

Sharia, Muslim States and International Human Rights Treaty Obligations: A Comparative Study

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Sharia Muslim States And International Human

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Sharia Muslim States And International Human:

Sharia, Muslim States and International Human Rights Treaty Obligations Nisrine Abiad, 2008 This research undertaken from a comparative perspective with a view to identifying any patterns followed by Islamic countries in making declarations and reservations to the main international human rights treaties measures and analyzes to what extent Sharia affects the ratification and implementation of human rights norms by Muslim States An analysis of the various roles of Sharia reveals different approaches in the use of Islamic considerations by Muslim States At an international level Sharia has always been used upon the ratification of international human rights treaties to limit the scope of the State s engagement Internally however some recent examples of legislative amendments and judicial activities demonstrate that Sharia is and can be used to achieve a better translation of human rights norms into domestic practice International Law and Muslim States

Dawood Hamzah, 2021-08-12 This book analyses the general interaction between international law and Islamic law in the Muslim world today It interrogates factors that often form the root of the tension between the two legal regimes Literalist interpretations of Islamic law and the modern international law s disposition that does not give due consideration to differences among cultures and civilizations are some of these factors This work examines the Saudi Arabia textualist approach to the two primary sources of law in Islam the Qur an and Sunnah and argues that a liberal approach of interpretation has become sine qua non especially now that myriad issues are confronting the Muslim world generally and Saudi Arabia in particular Similarly globalization has generated an unprecedented multi culturalism legal pluralism and trans border interactions in socio economic and political relations Therefore Saudi Arabia as the bastion of Islam and Islamic nations is faced with the imperative of adopting a liberal approach to interpretation of Islamic law with a view to accommodating a wide spectrum of other laws and cultures The book provides a timely examination of the issue of modern Saudi Arabia Islamic legal order vis vis the contemporary concept of international law and international relations in specific areas such as international human rights law and trans national economic matters As such it will be of interest to academics and researchers working in Islamic law international and comparative law human rights law and law and religion The New Global Law

Rafael Domingo, 2010-02-26 The dislocations of the worldwide economic crisis the necessity of a system of global justice to address crimes against humanity and the notorious democratic deficit of international institutions highlight the need for an innovative and truly global legal system one that permits humanity to re order itself according to acknowledged global needs and evolving consciousness A new global law will constitute by itself a genuine legal order and will not be limited to a handful of moral principles that attempt to guide the conduct of the world s peoples If the law of nations served the hegemonic interests of Ancient Rome and international law served those of the European nation state then a new global law will contribute to the common good of all humanity and ideally to the development of durable world peace This volume offers a historical juridical foundation for the development of this new global law Religious Actors and

International Law Ioana Cismas, 2014 This book assesses whether a new category of actors religious actors has been constructed within international law Religious actors through their interpretations of the religion s they are associated with uphold and promote or indeed may transform potentially oppressive structures or discriminatory patterns This study moves beyond the concern that religious texts and practices may be incompatible with international law to provide an innovative analysis of how religious actors themselves are accountable under international law for the interpretations they choose to put forward The book defines religious actors as comprising religious states international organizations and non state entities that assume the role of interpreting religion and so claim a special legitimacy anchored in tradition or charisma Cutting across the state non state divide this definition allows the full remit of religious bodies to be investigated It analyses the crucial question of whether religious actors do in fact operate under different international legal norms to non religious states international organizations or companies To that end the Holy See Vatican the Organization of Islamic Cooperation and churches and religious organizations under the European Convention on Human Rights regime are examined in detail as case studies The study ultimately establishes that religious actors cannot be seen to form an autonomous legal category under international law they do not enjoy special or exclusive rights nor incur lesser obligations when compared to their respective non religious peers Going forward it concludes that a process of two sided legitimation may be at stake religious actors will need to provide evidence for the legality of their religious interpretations to strengthen their legitimacy and international law itself may benefit from religious actors fostering its legitimacy in different cultural contexts *The Shari'a and Islamic Criminal Justice in Time of War and Peace* M. Cherif Bassiouni, 2014 Shows that the shari a and Islamic law are compatible with contemporary international human rights laws and norms and appropriate for use in Muslim societies

