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by:
Martin Lau

The Role of Islam in the Legal System of Pakistan

Martinus Nijhoff Publishers

Role Of Islam In The Legal System Of Pakistan

Anver M. Emon



Role Of Islam In The Legal System Of Pakistan:

The Role of Islam in the Legal System of Pakistan Martin Lau, 2006 Starting in 1947 this volume examines the way Pakistani judges have dealt with the controversial issue of Islam in the past 50 years The book's focus on reported case law offers a new perspective on the Islamisation of Pakistan's legal system in which Islam emerges as more than just a challenge to Western conceptions of human rights

The Role of Islam in the Legal System of Pakistan Martin Lau, 2005-12-01 The role of the judiciary in the Islamisation of Pakistan's legal system has not received much attention by legal scholars This book aims to fill this gap Starting in 1947 it examines the way Pakistani judges have dealt with the controversial issue of Islam in the past 50 years The book's focus on reported case law offers a new perspective on the Islamisation of Pakistan's legal system in which Islam emerges as more than just a challenge to Western conceptions of human rights The first part examines the emergence of Islamic arguments in the period up to 1977 when General Zia ul Haq embarked on an ambitious project to turn Pakistan into a truly Islamic state In these early years of Pakistan judges increasingly turned to Islam as a source of law to preserve judicial independence and to protect the country's faltering democracy The second part examines in detail the features and effects of Zia's Islamisation programme especially the workings of the newly created Federal Shariat Court The third part reviews the legal developments in the post Zia period when the judicial gates of Islamization which were first wide opened have gradually been closed by a series of landmark decisions What emerges from this analysis is an image of Islam as a source of law which is rich complex and varied Depending on the judge and the court Islam was applied to varying effects ranging from liberal to extremely conservative attitudes However they share a common feature namely that the role of Islam in the legal system of Pakistan is to a large degree determined by its higher judiciary

The Application of Islamic Criminal Law in Pakistan Tahir Wasti, 2009 No legal system in the world has aroused as much public interest as Sharia However the discourse around Sharia law is largely focussed on its development and the theories principles and rules that inform it Less attention has been given to studying the consequences of its operation particularly in the area of Islamic criminal law Even fewer studies explore the actual practice of Islamic criminal law in contemporary societies This book aims to fill these gaps in our understanding of Sharia law in practice It deals specifically with the consequences of enforcing Islamic criminal law in Pakistan providing an in depth and critical analysis of the application of the Islamic law of Qisas and Diyat retribution and blood money in the Muslim world today The empirical evidence adduced more broadly demonstrates the complications of applying traditional Sharia in a modern state

Political Conflict in Pakistan Mohammad Waseem, 2022-04-01 This book is a major reinterpretation of politics in Pakistan Its focus is conflict among groups communities classes ideologies and institutions which has shaped the country's political dynamics Mohammad Waseem critically examines the theory surrounding the millennium long conflict between Hindus and Muslims as separate nations who practiced mingled faiths and the Hindu Muslim and Sikh renaissances that created a twentieth century clash of

communities and led to partition Political Conflict in Pakistan addresses multiple clashes between the high culture as a mission to transform society and the low culture of the land and the people between those committed to the establishment s institutional constitutional framework and those seeking to dismantle the colonial state between the corrupt and those seeking to hold them to account between the political class and the middle class and between civil and military power The author exposes how the ruling elite centralised power through the militarisation and judicialization of politics rendering the federalist arrangement an empty shell and thus grossly alienating the provinces He sets all this within the contexts of education and media as breeders of conflict the difficulties of establishing an anti terrorist regime and the state s pragmatic attempts at conflict resolution by seeking to keep the outsiders inside This is a wide ranging account of a country of contestations

