Law and Islam in the Middle East

Edited by Dalsy Hilse Dwyer

# **Law And Islam In The Middle East**

**Jessica Carlisle** 

#### **Law And Islam In The Middle East:**

Law and Islam in the Middle East Daisy Hilse Dwyer, 1990-09-18 Islamic law is the epitome of Islamic thought the most typical manifestation of the Islamic way of life the core and kernel of Islam itself asserts Joseph Schacht the internationally renowed Islamic law scholar Indeed the primary place of law in Islam as well as the preponderance of the legal over the theological in Muslim thinking has long been recognized by both Muslim jurisprudents and by Western legal scholars At a time when Islamic fundamentalism is flourishing the relation of religion in and to law related behavior needs to be scrutinized In its eight chapters contributed by various experts in the field and with a cogent introduction by editor Daisy Hilse Dwyer that focuses on the sources of law the reasons for its centrality in the Middle East and personal status law this volume considers Middle Eastern law as practiced by Muslims in a diversity of Middle Eastern nations The dynamics of dispute settlement the interaction of court personnel with litigants the content of legislation and the promulgation of public policies about law are detailed here as well as the power dynamics of law s interpersonal intergroup and international sides Focusing on the specifics of contemporary politics and social life the volume provides a baseline for understanding how and the degree to which the legal principles and the legal ethos elaborated in Islam centuries ago continue to provide a vital dynamic in legal behavior and thinking today The first five chapters deal with the on the ground intricacies of personal status law They detail the complex blend of options and constraints that Middle Easterners experience in confronting personal status issues and examine the different approaches to these issues by contrasting regional evironments and differentially empowered social groups The last three chapters assess law in the public domain an area in which the most striking recent applications of Islamic law have occurred Law and Islam in the Middle East will be of particular value to international law experts students of Islam comparative law and the Middle East as well as practicing social scientists and others who seek a practical and philosophical understanding of how the spirit and letter of Islamic law constitute and reconstitute themselves with a fine tuned responsiveness to a continuously changing nation and world The Long Divergence Timur Kuran, 2012-11-11 How religious barriers stalled capitalism in the Middle East In the year 1000 the economy of the Middle East was at least as advanced as that of Europe But by 1800 the region had fallen dramatically behind in living standards technology and economic institutions In short the Middle East had failed to modernize economically as the West surged ahead What caused this long divergence And why does the Middle East remain drastically underdeveloped compared to the West In The Long Divergence one of the world's leading experts on Islamic economic institutions and the economy of the Middle East provides a new answer to these long debated questions Timur Kuran argues that what slowed the economic development of the Middle East was not colonialism or geography still less Muslim attitudes or some incompatibility between Islam and capitalism Rather starting around the tenth century Islamic legal institutions which had benefitted the Middle Eastern economy in the early centuries of Islam began to act as a drag on development by slowing or blocking the emergence

of central features of modern economic life including private capital accumulation corporations large scale production and impersonal exchange By the nineteenth century modern economic institutions began to be transplanted to the Middle East but its economy has not caught up And there is no quick fix today Low trust rampant corruption and weak civil societies all characteristic of the region s economies today and all legacies of its economic history will take generations to overcome The Long Divergence opens up a frank and honest debate on a crucial issue that even some of the most ardent secularists in the Muslim world have hesitated to discuss Contracting Fear Khurram Dara, 2015-10-22 If you ve ever read a news story about radical Islam you ve probably seen sharia law mentioned But for something that is becoming increasingly prevalent in political rhetoric it's hard to believe how little most people actually know about Islamic law In this concise and instructive book Khurram Dara explains not only the history and origins of Islamic law but also the interesting role it has played in the politics of the Middle East and Middle America Challenging the conventional wisdom that Islamic law is rigid and permanent Dara argues that the political and cultural realities of its formation suggest otherwise and should change how Islamic law is thought of and discussed in both the East and the West Combining religious history with legal analysis Contracting Fear explains Islamic law in the context of the global political climate today 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 The Law of the Near and Middle East Herbert J. Liebesny, 1975-06-30 A systematic survey of fundamental statements of Islamic and Near Eastern law that includes selections from the writings of classic Islamic scholars contemporary works on legal theory and modern Middle Eastern codes No other accessible work brings together so many useful materials on the development of Islamic law as does this volume based on translations from a variety of languages and numerous sources all of which are identified Because of the important role which law plays in Islamic culture some acquaintance with legal developments is indispensible if one is to gain a rounded picture of Islamic culture

