

CULTURAL DIVERSITY AND LAW



Law, Religious Freedoms and Education in Europe



EDITED BY
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Islamic Law In Europe Cultural Diversity And Law

Stéphane Voell, Iwona Kaliszewska



Islamic Law In Europe Cultural Diversity And Law:

Islamic Law in Europe? Andrea Büchler, 2011 **Islamic Law in Europe?** Andrea Büchler, 2016-05-06 Cultural and religious identity and family law are inter related in a number of ways and raise various complex issues European legal systems have taken various approaches to meeting these challenges This book examines this complexity and indicates areas in which conflicts may arise by analysing examples from legislation and court decisions in Germany Switzerland France England and Spain It includes questions of private international law comments on the various degrees of consideration accorded to cultural identity within substantive family law and remarks on models of legal pluralism and the dangers that go along with them It concludes with an evaluation of approaches which are process based rather than institution based The book will be of interest to legal professionals family law students and scholars concerned with legal pluralism Legal Practice and Cultural Diversity Ralph Grillo, Roger Ballard, Alessandro Ferrari, André J. Hoekema, Marcel Maussen, Prakash Shah, 2016-12-05 Legal Practice and Cultural Diversity considers how contemporary cultural and religious diversity challenges legal practice how legal practice responds to that challenge and how practice is changing in the encounter with the cultural diversity occasioned by large scale post war immigration Locating actual practices and interpretations which occur in jurisprudence and in public discussion this volume examines how the wider environment shapes legal processes and is in turn shaped by them In so doing the work foregrounds a number of themes principally relating to changing norms and practices and sensitivity to cultural and religious difference in the application of the law Comparative in approach this study places particular cases in their widest context taking into account international and transnational influences on the way in which actors legal and other respond Law, Religious Freedoms and Education in Europe Myriam Hunter-Henin, 2016-04-22 This collection considers how contemporary cultural and religious diversity challenges and redefines national constitutional and legal frameworks and concepts within the context of education It offers a critical reflection on the extent and meanings given to religious freedom in education across Europe The contributions deal primarily with Western Europe although the book also includes a study of the US vibrant debates on Creationism This volume considers issues such as religious expression faith schooling and worship in schools in a multidisciplinary and comparative approach The book first examines key concepts before presenting national models of religion and education in Europe and analyzing case studies relating to religious symbols worn at school and to the teaching of religious education Legal questions are examined in a wider context in the light of the intentions of state policy and of current national and transnational debates Controversies on the legal implications of personal and national identities are for example analyzed From a comparative perspective the chapters examine the possible converging power of human rights and anti discrimination discourses and reveal the difficulties and risks involved in seeking to identify the best model for Europe This topical study of a highly sensitive area of education presents a valuable insight for students researchers and academics with an interest in cultural

and religious diversity human rights and education *Family, Religion and Law* Dr Prakash Shah, Professor Marie-Claire Foblets, Prof Dr Mathias Rohe, 2014-06-28 This collection discusses how official legal systems respond to the reality of a plurality of family types and origins within their jurisdictions Presenting empirical research which includes legal and sociological data of unprecedented comparative depth the volume addresses issues such as how minority families respond to the need to organise their legal relationships and resolve their disputes in the shadow of official legal systems which differ from those of their familial and communal traditions The book invites reflection and demonstrates the urgency and complexity of the questions regarding the search for justice in the field of family life in Europe today Muslim Family Law in Western Courts Elisa Giunchi, 2014-03-26 This book focuses on Islamic family law as interpreted and applied by judges in Europe Australia and North America It uses court transcriptions and observations to discuss how the most contentious marriage related issues consent and age of spouses dower polygamy and divorce are adjudicated The solutions proposed by different legal systems are reviewed and some broader questions are addressed how Islamic principles are harmonized with norms based on gender equality how parties bargain strategically in and out of court and how Muslim diasporas align their Islamic worldview with a Western normative narrative **Fatwa in Indonesia** Pradana Pradana Boy ZTF, 2025-10-01 This book looks at fatwa in Indonesia during the period following the fall of President Suharto It is an in depth exploration of three fatwa making agencies Majelis Ulama Indonesia Lajnah Bahth al Masail Nahdlatul Ulama and Majelis Tarjih Muhammadiyah all of which are highly influential in shaping religious thought and the lives of Muslims in Indonesia Rather than look at all the fatwa that have emerged in the period Pradana Boy ZTF focuses on those that have strong repercussions for intra community relations and the development of Indonesian Muslims more generally including fatwa pertaining to sectarianism pluralism secularism and liberalism *Islam & Europe* Marie-Claire Foblets, Jean-Yves Carlier, 2010 Dedicated to increasing our knowledge and awareness of the ever growing diversity and pluralism of global society Forum A Durre S Ahmed A S A Al Saify Mohamed Benzakour Helge Dani ls Nadia Fadil Silvio Ferrari Marie Claire Foblets Fouad Laroui Paul Lemmens Rashida Manjoo Ziba Mir Hosseini Bhikhu Parekh Mathias Rohe Cedric Ryngaert Shaheen Sardar Ali Prakash Shah Paul Scheffer Amina Wadud Sami Zemni Cultural Diversity and the Law Marie-Claire Foblets, Jean-François Gaudreault-DesBiens, Alison Dundes Renteln, 2010 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

