argues for women’s full equality before the law by re-examining the jurisprudential and theological
Islam from Morocco, Egypt, Iran, Pakistan and Indonesia, as well as by the experience of human rights and
from within the tradition. Gender and Equality in Muslim Family Law offers a groundbreaking analysis of family
requires engagement with their religious rationales
women’s understanding of family law fundamentals has enabled some to
uncovers a variety of ways women have manipulated the system to their benefit despite its patriarchal bias. She
the book closes with an examination of how Islamic cultural concepts may come to
Islamic Family Law in a Changing World/Abd Allah Ahmad Nu’m 2012-02-09 Socio-cultural and historical
international application, genuine voices from different cultures and groups must be accommodated. It is argued that
regime, this book highlights the challenges to its universality: feminism and cultural relativism. To achieve
Islamic Family Law, Secular Courts and Muslim Women of India, Pakistan and Bangladesh/Almam Mohammad Qurisheen 2011-02-24 Muslim family law is based on patriarchal family organization and male autonomy. Because it is not based on legal and gender equality, it is often at odds with contemporary
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on the decontextualised interpretation of the Koran, can be reformed through “Ijtihad”: independent individual
in the Arabic-speaking world, the Muslim portions of South and Southeast Asia, or the countries to which many
in blending shifting cultural and religious institutions. The book concludes with a discussion of the
have had to face the same male privileged system to redress grievances with their husbands and in-laws, they continue to resist its
is a challenge for feminist jurists on the continent to reconcile the Koranic injunctions
the debates on the role of Islamic law in the protection of women’s rights, it provides a
also a close reading of the trial of Zacarias Moussaoui, who was charged in an American court with
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Michigan State University Press. Gender and Equality in Muslim Family Law is based on the premise that Islamic law, as it has been
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Gender and Equality in Muslim Family Law -Lynn Welchman 2004-04-06 This volume explores the present-day realities
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but these contrasting country cases have been selected: Egypt, the most populous Arab state with a constitutional clause on the place of “principles of the shari`a” in the legal system, which has been interpreted in some cases to mean that women should abandon their right to divorce; Pakistan, where the legal system is defined by understandings of Islamic law codified and adapted by modern nation-states that assume authority to
a new framework for rethinking old formulations so as to reflect contemporary realities and understandings of
gender and justice. By giving a liberal and pro-active interpretation to this law within the limits of the legal framework, the South Asian judiciary has shown that it is possible to adapt Islamic law to the needs of women and look at it from the perspective of women.
with Islamic law, it is possible to arrive at a consensus in the face of women’s claims for a new legal order.
the Koran through a legal “framework’’ that can lead to new understandings of women’s rights in the context of Islamic law. The book argues for a re-reading of the Koran that
alternative agent of social change. When it is realized that Islamic law is not decontextualized, women’s legal status in society can be altered.
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work for male guardianship (qawwas, waliyys) in Islamic legal tradition. Using contemporary examples from various
cases, from Morocco to Malaysia, this volume presents an informative and vital analysis of these situations, and an assessment of the complex dynamics that shape the nature and forms of Muslim family law, and the ways in which justice and ethics are conceived in the Islamic tradition. The book offers a new framework for understanding the many ways in which Islamic regulations, as well as formulations so as to reflect contemporary realities and understandings of
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Women, the Family, and Divorce Lawyers in Islamic History/Amin El-Achaby Sundbl 2020-06-03 This book explores the history of women’s struggles for equality in Islamic family law, and in particular their efforts to obtain custody over their
also a close reading of the trial of Zacarias Moussaoui, who was charged in an American court with
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impact of the Islamic resurgence on gender issues in Iran, Egypt, Jordan, Pakistan, Oman, Bahrain, the Philippines, and Turkey. It reexamines the ways research has been informed by the voices of Muslim societies and believers, and the complexity of the issues under consideration. They show that new things are happening for women in the Islamic world as the legal, cultural and social cases become more accepted in society. The volume as a whole militates against the stereotype of Muslim women as repressed, passive, and without initiative, while acknowledging the very real obstacles to women’s initiatives in many of these societies.

Encyclopedia of Women and Islamic Cultures:Suad Joseph 2003 Family Law, Law and Politics, Volume 02 of the Encyclopedia of Women & Islamic Cultures, brings together over 360 entries on women, family, law, politics, and Islamic cultures around the world.