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 Minority Rights in South Asia Rainer Hofmann, Ugo Caruso, 2011 This publication contains case studies on human and minority rights in the South Asian countries including a special focus on the South Asian

Association for Regional Cooperation SAARC and articles on different forms of National Human Rights Commission and Immigration to the UK and new minorities It is further complemented by an in depth study on Autonomy Kashmir and International Law Assembling articles authored by leading scholars from both South Asia and Europe the book will contribute to a mutual exchange of views on human and minority rights issues in South Asia In particular the book is aimed at increasing awareness and understanding of current developments in South Asia and on this basis at enhancing a constructive dialogue between representatives of the scientific community policy makers and civil society in Europe and their counterparts in South Asia

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 and Transnational Diplomatic Law Muhammad-Basheer .A. Ismail, 2016-04-12 This book in its effort to formulate compatibility between Islamic law and the principles of international diplomatic law argues that the need to harmonize the two legal systems and have a thorough cross cultural understanding amongst nations generally with a view to enhancing unfettered diplomatic cooperation should be of paramount priority

The Law and Logic of Sexual Harassment Dr. Suparna Sharma, Dr. Sunil Kumar Shukla, 2025-05-20 This book presents a concise yet comprehensive exploration of sexual harassment combining theoretical frameworks legal analysis and policy evaluation The book begins by unpacking the core concept of sexual harassment and introduces key models such as Quid Pro Quo and Hostile Work Environment It delves into the socio cultural and institutional factors contributing to the persistence and growth of

harassment in workplaces academic spaces and public life Drawing from multiple disciplines the book provides a scholarly foundation for understanding how sexual harassment is defined perceived and challenged A distinguishing feature of the book is its focus on landmark judicial decisions that have shaped legal responses especially within the Indian context while also examining international laws and conventions The comparative approach helps readers appreciate the global dimensions of the issue The final section addresses policy implications offering insights into institutional responsibilities and the effectiveness of current mechanisms for prevention and redressal Designed for students researchers and professionals in law gender studies and public policy this book serves as a critical academic resource that bridges theory and practice in addressing one of the most pressing issues of contemporary society

Contemporary Ijtihad L. Ali Khan, 2012-09-17 The book examines the challenges and limits of contemporary ijtihad in the context of diverse needs of Muslim cultures and communities living in Muslim and non Muslim nations and continents including Europe and North America

Research Handbook on Islamic Law and Society Nadirsyah Hosen, 2018-09-28 The Research Handbook on Islamic Law and Society provides an examination of the role of Islamic law as it applies in Muslim and non Muslim societies through legislation fatwa court cases sermons media or scholarly debate It illuminates the intersection of social political economic and cultural factors that inform Islamic Law across a number of jurisdictions Chapters evaluate when and how actors and institutions have turned to Islamic law to address problems faced by societies in Muslim and in some cases Western states

The Organization of Islamic Cooperation Turan Kayaoglu, 2015-05-22 The Organization of Islamic Cooperation OIC is the world's leading international Islamic organization Turan Kayaoglu provides the first accessible and concise introduction and overview of this important organization This book details the OIC's struggle to address popular Muslim demands balanced against the member states reluctance to support the OIC politically and materially Despite this predicament the organization has made itself increasingly relevant over the last decade through increasing its visibility as the representative body of Muslim unity and promoting its role as a reliable interlocutor on behalf of Muslims in global society Outlining the history workings and goals of the OIC the book also highlights key issues that may influence the OIC's ability to realize its potential in the future This will be of great interest to students and scholars of international relations international organizations and Islamic studies

