-02 Wael B Hallaq boldly argues that the Islamic state judged by any standard definition of what the modern state represents is both impossible and inherently self contradictory Comparing the legal political moral and constitutional histories of premodern Islam and Euro America he finds the adoption and practice of the modern state to be highly problematic for modern Muslims He also critiques more expansively modernity's moral predicament which renders impossible any project resting solely on ethical foundations The modern state not only suffers from serious legal political and constitutional issues Hallaq argues but also by its very nature fashions a subject inconsistent with what it means to be or to live as a Muslim By Islamic standards the state's technologies of the self are severely lacking in moral substance and today's Islamic state as Hallaq shows has done little to advance an acceptable form of genuine Shari'a governance The Islamists constitutional battles in Egypt and Pakistan the Islamic legal and political failures of the Iranian Revolution and similar disappointments underscore this fact Nevertheless the state remains the favored template of the Islamists and the ulama Muslim clergymen Providing Muslims with a path toward realizing the good life Hallaq turns to the rich moral resources of Islamic history Along the way he proves political and other crises of Islam are not unique to the Islamic world nor to the Muslim religion These crises are integral to the modern condition of both East and West and by acknowledging these parallels Muslims can engage more productively with their Western counterparts

Dynamics of Islam in the Modern World Saeed Zarrabi-Zadeh, Armina Omerika, Thomas K. Gugler, Michael E. Asbury, 2022-07-11 Dynamics of Islam in the Modern World scrutinizes and analyzes Islam in context It posits Muslims not as independent and autonomous but as relational and interactive agents of change and continuity who interplay with Islamic sources of self and society as well as with resources from other traditions Representing multiple disciplinary approaches the contributors to this volume discuss a broad range of issues such as secularization colonialism globalization radicalism human rights migration hermeneutics mysticism religious normativity and pluralism while paying special attention to three geographical settings of South Asia the Middle East and Euro America

The Making of Islamic Economic Thought Sami Al-Daghistani, 2022-01-06 Interrogating the development and conceptual framework of economic thought in the Islamic tradition pertaining to ethical philosophical and theological ideas this book provides a critique of modern Islamic economics as a hybrid economic system From the outset Sami Al Daghistani is concerned with the polyvalent methodology of studying the phenomenon of Islamic economic thought as a human science in that it nurtures a complex plentitude of meanings and interpretations associated with the moral self By studying legal scholars theologians and Sufis in the classical period Al Daghistani looks at economic thought in the context of Shar'a's moral law Alongside critiquing modern developments of Islamic economics he puts forward an idea for a plural epistemology of Islam's moral economy which advocates for a multifaceted hermeneutical reading of the subject in light of a moral law embedded in a particular cosmology of human relationality metaphysical intelligibility and economic subjectivity

The Oxford Handbook of Islamic Law Anver M. Emon, Rume Ahmed, 2018 A comprehensive

guide to Islamic legal scholarship this Handbook offers a direct and accessible introduction to Islamic law and the academic debates within the field Topics include textual sources and authority institutions substantive legal areas Islamic legal philosophy and Islamic law in the Muslim World and in Muslim minority countries *Arguing Islam After the Revival of Arab Politics* Nathan J. Brown, 2017 *Arguing Islam after the Revival 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 *Islamic Law, Tribal Customary Law and Waqf* Aharon Layish, 2023-10-30 In this collected volume Aharon Layish demonstrates that legal documents are an essential source for legal and social history Since the late nineteenth century Islamic law has undergone tremendous transformations some of which have strongly affected the basic features of its nature The changes include the transformation of Islamic law from a jurists law to a statutory law the abolishment of waqf the Islamization of tribal customary law the creation of Sudanese legal methodologies strongly inspired by f and Salaf traditions or Western law and the emergence of an Israeli version of Islamic law

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