

Islamic Law in Africa

J. N. D. Anderson



Islamic Law Africa Norman Anderson

Aharon Layish



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The Reinstatement of Islamic Law in Sudan under Numayrī Aharon Layish, Gabriel R. Warburg, 2021-11-08 The present study examines President Ja far Numayr s experiment of reinstating Islamic law in the Sudan and the methods employed to this end in the light of its historical context and sources of inspiration Islamist legislation legal circulars and judicial practice are here utilized as source material for the analysis of the methodology employed in Numayr s experiment and its application with a view to evaluating their impact on the uncoded Islamic law state control of public morals and on Sudanese society and economy The focus of attention here is the judge as an instrument for implementing the government s Islamist policy by means of expanded judicial discretion based on a synthesis of traditional Islamic and modern non Islamic sources of law The book is intended for Islamists legal historians and lawyers *Islamic Law and Society in the Sudan* Carolyn Fluehr-Lobban, 2013-10-15 Few studies exist which deal with Islamic law in practice and this is among the first such studies in the English language for Islamic Africa It is significant that the present study was completed just prior to the extension of Islamic law as the sole governing law in the Sudan in 1983 for it captures many essentials of the Shari a as it has been applied for decades prior to this important change Numerous movements for reform and change are discussed in the book which reflect the contemporary debate in the Sudan over the position of Shari a in society **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 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 **The Sharia State** Bassam Tibi, 2013-07-18 Set against the backdrop of the Arab Spring The Sharia State examines the Islamist concept of political order This order is based on a new interpretation of sharia and has been dubbed the Islamic state by Islamists The concept of the Islamic state has been elevated to a political agenda and it is this agenda that is examined here

In contrast to the prevailing view which sees the Arab Spring as a revolution this book argues that the phenomenon has been neither a Spring nor a revolution The term Arab Spring connotes a just rebellion that led to toppling dictators and authoritarian rulers yet in *The Sharia State* Bassam Tibi challenges the unchecked assumption that the seizure of leadership by Islamists is a part of the democratization of the Middle East Providing a new perspective on the relationship between the Arab Spring and democratization this book is an essential read for students and scholars of Middle Eastern Studies Islamic Studies and Politics

The Politics of Islamic Law Iza R. Hussin, 2016-03-31 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

Anthropology of the Middle East and North Africa Sherine Hafez, Susan Slyomovics, 2013-06-05 This volume combines ethnographic accounts of fieldwork with overviews of recent anthropological literature about the region on topics such as Islam gender youth and new media It addresses contemporary debates about modernity nation building and the link between the ideology of power and the production of knowledge Contributors include established and emerging scholars known for the depth and quality of their ethnographic writing and for their interventions in current theory

Marriage, Divorce and Succession in the Druze Family Layish, 2022-04-25

The Future of African Customary Law Jeanmarie Fenrich, Paolo Galizzi, Tracy E. Higgins, 2011-07-18 Customary laws and traditional institutions in Africa constitute comprehensive legal systems that regulate the entire spectrum of activities from birth to death Once the sole source of law customary rules now exist in the context of pluralist legal systems with competing bodies of domestic constitutional law statutory law common law and international human rights treaties This book promotes discussion and understanding of customary law and explores its continued relevance in sub Saharan Africa The volume considers the characteristics of customary law and efforts to ascertain and codify customary law and how this body of law differs in content form and status from legislation and common law It also addresses a number of substantive areas of customary law including the role and power of traditional authorities customary criminal law customary land tenure property rights and intestate succession and

the relationship between customary law human rights and gender equality **Muslim Family Law in Sub-Saharan Africa** Shamil Jeppie, Ebrahim Moosa, Richard L. Roberts, 2010 Offers comparative historical anthropological and legal perspectives on the ways in which French and British colonial administrations interacted with the diversity of Islamic legal schools scholars and practices in Africa 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 Matrilineal, Matriarchal, and Matrifocal Islam Abbas Panakkal, Nasr M Arif, 2024-02-24 Around the world Islamic cultures have developed distinctive matrilineal matrifocal matrilineal or matriarchal natures as a result of how they have been practised by integrated and indigenised Muslim communities In matrilineal descent systems in contrast to the more common mosaic of patrilineal patterns children belong to the mother's ancestry group Matrilineal Muslims therefore follow a social system in which people are identified with their mother's lineage and the inheritance of property as well as succession are transferred through the matriline This volume focuses on matrilineal matrifocal and matriarchal Muslims and their unique folk natures integrated social structures adopted legal systems and so on It provides a unique perspective for understanding global Muslim communities that have succeeded in integrating the matrilineal tenets of local practices with religion adhering to essential Islamic values in a way that makes traditional women centred cultures acceptable to mainstream Islam Islam's Predicament with Modernity Bassam Tibi, 2009-02-25 This book presents an in depth cultural and political analysis of the issue of political Islam as a potential source of tensions and conflict and how this might be peacefully resolved Looking at modernity from an Islamic point of view the author analyses issues such as law knowledge and human rights **Islam Between Culture and Politics** Bassam Tibi, 2005-08-31 Bassam Tibi offers a radical solution to the problems faced by Islam in a rapidly changing and globalizing world He proposes a depoliticization of the faith and the introduction of reforms to embrace secular democracy pluralism civil society and individual human rights The alternative to this is the impasse of fundamentalism The pivotal argument is that Islam is being torn between the pressure for cultural innovation and a defensive move towards the politicization of its symbols for non religious ends **Islamic Law in Past and Present** Mathias Rohe, 2015-01-27 Islamic Law in Past and Present written by the lawyer and Islamicist Mathias Rohe is the first comprehensive study for decades on