Islam: Peace & Terrorism, Brief History, Principles and Beliefs Dr. Saif Ataya, 2015-04-05 A guide and brief history of Islam presented for Muslims and non Muslims to understand Islam In learning about Islam from scholars teachers students and books an individual may struggle with many different interpretations that provide confusing and overwhelming information This book was written to explore the world's fastest growing religion in simple basic terms from the pre Islamic period to the present day all in one source The book has two major objectives The first is to give readers enough knowledge in one book to understand Islamic world culture religion and 14 centuries of history The second objective is to share Islam's magnificent necessary literature including the Qur'an the Muslim Holy Book and the Hadith the Prophet Mohammad's book

Sharing the knowledge will help readers achieve an awareness of the complexities of the Islamic faith terrorism various interpretations of the texts and the effect on the world *The Cambridge Handbook of Comparative Law* Mathias Siems, Po Jen Yap, 2024-02-01 Comparative law is a common subject matter of research and teaching in many universities around the world and the twenty first century has aptly been termed the era of comparative law This Cambridge Handbook of Comparative Law presents a truly global perspective of comparative law today The contributors are drawn from all parts of the world to provide different perspectives on how we understand the law and how it operates in practice In substance the Handbook contains 36 chapters covering a broad range of topics divided under the following headings Methods of Comparative Law Part I Legal Families and Geographical Comparisons Part II Central Themes in Comparative Law Part III and Comparative Law beyond the State Part IV **Shari'a, Justice and Legal Order** Rudolph Peters, 2020-08-03 In Shari a Justice and Legal Order Egyptian and Islamic Law Selected Essays Rudolph Peters discusses in 35 articles practice of both Shari a and state law The principal themes are legal order and the actual application of law both in the judiciaries as well in cultural and political debates Many of the topics deal with penal law Although the majority of studies are situated in the Ottoman and especially Egyptian period few of them are of another region or a more recent period such as in Nigeria or also Egypt The book s historical studies are mainly based on archival judicial records and are definitively pioneering Although the selected articles of this book are the fruit of more than forty years of research most of them have constantly been cited

World Crisis and Underdevelopment David Ingram, 2018-01-18 World Crisis and Underdevelopment examines the impact of poverty and other global crises in generating forms of structural coercion that cause agential and societal underdevelopment It draws from discourse ethics and recognition theory in criticizing injustices and pathologies associated with underdevelopment Its scope is comprehensive encompassing discussions about development science philosophical anthropology global migration global capitalism and economic markets human rights international legal institutions democratic politics and legitimation world religions and secularization and moral philosophy in its many varieties

Contemporary Rationalist Islam in Turkey Gokhan Bacik, 2021-07-29 Nineteenth century Istanbul was an intellectual hub of rich discussions about Islam in which leading reformists had a significant role Turkey today appears to be an intellectual vacuum to anyone searching for ongoing critical engagement with Islam The main purpose of this book is to adjust this view of Turkey by showcasing the modern Turkish theologians who challenge mainstream Sunni interpretations of Islam Labelling these theologians as rationalist rather than reformist the author reveals that their theology is inherently anti establishment and thus a religiously oriented challenge to the hegemony of the state sanctioned Islam for the rationalists Turkey s problems have their origins in the Sunni interpretation of Islam Contemporary Rationalist Islam in Turkey analyses nine prominent scholars of Islam who provide a religious opposition to the Sunni revival in Turkey H seyin Atay Yasar Nuri zt rk M Hayri Kirbasoglu Ilhami G ler R Ihsan Elia ik mer zsoy Mustafa zt rk Israfil Balci and Mehmet Azimli These scholars writings are

almost exclusively published in Turkish so this book makes their ideas available in English for the first time It also examines the scope methodology and argumentation of the scholars theology categorizing their theological interpretations from historicist to universalist and from empiricist to rationalist In identifying a new rationalist school of Turkish theology and outlining its different manifestations the book breaks new ground It fills a significant gap in the literature on Islamic studies and reveals an understudied dimension of Turkey and Turkish Islam beyond the well known ideas of the AKP and the