A Bibliography of Islamic Criminal Law Olaf Köndgen,2021-12-06 In *A Bibliography of Islamic Criminal Law* Olaf Köndgen offers the most extensive bibliography on Islamic criminal law ever compiled Drawing on a multitude of sources online and offline *A Bibliography of Islamic Criminal Law* covers in its thematic section not only the classical crime categories of *ud d qi* and *ta z r* but also a large number of newly emerging and related fields In a second section dedicated to countries and eras Köndgen comprehensively covers the historical and modern application of Islamic criminal law in all its forms Unlocking the richness of this sub field of Islamic law with the help of two detailed indices this innovative reference work is highly relevant for all those researching Islamic law in general and the application of Islamic criminal law over time in particular See also *A Bibliography of Islamic Criminal Law Supplement*

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

Cultural Expertise, Law, and Rights Livia Holden, 2023-05-19 Cultural Expertise Law and Rights introduces readers to the theory and practice of cultural expertise in the resolution of conflicts and the claim of rights in diverse societies Combining theory and case studies of the use of cultural expertise in real situations and in a great variety of fields this is the first book to offer a comprehensive examination of the field of cultural expertise its intellectual orientations practical applications and ethical implications This book engages an extensive and interdisciplinary variety of topics ranging from race language sexuality Indigenous rights and women s rights to immigration and asylum laws international commercial arbitration and criminal law It also offers a truly global perspective covering cultural expertise in Africa Asia Australia Europe Latin America the Middle East and North America Finally the book offers theoretical and practical guidance for the ethical use of cultural expert knowledge This is an essential volume for teachers and students in the social sciences especially law anthropology and sociology and members of the legal professions who engage in cross cultural dispute resolution asylum and migration private international law and other fields of law in which cultural arguments play a role The Open Access version of this book available at www.taylorfrancis.com has been made available under a

Law and Religion in the Commonwealth Renae Barker, Paul Babie, Neil Foster, 2022-06-30 This book examines law and religion from the perspective of its case law Each chapter focuses on a specific case from a Commonwealth jurisdiction examining the history and impact of the case both within the originating jurisdiction and its wider global context The book contains chapters from leading and emerging scholars from across the Commonwealth including from the United Kingdom Canada Australia Pakistan Malaysia India and Nigeria The cases are divided into four sections covering Foundational Questions in Law and Religion Freedom of Religion around the Commonwealth Religion and state relations around the Commonwealth Rights Relationships and Religion around the Commonwealth Like religion itself the case law covers a wide spectrum of life This diversity is reflected in the cases covered in this book which include Titular Roman Catholic Archbishop of Kuala Lumpur v Home Minister on the use of the Muslim name for God by non Muslims in Malaysia The Church of the New Faith v Commissioner of Pay roll Tax Vic which determined the meaning of religion in Australia Eweida v UK which clarified the application of Article 9 of the European Convention on Human Rights R v Big M Drug Mart on the individual protections of religious freedom under the Canadian Charter of Rights The book examines how legal disputes involving religion are among the most contested in the courts and shows that in these cases passions run high and the outcomes can have significant consequences for all involved

Constitutionalism in Islamic Countries: Between Upheaval and Continuity Rainer Grote, Tilmann Röder, 2012-01-11 Constitutionalism in Islamic Countries Between Upheaval and Continuity examines the question of whether something similar to an Islamic constitutionalism has emerged out of the political and constitutional upheaval witnessed in

many parts of North Africa the Middle East and Central and Southern Asia In order to identify its defining features and to assess the challenges that Islamic constitutionalism poses to established concepts of constitutionalism this book offers an integrated analysis of the complex frameworks in Islamic countries drawing on the methods and insights of comparative constitutional law Islamic law international law and legal history European and North American experiences are used as points of reference against which the peculiar challenges and the specific answers given to those challenges in the countries surveyed can be assessed The book also examines ways in which the key concepts of constitutionalism including fundamental rights separation of powers democracy and rule of law may be adapted to an Islamic context thus providing valuable new insights on the prospects for a genuine renaissance of constitutionalism in the Islamic world in the wake of the Arab spring

