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MUSLIM WOMEN AND SHARI'AH COUNCILS

*Transcending the Boundaries
of Community and Law*

SAMIA BANO



Muslim Women And Shari Ah Councils Muslim Women And Shari Ah Councils

Anisa Buckley



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Muslim Women and Shari'ah Councils S. Bano, 2012-11-14 Using original empirical data and critiquing existing research Samia Bano explores the experience of British Muslim woman who use Shari ah councils to resolve marital disputes She challenges the language of community rights and claims for legal autonomy in matters of family law showing how law and community can empower as well as restrict women

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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

The Sharia Inquiry, Religious Practice and Muslim Family Law in Britain Samia Bano, 2023-02-01 In February 2018 the Independent Review on Sharia Law in England and Wales was published headed by Professor Mona Siddiqui The review focused on whether sharia law is being misused or applied in a way that is incompatible with the domestic law in England and Wales and in particular whether there were discriminatory practices against women who use sharia councils It came about after years of concerns raised by academics lawyers and women s activists This timely collection of essays from experts scholars and legal practitioners provides a critique and evaluation of the Inquiry findings as a starting point for analysis and debate on current British Muslim family law practices in the matters of marriage and divorce At the heart of the collection lie key questions of state action and legal reform of religious practices that may operate outside the sphere of law and legal relations but also in conjunction with state law mechanisms and processes This cutting edge book is a must read for those with an interest in Islamic law family law sociology of religion human rights multiculturalism politics anthropology of law and gender studies

Not 'Completely' Divorced Anisa Buckley, 2019-12-03 Within Muslim communities in Australia there is great diversity in Islamic practice and religiosity When it comes to marriage and divorce however many Muslims still wish to observe religious procedures alongside civil ones and while marriage is relatively straightforward divorce raises more complications The situation of women in limping marriages in particular has raised debates among Muslims and the Australian public regarding the autonomy of Muslim women and the function of community family law processes Based upon

in depth research with divorced Muslim women community leaders and local religious authorities Buckley reveals the complexities facing Muslim women in negotiating family expectations cultural norms and traditional Islamic laws Through their stories and experiences the Muslim women in this book demonstrate how they are able to navigate the intricacies of religious and civil processes and in so doing are reformulating what a complete divorce looks like Islamic Studies Series Volume 29

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

Modern Challenges to Islamic Law Shaheen Sardar Ali,2016-10-06 The diversity of interpretation within Islamic legal traditions can be challenging for those working within this field of study Using a distinctly contextual approach this book addresses such challenges by combining theoretical perspectives on Islamic law with insight into how local understandings impact on the application of law in Muslim daily life Engaging with topics as diverse as Islamic constitutionalism Islamic finance human rights and internet fatawa Shaheen Sardar Ali provides an invaluable resource for scholars students and practitioners alike by exploring exactly what constitutes Islamic law in the contemporary world Useful examples case studies a glossary of terms and the author s personal reflections accompany traditional academic critique and together offer the reader a unique and discerning discussion of Islamic law in practice

Family Law and Personal Life John Eekelaar,2017 This second edition of John Eekelaar s classic work examines the questions at the heart of family law rethinking the ideas that shape our understanding of the family as a social unit its purpose and the obligations and rights that belong to family members

Women and Shari'a Law Elham Manea,2016-05-27 In response to recent media controversy and public debate about legal pluralism and multiculturalism Manea argues against what she identifies as the growing tendency for people to be treated as homogenous groups in Western academic discourse rather than as individuals with authentic voices Building on her knowledge of the situation for women in Middle Eastern and Islamic countries she undertakes first hand analysis of the Islamic shari a councils and Muslim arbitration tribunals in various British cities Based on meetings with the leading sheikhs including the only woman on their panels as well as interviews with experts on extremism lawyers and activists in civil

society and women's rights groups Manea offers an impassioned critique of legal pluralism connecting it with political Islam and detailing the lived experiences of women in Muslim communities

Personal Autonomy in Plural Societies Marie-Claire Foblets, Michele Graziadei, Alison Dundes Renteln, 2017-11-22 This volume addresses the exercise of personal autonomy in contemporary situations of normative pluralism In the Western liberal tradition from a strictly legal and theoretical perspective the social individual has the right to exercise the autonomy of his or her will In a context of legal plurality however personal autonomy becomes more complicated Can and should personal autonomy be recognized as a legal foundation for protecting a person's freedom to renounce what others view as his or her fundamental human rights This collection develops an interdisciplinary conceptual framework to address these questions and presents empirical studies examining the gap between the principle of personal autonomy and its implementation In a context of cultural diversity this gap manifests itself in two particular ways First not every culture gives the same pre-eminence to personal autonomy when examining the legal effects of an individual's acts Second in a society characterized by weak pluralism the legal assessment of personal autonomy often favours the views of the dominant majority In highlighting these diverse perspectives and problematizing the so-called guardian function of human rights i.e. purporting to protect weaker parties by limiting their personal autonomy in the name of gender equality fair trial etc this book offers a nuanced approach to the principle of autonomy and addresses the questions of whether it can effectively be deployed in situations of internormativity and what conditions must be met in order to ensure that it is not rendered devoid of all meaning

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