Law in the Middle East Robert H. Jackson, 1984

<u>Land Law in Middle Eastern Countries</u> Oleg Igorevich Krassov,2022 The monograph focuses on the basic features of the legal systems of the Middle Eastern countries land law in force in these countries Islamic land and water law Bedouin tribal

land ownership customary water rights The monograph contains a description of the regime of property and land in Jewish law The author analyzes the current state of land law in the Middle Eastern countries including title to land title to other natural resources types of rights to land correlation of formal law and conventional land tenure systems For students graduate students and teachers of law schools employees of legislative executive and judicial authorities as well as for all those interested in issues of land civil law and comparative jurisprudence The Rule of Law in the Middle East and the Islamic World Eugene Cotran, Mai Yamani, 2000-06-08 Since the Universal Declaration of Human Rights much attention has been focused on an international standard on human rights applicable to all cultures But is this standard observed by Middle Eastern and Islamic governments and enforced by their judiciaries In this country by country survey a range of distinguished scholars practitioners and judges explore how the concepts of the Rule of Law and Human Rights are being debated and applied in the Middle East Introduction to Middle Eastern Law Chibli Mallat, 2007 Mapping out Middle Eastern law from its earliest records to the latest decisions of Middle Eastern high courts Mallat focuses on the way legislators and courts conceive of law and apply it and introduces its main sources and legal concepts in a manner accessible to the non specialist Islam in Middle East and North Africa: Oxford Bibliographies Online Research Guide David legal scholar or practitioner Commins, 2010-05-01 This ebook is a selective guide designed to help scholars and students of Islamic studies find reliable sources of information by directing them to the best available scholarly materials in whatever form or format they appear from books chapters and journal articles to online archives electronic data sets and blogs Written by a leading international authority on the subject the ebook provides bibliographic information supported by direct recommendations about which sources to consult and editorial commentary to make it clear how the cited sources are interrelated related A reader will discover for instance the most reliable introductions and overviews to the topic and the most important publications on various areas of scholarly interest within this topic In Islamic studies as in other disciplines researchers at all levels are drowning in potentially useful scholarly information and this guide has been created as a tool for cutting through that material to find the exact source you need This ebook is a static version of an article from Oxford Bibliographies Online Islamic Studies a dynamic continuously updated online resource designed to provide authoritative guidance through scholarship and other materials relevant to the study of the Islamic religion and Muslim cultures Oxford Bibliographies Online covers most subject disciplines within the social science and humanities for more information visit www aboutobo com Law in the Middle East Majid Khadduri,1955 **Origin and Development of Islamic Law** Majid Khadduri, Herbert J.

Liebesny, 2008 The American profession should welcome this exhaustive and authentic work edited by two scholars who are authorities on the law of Islam and also students of the law of the United States These editors have enlisted leading authorities on special subjects and have presented the whole in a manner that should appeal to American interest and understanding Dr Khadduri and Dr Liebesny are entitled to our thanks and to our congratulations It is to be hoped that Law

in the Middle East will be widely read and pondered by the American legal profession and all who believe understanding begets good will Muslim Divorce in the Middle East Jessica Carlisle, 2018-06-28 How have Muslim marriages legally ended around the turn of the 21st century Who has the power to initiate and resist shari a derived divorce When are husbands and wives made to bear the costs of their marital breakdown What does divorce law indicate about the development of gender regimes in the Middle East and North Africa This book opens with a description of the historical development of Islamic divorce in the MENA Subsequent chapters follow a Syrian male judge a Moroccan female legal advice worker and a Libyan female judge as they deal with divorce cases in which husbands wives their relatives and lawyers debate gender roles in contemporary Muslim marriages MENA state feminism has increasingly equalized men s and women s access to divorce and encouraged discussions about how spouses should treat each other in marriage The real life outcomes of these reforms have often been surprising Moreover as the last chapter explores jihadi proto states such as Islamic State have violently rejected state feminist divorce law reform This accessible book will appeal to students researchers and a general readership interested in Islamic law Middle Eastern studies gender and sexuality and legal and social anthropology

Family Law and Gender in the Middle East and North Africa Adrien K. Wing, Hisham A. Kassim, 2023-06-01 The volume serves as reference point for anyone interested in the Middle East and North Africa as well as for those interested in women's rights and family law generally or in the MENA region It is the only book covering personal status codes of nearly a dozen countries It covers Muslim family law in the following Middle East north African countries Tunisia Egypt Morocco Algeria Iraq Lebanon Jordan Israel Palestine and Qatar Some of these countries were heavily affected by the Arab Spring and some were not With authors from around the world each chapter of the book provides a history of personal status law both before and after the revolutionary period Tunisia emerges as the country that made the most significant progress politically and with respect to women s rights A decade on from the Arab Spring across the region there is more evidence of stasis than change **Democracy: the Rule of Law and Islam** Eugene Cotran, Adel Omar Sherif, 2023-10-16 Established at the School for Oriental and African Studies in London in 1990 the Centre for Islamic and Middle Eastern Law CIMEL promotes the study and understanding of Islamic law and modern Middle East legal systems Over the years the Centre has developed a vast network of practitioners and scholars who participate in seminars and conferences on highly topical legal issues in the Middle East By engaging this network CIMEL has created an important forum for discussion on these issues The CIMEL Book Series reflects these unique discussions on such topics as on the legal aspects of the peace process or the role of the courts in the preservation of human rights and also includes monographs on related topics by leading experts in the field