The Oxford Handbook of Islamic Law Anver M. Emon, 2018-10-25 This volume provides a comprehensive survey of the contemporary study of Islamic law and a critical analysis of its deficiencies Written by outstanding senior and emerging scholars in their fields it offers an innovative historiographical examination of the field of Islamic law and an ideal introduction to key personalities and concepts While capturing the state of contemporary Islamic legal studies by chronicling how far the field has come the Handbook also explains why certain debates recur and indicates fundamental gaps in our knowledge Each chapter presents bold new avenues for research and will help readers appreciate the contested nature of key concepts and topics in Islamic law This Handbook will be a major reference work for scholars and students of Islam and Islamic law for years to come

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

Invisible Institutionalisms Swethaa S Ballakrishnen, Sara Dezalay, 2021-02-11 Taking its cue from theoretical and ideological calls to challenge globalisation as a dynamic of homogenisation and resistance as led from and directed against the Global North this volume asks what can we see when we shift the lens beyond a North South binary Based on empirical studies of frontier zones of legal globalisation in India Pakistan and Latin America the book adopts an original format Framed as a relational dialogue between newer as well as more prominent scholars within the field from various cores through to postcolonial academic peripheries it questions

structural variables in the shadows of legal globalisation and how we as scholars build a space for critique

Law, State and Inequality in Pakistan Muhammad Azeem, 2017-07-02 Through a detailed historical and empirical account of post independence years this book offers a new assessment of the role of the judiciary in Pakistani politics Instead of seeing the judiciary as helpless or struggling against an authoritarian state it argues that the judiciary has been a crucial link in the creation of state and political inequality in Pakistan This rubs against the central role given to the judiciary in developing countries to fix the corrupt politicians and stubborn bureaucracies in the World Bank's Good Governance paradigm and rule of law initiatives It also challenges the contemporary legal and judicial discourse that extols the virtues of Public Interest Litigation While the book's core analysis is a critique of the contemporary liberal legal project it also adds to the critical tradition of social theory by linking political economy to a social theory of law The theoretical aspect of the study is applicable to any developing society whose judiciary is going through foreign sponsored rule of law judicial reforms

India, Pakistan, and Democracy Philip Oldenburg, 2010-09-13 This book focuses on the specificities and the nuances of the state systems of India and Pakistan It examines in detail the balance of authority and power between popular or elected politicians and the state apparatus through substantial historical analysis A comparative analysis as well as a historical overview of the two countries this book constitutes essential reading for students of South Asian History and Politics It is a useful and balanced introduction to the politics of India and Pakistan

The Law Applied Peri Bearman, Bernard G. Weiss, Wolfhart Heinrichs, 2008-01-30 A sea change has taken place in Islamic legal studies This book both reflects and contributes to that change Traditionally scholars in this field have tended to focus on law as a body of rules and doctrines as fiqh This volume is more interested in how the law has been applied to concrete situations It looks at judicial decision making legal responses fatwas customary practices the actions of public inspectors cultural contexts and theological discourses as well as modern legal reform and constitutional development Reflecting the interests of a new academic generation The Law Applied offers an ambitious and textured account of how Islamic law works in practice in the social life of the contemporary world

Legal Pluralism in Muslim Contexts Norbert Oberauer, Yvonne Prief, Ulrike Qubaja, 2019-05-20 Approaches to legal pluralism vary widely across the spectrum of different disciplines They comprise normative and descriptive perspectives focus both on legal pluralist realities as well as public debates and address legal pluralism in a range of different societies with varying political institutional and historical conditions Emphasising an empirical research to contemporary legal pluralist settings in Muslim contexts the present collected volume contributes to a deepened understanding of legal pluralist issues and realities through comparative examination This approach reveals some common features such as the relevance of Islamic law in power struggles and in the construction of state or national identities strategies of coping with coexisting sets of legal norms by the respective agents or public debates about the risks induced by the recognition of religious institutions in migrant societies At the same time the studies contained in this volume reveal that legal pluralist settings often reflect