Islamic law legal theory reform mechanisms and the application of Islamic law in Islamic countries and the Muslim diaspora It provides information based on an abundance of Oriental and Western sources regarding family and inheritance law contract and economic law penal law constitutional administrative and international law The present situation and law in action are highlighted particularly This includes examples collected during field studies on the application of Islamic law in India Canada and Germany Islamism and Islam Bassam Tibi, 2012-05-22 Despite the intense media focus on Muslims and their religion since the tragedy of 9 11 few Western scholars or policymakers today have a clear idea of the distinctions between Islam and the politically based fundamentalist movement known as Islamism In this important and illuminating book Bassam Tibi a senior scholar of Islamic politics provides a corrective to this dangerous gap in our understanding He explores the true nature of contemporary Islamism and the essential ways in which it differs from the religious faith of Islam Drawing on research in twenty Islamic countries over three decades Tibi describes Islamism as a political ideology based on a reinvented version of Islamic law In separate chapters devoted to the major features of Islamism he discusses the Islamist vision of state order the centrality of antisemitism in Islamist ideology Islamism s incompatibility with democracy the reinvention of jihadism as terrorism the invented tradition of shari a law as constitutional order and the Islamists confusion of the concepts of authenticity and cultural purity Tibi s concluding chapter applies elements of Hannah Arendt s theory to identify Islamism as a totalitarian ideology An African Worldview Ian D. Dicks, 2012 In this book Ian Dicks informs the reader about the ways in which the Yawo of Malawi view the world The Yawo are predominantly Muslim yet many maintain strong links with their traditional religion They are a largely oral society teaching and reinforcing their beliefs and practices using oral literature which includes myths proverbs proverbial stories songs of advice and prayers at various stages of the life cycle particularly during initiation events Ian Dicks describes in detail the Yawo s material world customs beliefs and rituals and juxtaposes these with Yawo oral literature He then examines them under six worldview categories the result being a rich description of the way in which the Yawo see the world This book is not an armchair study but has the feel of being written by an eyewitness by someone who has had first hand experience of the subject and who seeks to describe this in a manner which is sensitive to the Yawo and their culture **Islam Between Culture and Politics** B. Tibi, 2001-11-07 Bassam Tibi offers a radical solution to the problems faced by Islam in a rapidly changing and globalizing world He proposes a depoliticization of the faith and the introduction of reforms to embrace secular democracy pluralism civil society and individual human rights The alternative to this is the impasse of fundamentalism The pivotal argument is that Islam is being torn between the pressure for cultural innovation and a defensive move towards the politicization of its symbols for non religious ends The Golden Book Charles Mwalimu, 2010 v 1 Dynamic jurisprudential thought Domestic Legal Pluralism and the International Criminal Court Justin Su-Wan Yang, 2021-09-20 This book explores how the unique historical development of Islamic Shari a criminal law alongside English common law in northern Nigeria has created a hybridised

criminal legal system through a pluralist dynamic of mutual accommodation. It studies how this system may potentially be accommodated by the International Criminal Court. The work examines how this could be accommodated through the current understanding and operation of complementarity and that it could ultimately prove to be preferable in encouraging the Shari'a courts to exercise criminal justice over the radical insurgents in northern Nigeria. These courts would have the unprecedented ability to combine binding adjudicative judgments together with religious interpretation and guidance which can directly combat the predominantly unchallenged domain of ideology by extremist actors. It is submitted that these pluralist perspectives are timely and welcome given the undeniably Western European foundations of modern International Criminal Law. In exploring such potential avenues, our shared understanding of modern international criminal justice is widened to necessarily include other stakeholders beyond its Western founders. It is the aim and hope that such interactions and engagements with non-Western traditions and cultures will lead to a greater shared ownership of the international criminal justice project which will only strengthen the global fight against impunity. The book will be essential reading for academics, researchers and policy makers working in the areas of International Criminal Law, Legal Pluralism, Islamic Shari'a, Law, Nigeria and religiously inspired violence.

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Table of Contents Islamic Law Africa Norman Anderson

1. Understanding the eBook Islamic Law Africa Norman Anderson
 - The Rise of Digital Reading Islamic Law Africa Norman Anderson
 - Advantages of eBooks Over Traditional Books
2. Identifying Islamic Law Africa Norman Anderson
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Islamic Law Africa Norman Anderson
 - User-Friendly Interface
4. Exploring eBook Recommendations from Islamic Law Africa Norman Anderson
 - Personalized Recommendations
 - Islamic Law Africa Norman Anderson User Reviews and Ratings
 - Islamic Law Africa Norman Anderson and Bestseller Lists
5. Accessing Islamic Law Africa Norman Anderson Free and Paid eBooks
 - Islamic Law Africa Norman Anderson Public Domain eBooks
 - Islamic Law Africa Norman Anderson eBook Subscription Services
 - Islamic Law Africa Norman Anderson Budget-Friendly Options
6. Navigating Islamic Law Africa Norman Anderson eBook Formats

- ePub, PDF, MOBI, and More
 - Islamic Law Africa Norman Anderson Compatibility with Devices
 - Islamic Law Africa Norman Anderson Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Islamic Law Africa Norman Anderson
 - Highlighting and Note-Taking Islamic Law Africa Norman Anderson
 - Interactive Elements Islamic Law Africa Norman Anderson
 8. Staying Engaged with Islamic Law Africa Norman Anderson
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Islamic Law Africa Norman Anderson
 9. Balancing eBooks and Physical Books Islamic Law Africa Norman Anderson
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Islamic Law Africa Norman Anderson
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Islamic Law Africa Norman Anderson
 - Setting Reading Goals Islamic Law Africa Norman Anderson
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Islamic Law Africa Norman Anderson
 - Fact-Checking eBook Content of Islamic Law Africa Norman Anderson
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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