The Middle East and North Africa Patricia J. F. Rosof, William Zeisel, Jean B. Quandt, 1982 The Middle East and North Africa evidences the West's fascination with the Middle East as different and exotic It explores the scholarly tradition of Orientalism an understanding of which will help readers understand the still lingering fascination with and misunderstanding

of the Middle East and its people particularly those of Islamic faith Minority Rights in the Middle East Joshua Castellino, Kathleen A. Cavanaugh, 2013-04-25 Within the Middle East there are a wide range of minority groups outside the mainstream religious and ethnic culture This book provides a detailed examination of their rights as minorities within this region and their changing status throughout the twentieth and twenty first centuries. The rights of minorities in the Middle East are subject to a range of legal frameworks having developed in part from Islamic law and in recent years subject to international human rights law and institutional frameworks. The book examines the context in which minority rights operate within this conflicted region investigating how minorities engage with or are excluded from various sites of power and how state practice in dealing with minorities often ostensibly based on Islamic authority intersects with and informs modern constitutionalism and international law The book identifies who exactly can be classed as a minority group analysing in detail the different religious and ethnic minorities across the region The book also pays special attention to the plight of minorities who are spread between various states often as the result of conflict It assesses the applicable domestic legislative instruments within the three countries investigated as case studies Iraq Syria and Lebanon and highlights key domestic remedies that could serve as models for ensuring greater social cohesion and greater inclusion of minorities in the political life of these countries Paths to the Middle East Thomas Naff, 1993-01-01 The field of Middle East studies is undergoing a generational change in academia government and the corporate community The men and women who trained the present generation of scholars and who shaped government and corporate policies toward the Middle East after World War II have begun to retire and unfortunately some have recently died To preserve their insights into the past and their visions of the future Thomas Naff asked a number of major Islamic and Middle East scholars to provide their perspectives and views in a short personal summation of their careers This book is a compilation of their responses It provides a unique evaluation of the last 30 or 40 years by ten of the most distinguished pioneers representing key branches of the field Pierre Cachia Albert Hourani J C Hurewitz Halil Inalcik Charles Issawi Ernest McCarus George Makdisi Don Peretz Dankwart A Rustow and Farhat J Ziadeh have provided their perspectives on the past and present their visions of future paths to be explored and their wisdom drawn from decades of experience and scholarship Whatever didacticism is offered in this book is not formal Lessons insights wisdom and inspiration are almost invisibly woven into the fabric of fascinating biographical narrative told Islamic Law in the Indian Ocean World Mahmood Kooria, Sanne with wit style self effacement and candor Ravensbergen, 2021-09-23 This book explores the ways in which Muslim communities across the Indian Ocean world produced and shaped Islamic law and its texts ideas and practices in their local regional imperial national and transregional contexts With a focus on the production and transmission of Islamic law in the Indian Ocean the chapters in this book draw from and add to recent discourses on the legal histories and anthropologies of the Indian Ocean rim as well as to the conversations on global Islamic circulations By doing so this book argues for the importance of Islamic legal thoughts and

practices of the so called peripheries to the core and kernel of Islamic traditions and the urgency of addressing their long existing role in the making of the historical and human experience of the religion Islamic law was and is not merely brought to but also produced in the Indian Ocean world through constant and critical engagements. The book takes a long term and transregional perspective for a better understanding of the ways in which the oceanic Muslims have historically developed their religious juridical and intellectual traditions and continue to shape their lives within the frameworks of their religion Transregional and transdisciplinary in its approach this book will be of interest to scholars of Islamic Studies Indian Ocean Studies Legal History and Legal Anthropology Area Studies of South and Southeast Asia and East Africa <u>Law</u> MashoodA. Baderin, 2017-07-05 Islamic substantive law otherwise called branches of the law furu al figh covers the textual provisions and jurisprudential rulings relating to specific transactions under Islamic law It is to Islamic substantive law that the rules of Islamic legal theory are applied The relationship between Islamic legal theory and Islamic substantive law is metaphorically described by Islamic jurists as a process of cultivation is tithmar whereby the qualified jurist mujtahid as the cultivator uses relevant rules of legal theory to harvest the substantive law on specific issues in form offruits tham arat from the sources The articles in this volume engage critically with selected substantive issues in Islamic law including family law law of inheritance law of financial transactions criminal law judicial procedure and international law al siyar These areas of substantive law have been selected due to their contemporary relevance and application in different parts of the Muslim world today The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research

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#### Table of Contents Law And Islam In The Middle East

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

- ∘ ePub, PDF, MOBI, and More
- Law And Islam In The Middle East Compatibility with Devices
- Law And Islam In The Middle East Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Law And Islam In The Middle East
  - Highlighting and Note-Taking Law And Islam In The Middle East
  - Interactive Elements Law And Islam In The Middle East
- 8. Staying Engaged with Law And Islam In The Middle East
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Law And Islam In The Middle East
- 9. Balancing eBooks and Physical Books Law And Islam In The Middle East
  - Benefits of a Digital Library
  - o Creating a Diverse Reading Collection Law And Islam In The Middle East
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Law And Islam In The Middle East
  - Setting Reading Goals Law And Islam In The Middle East
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Law And Islam In The Middle East
  - Fact-Checking eBook Content of Law And Islam In The Middle East
  - 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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