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

A Geo-Legal Approach to the English Sharia Courts Anna Marotta, 2021-12-20 A Geo Legal Approach to the English Sharia Courts Cases and Conflicts adopts a new methodological perspective that combines Comparative Law with Geopolitics to understand the phenomenon of the English sharia courts This term is used as a geopolitical representation of specific Islamic ADR institutions The geo legal analysis illustrates the competition of the legal systems involved and brings you in the middle of the related conflict where official and unofficial legal rules are used by various actors to defend their ideas of Law and implement their strategies Accordingly the geo legal operational analysis helps assess the possible changes occurring in the relationship between the legal systems and their substratum of values Funding for the research associated with this book was provided by the University of Campania Luigi Vanvitelli Dept of Political Science and by the Italian Ministry of University and Research through the National Project PRIN 2017 n 20174EH2MR on International Migrations State Sovereignty Human Rights open legal issues directed by Prof Angela Di Stasi and Prof Ida Caracciolo

Family, Religion and Law Prakash Shah, Marie-Claire Foblets, 2016-04-15 This collection discusses how official legal systems do and should respond to the reality of a plurality of family types and origins within their jurisdictions It further examines the challenges that arise for practitioners including lawyers and judges when faced with such plurality Focussing on empirical research the volume presents legal and sociological data of unprecedented comparative depth It also includes a discussion of how members of minority families respond to the need to organise their legal relationships and to resolve their disputes in

the shadow of official legal systems which differ from those of their familial and communal traditions The work invites reflection and demonstrates the urgency and complexity of the questions regarding the search for justice in the field of family life in Europe today 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 *Political Islam, World Politics and Europe* Bassam Tibi, 2014-07-11 The new and updated edition of Political Islam World Politics and Europe focusses on the shift within political Islam in light of 9 11 and the events of the Arab Spring from a jihadist struggle to institutional Islamism Refuting what has often been referred to by commentators as the moderation of Islamism the second edition of this book introduces the concept of institutional Islamism a process which Tibi argues was accelerated in the aftermath of the Arab Spring Both jihadist and institutional Islamism pursue the same goal of an Islamist state but disagree fundamentally on the strategy for achieving it Whilst jihadism is committed to the idea of a violent Islamic world revolution institutional Islamism embraces political institutions as a means to an end Turning to the events of the Arab Spring in Tunisia Libya and Egypt this book attempts to determine whether an abandonment of violence is enough to underpin a shift to genuine democracy Analysing the fall of Morsi in particular Tibi questions what lessons can be learnt from his presidency and argues that this event will not change the overall trend of development from jihadism to institutional Islamism A timely addition to existing literature this book will be of interest to students and scholars studying Middle Eastern and European Politics Political Islam and International Relations **State and Legal Practice in the Caucasus** Stéphane Voell, Iwona Kaliszewska, 2016-03-09 Legal pluralism and the experience of the state in the Caucasus are at the centre of this edited volume This is a region affected by a multitude of legal orders and the book describes social action and governance in the light of this and considers how conceptions of order are enforced used followed and staged in social networks and legal practice Principally how is the state perceived and how does it perform in both the North and South Caucasus From elections in Dagestan and Armenia to uses of traditional law in Ingushetia and Georgia from repression of journalism in Azerbaijan to the narrations of anti corruption campaigns in Georgia the text reflects the multifarious uses and performances of law and order The collection includes approaches from different scholarly traditions and their respective theoretical background and therefore forms a unique product of multinational encounters The volume will be a valuable resource for legal and political anthropologists ethnohistorians and researchers and academics working in the areas of post socialism and post colonialism **From Transnational Relations to Transnational Laws** Shaheen Sardar Ali, Anne Griffiths, 2016-04-15 This book approaches law as a process embedded in transnational personal religious communicative and economic relationships that mediate between international national and local practices norms and values It uses the concept living law to describe the multiplicity of norms

manifest in transnational moral social or economic practices that transgress the territorial and legal boundaries of the nation state Focusing on transnational legal encounters located in family life diasporic religious institutions and media events in countries like Norway Sweden Britain and Scotland it demonstrates the multiple challenges that accelerated mobility and increased cultural and normative diversity is posing for Northern European law For in this part of the world as elsewhere national law is challenged by a mixture of expanding human rights obligations and unprecedented cultural and normative pluralism enhanced by expanding global communication and market relations As a consequence transnationalization of law appears to create homogeneity fragmentation and ambiguity expanding space for some actors while silencing others Through the lens of a variety of important contemporary subjects the authors thus engage with the nature of power and how it is accommodated ignored or resisted by various actors when transnational practices encounter national and local law

Islam and English Law Robin Griffith-Jones, 2013-04-11 Former Archbishop of Canterbury Rowan Williams triggered a storm of protest when he suggested that some accommodation between British law and Islam's shari'a law was inevitable His foundational lecture introduced a series of public discussions on Islam and English Law at the Royal Courts of Justice and the Temple Church in London This volume combines developed versions of these discussions with new contributions Theologians lawyers and sociologists look back on developments since the Archbishop spoke and forwards along trajectories opened by the historic lecture The contributors provide and advocate a forward looking dialogue asking how the rights of all citizens are honoured and their responsibilities met Twenty specialists explore the evolution of English law the implications of Islam shari'a and jihad and the principles of the European Convention on Human Rights family law and freedom of speech This book is for anyone interested in the interaction between religion and secular society

Shari'a Councils and Muslim Women in Britain Tanya Walker, 2016-10-11 The public debate on Shari'a councils in Britain has been heavily influenced by the assumption that the councils exist as religious authorities and that those who use them exercise their right to religious freedom In Shari'a Councils and Muslim Women in Britain Tanya Walker draws on extensive fieldwork from over 100 cases to argue for a radically different understanding of the setting and dynamics of the Shari'a councils The analysis highlights the pragmatic manoeuvrings of Muslim women in pursuit of defined objectives within limited space holding in tension both the constraints of particular frameworks of power and the realities of women's agency Despite this needed nuance in a polarised debate however important questions about the rights of Muslim women remain

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

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