Diversity while remaining committed to religious freedom and women’s equality.

Fieldwork, feminist examinations of the portrayals of Muslim women, and theoretical examinations of religion, the legal ramifications of Sharia law in the context of rapidly changing Western liberal democracies, Debating Sharia concerns regarding religiosity in the public sphere and the place of Islam in Western nation states. Focusing on Muslim groups, garnered worldwide attention, and led to a ban on religiously based family law arbitration in the Non-Muslim State is an important and original study that will be of interest to students and scholars of Islamic law.

Men and Islamic Law in a Non-Muslim State:Ahren Layish 2017-09-04 This book is methodologically unique in scholarly literature on Muslim society. Its originality lies in the fact that the rich material offered by the sha’irs is given a historic perspective and the cases are drawn from a wide range of Islamic society and processes that the society has been undergoing in modern times.Ahren Layish examines every aspect of the social status of Muslim women that finds expression in the sha’irs courts: the age of marriage stipulations inserted in the marriage contract, dowry, polygamy, maintenance and obedience, divorce, custody of the children, guardianship, and succession. Each chapter opens with a short legal introduction based on all the sources of law applying in sha’irs courts, followed by social analyses and a study of the attitudes and approaches of the qadis, or Muslim religious judges. Layish examines the relationship between sha’ir’s and Islamic law: Do sha’irs have a role to play in the process of Islamic law? What is the relationship between Sha’irs and social custom, and which is decisive in regard to Israeli Muslim women? To what extent does Israeli law actually affect Islamic law in these areas of the law? What is the role of the sha’irs in the process of legislation? Women and Islamic Law in a Non-Muslim State is an important and original study that will be of interest to students and scholars of Islamic law, comparative law, sociology, and modernization.

Muslim Women and Sharia’s Councils 5. Bans 2013-1-14 Using original empirical data and critiquing existing research, Samia Bans explores the experiences of British Muslim women who use Sharia’s councils to resolve marital disputes. The book argues that the diversity of community rights and values for legal autonomy in matters of family law showing how law and community can empower as well as restrict women.

Debating Sharia-Anna Korteweg 2012-05-03 When the Islamic Institute of Civil Justice announced it would begin offering Islamic marriage and divorce arbitration, the reaction was swift and varied - from qualified support to vigorous opposition. This book examines the process of religious arbitration. However, the ensuing debate inflamed the passions of a wide range of Muslim and non-Muslim groups, garnered worldwide attention, and led to a ban on religiously based family law arbitration in the Non-Muslim State which has sparked intense debate and discussion. However, the ban currently pending in several non-Muslim countries.

Debating Sharia approaches the issue from a variety of methodological perspectives, including policy and media analysis, fieldwork and narrative evidence. It challenges the language of community rights and values for legal autonomy in matters of family law showing how law and community can empower as well as restrict women.

Women in the Middle East-Rashed Alkhair 2016-01-21 This book offers both theoretical perspectives and detailed examples which provide the analytical frameworks chosen by the Middle Eastern women themselves to explain the strategies they have chosen for liberation. The studies deal with Islam and its impact on personal and public lives of women in the region as well as their political strategies for liberation both internally and internationally.

Family Law in Western Courts-Elia Giunchi 2014-03-26 This book focuses on Islamic 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-marriage cases between Muslims and non-Muslims are decided.

Protecting Muslim Minority Women's Human Rights at Divorce-Tone Linn Wærstedt 2017-02-24 The book indicates that there is a need for descriptive research on how minority women’s rights to property, protection against domestic violence, and advocate in the area, examines family law in the light of social realities, contemporary rights discourses, and the idea of justice. What are the main issues in these volumes is that the ground level litigation practices around women’s rights are intersected with the critical analyses of the statutory provisions. Relying extensively upon case law, Volume 1 examines the evolution of the personal laws of Hindus, Muslims, Christians, Parsis, and Jews during the colonial and postcolonial periods; how these laws are applied in contemporary questions of marriage, divorce, property rights, and succession; and whether it is possible to bring the law in conformity with modern changes through and in the formal, and statutory law and the pluralistic and fluid community-based practices. It also extensively reviews the role of the judiciary, the political and academic debates around the issue of uniform civil code, and women’s citizenship claims in a stratified and hierarchal social order.

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