very specific historical and social constellations which demands caution towards any generalisation The volume is based on papers presented at a conference in Münster Germany in 2016 and comprises contributions by Judith Koschorke Karen Meerschaut Yvonne Prief Ulrike Qubaja Werner de Saeger Ido Shahar Katrin Seidel Konstantinos Tsitselikis Vishal Vora and Ihsan Yilmaz **The Muslim World Book Review** ,2006 *Pakistan: Evolving Mosaic* Pasquale De Marco,2025-08-15 *Pakistan Evolving Mosaic* is a comprehensive and engaging narrative that captures the essence of Pakistan's remarkable journey from its inception to the present day Written with meticulous attention to detail and a keen eye for storytelling this book offers readers a profound understanding of the forces that have shaped this vibrant nation Through its pages readers will embark on an immersive exploration of Pakistan's political history tracing the country's evolution from the tumultuous partition of the Indian subcontinent to the challenges and triumphs of modern times They will witness the rise and fall of leaders the struggles for democracy and stability and the ongoing pursuit of economic prosperity Beyond the political sphere *Pakistan Evolving Mosaic* delves into the country's rich cultural heritage showcasing its diverse ethnicities languages and traditions Readers will be captivated by Pakistan's vibrant arts music and literature gaining insights into the lives and contributions of renowned poets artists and musicians The book also explores Pakistan's delectable cuisine highlighting the unique flavors and culinary traditions that have tantalized taste buds around the world This book is not merely a historical account it is a celebration of Pakistan's resilience determination and unwavering spirit It brings to life the stories of ordinary Pakistanis who have played a part in shaping their nation's destiny Through their struggles sacrifices and achievements readers will gain a deep appreciation for the indomitable spirit of the Pakistani people *Pakistan Evolving Mosaic* is an essential read for anyone seeking to understand the complexities and contradictions of this fascinating country It is a valuable resource for scholars students and general readers alike offering a comprehensive overview of Pakistan's history culture and contemporary challenges This book is a testament to the enduring legacy of a nation that has repeatedly risen from adversity embracing its diversity and forging a path towards a brighter future If you like this book write a review

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 **The Dynamics of Judicial Independence** Lorne Neudorf,2017-02-22 This book examines the legal principle of judicial independence in comparative perspective with

the goal of advancing a better understanding of the idea of an independent judiciary more generally From an initial survey of judicial systems in different countries it is clear that the understanding and practice of judicial independence take a variety of forms Scholarly literature likewise provides a range of views on what judicial independence means with scholars often advocating a preferred conception of a model court for achieving true judicial independence as part of a rule of law system This book seeks to reorient the prevailing approach to the study of judicial independence by better understanding how judicial independence operates within domestic legal systems in its institutional and legal dimensions It asks how and why different conceptualisations of judicial independence emerge over time by comparing detailed case studies of courts in two legally pluralistic states which share inheritances of British rule and the common law By tracing the development of judicial independence in the legal systems of Malaysia and Pakistan from the time of independence to the present the book offers an insightful comparison of how judicial independence took shape and developed in these countries over time From this comparison it suggests a number of contextual factors that can be seen to play a role in the evolution of judicial independence The study draws upon the significant divergence observed in the case studies to propose a refined understanding of the idea of an independent judiciary termed the pragmatic and context sensitive theory which may be seen in contradistinction to a universal approach While judicial independence responds to the core need of judges to be perceived as an impartial third party by constructing formal and informal constraints on the judge and relationships between judges and others its meaning in a legal system is inevitably shaped by the judicial role along with other features at the domestic level The book concludes that the adaptive and pragmatic qualities of judicial independence supply it with relevance and legitimacy within a domestic legal system

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