Parental Care and the Best Interests of the Child in Muslim Countries Nadjma Yassari, Lena-Maria Möller, Imen Gallala-Arndt, 2017-03-17 This book is the first analysis of parental care regimes in Muslim jurisdictions both in a comparative and country specific sense It contains the proceedings of a workshop on Parental Care and the Best Interests of the Child in Muslim Countries that the Max Planck Research Group Changes in God's Law An Inner Islamic Comparison of Family and Succession Law hosted in Rabat Morocco in April 2015 This workshop saw a total of 15 country reports presented on questions of custody guardianship and their development within different Muslim jurisdictions ranging from Indonesia to Morocco a number of which are included in full in the book Each of these country reports contains a historical perspective on the evolution of domestic rules regarding custody and guardianship and on the introduction and development of the notion of the best interests of the child Most importantly the prevailing legal norms both substantive and procedural are explored and particular attention is given to legal practice and the role of the judiciary In addition to a selection of country reports from the workshop the volume includes two comparative analyses on questions of parental care in both public and private international law With a high practical relevance for legal practitioners working in the area of cross border custody disputes and the most up to date assessment of parental care regimes beyond a pure analysis of statutory law this book combines a number of country reports authored by experts who have worked or are still based in the respective countries they are reporting on and thus contains in depth discussions of legal practice and custody law in action Nadjma Yassari is Director of the Research Group Changes in God's Law An Inner Islamic Comparison of Family and Succession Law while Lena Maria Möller and Imen Gallala Arndt are Senior Research Fellows at the Max Planck Institute for Comparative and International Private Law in Hamburg and the Max Planck Institute for Social Anthropology in Halle respectively

Ghosts of Halabja Michael J. Kelly, 2008-10-30 Saddam Hussein's execution for his crimes against Iraq's Shia not only brought an end to his reign of oppression but also to the justice that was to be served to the Iraqi Kurds The unspeakable atrocities visited by Saddam upon the Kurds of Iraq are explored here together with the trials of Saddam by the Iraqi High Tribunal However this work is more than a litigation history It is also an exploration of the motivations behind and the depths of organized evil in the context of a single brutal despot at the helm of an artificially created multi ethno religious state lying atop massive oil wealth Saddam's background and the context of his rule explain much about his actions but not all He remained an unpredictable tyrant to the end of his reign The Kurds have continually been subject to adversity since the end of World War

I when they were denied their own homeland splitting them among three countries Turkey Iran and Iraq During Saddam s 24 year reign the Kurds of Iraq were frequently under the knife of injustice Between 1987 and 1989 Saddam unleashed genocide razing over 2 000 villages and murdering at least 50 000 Kurds As his dictatorship came to an end the Kurds long awaited opportunity to hold Saddam responsible for the atrocities against them seemed to have come only to be sidetracked by the Iraqi High Tribunal the Iraqi government and the U S government While the Shia rejoiced in their victory the Kurds continued to be left behind Saddam s death freed him of the charges against him by the Kurds The world had turned its back on the Kurds in their age of genocide and now appeared to turn a blind eye to the justice that was denied The unspeakable atrocities visited by Saddam upon the Kurds of Iraq are explored here together with the trials of Saddam by the Iraqi High Tribunal both the completed prosecution for the Dujail massacre against the Shites and the incomplete one for the Anfal Campaigns against the Kurds However this work is more than a litigation history It is also an exploration of the motivations behind and the depths of organized evil in the context of a single brutal despot at the helm of an artificially created multi ethno religious state lying atop massive oil wealth but situated in the most dangerous part of the world Saddam s background and the context of his rule explain much about his actions but not all He remained an unpredictable tyrant to the end of his reign

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Sharia Muslim States And International Human Introduction

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