

Adjudication In Religious Family Laws Cultural Accommodation Legal Pluralism And Gender Equality In India Cambridge Studies In Law And Society

Examines the interdisciplinary development of law and religion, with a particular focus on Professor Norman Doe's pioneering role.

Constituting Religion examines how constitutional provisions for both Islam and liberal rights catalyze conflicts over religion in Malaysia and feed a 'rights-versus-rites' binary. This title is also available as Open Access.

With regard to family law, this volume examines claims based on cultural tradition, ethnic background, custom, religious affiliation and sexual orientation, as well as various other "claims" that are not officially recognized in state law, in 15 jurisdictions around the world. The country reports seek to determine whether these claims represent a challenge to family law as conceived by

the state, and if so, how these challenges are being managed. The focus lies on the interaction between (i) claims and traditions raising minority-related and diversity-related issues and (ii) the state as the addressee of these demands for accommodation. The reports identify specific instances and situations that have proven (and in many cases still are) particularly difficult to resolve. They force decision-makers to engage in a delicate balancing act between different, often clashing interests.

This book captures the Indian state's difficult dialogue with divorce, mediated largely through religion. By mapping the trajectories of marriage and divorce laws of Hindu, Muslim, and Christian communities in post-colonial India, it explores the dynamic interplay between law, religion, family, minority rights and gender in Indian politics. It demonstrates that the binary frameworks of the private-public divide, individuals versus group rights, and universal rights versus legal pluralism collapse before the peculiarities of religious personal law. Historicizing the legislative and judicial response to decades of public debates

and activism on the question of personal law, it suggests that the sustained negotiations over family life within and across the legal landscape provoked a unique and deeply contextual evolution of both, secularism and religion in India's constitutional order. Personal law, therefore, played a key role in defining the place of religion and determining the content of secularism in India's democracy.

Open Remedies in Human Rights Adjudication

A History of Personal Law in Post-Independence India

North-South Perspectives

The Oxford Handbook of Islamic Law

Theorizing Conflicts Between Women's Rights and Cultural Traditions

Introduction to a Comparative Discipline

Global legal perspectives

This book explores the rise of private arbitration in religious and other values-oriented communities, and it argues that secular societies should use secular legal frameworks to facilitate, enforce, and also regulate religious arbitration. It covers the history of religious arbitration; the kinds of faith-based dispute resolution models currently in use; how the law should perceive them; and what the role of religious arbitration in the

United States and the western world should be. Part One examines why religious individuals and communities are increasingly turning to private faith-based dispute resolution to arbitrate their litigious disputes. It focuses on why religious communities feel disenfranchised from secular law, and particularly secular family law. Part Two looks at why American law is so comfortable with faith-based arbitration, given its penchant for enabling parties to order their relationships and resolve their disputes using norms and values that are often different from and sometimes opposed to secular standards. Part Three weighs the proper procedural, jurisdictional, and contractual limits of arbitration generally, and of religious arbitration particularly. It identifies and explains the reasonable limitations on religious arbitration. Part Four examines whether secular societies should facilitate effective, legally enforceable religious dispute resolution, and it argues that religious arbitration is not only good for the religious community itself, but that having many different avenues for faith-based arbitration which are properly limited is good for any vibrant pluralistic democracy inhabited by diverse faith groups.

How do multireligious and multiethnic societies construct accommodative arrangements that can both facilitate cultural diversity and ensure women's rights? Based on a study of legal adjudication of marriage and divorce across formal and informal arenas in contemporary Mumbai, this book argues that the shared adjudication model in which the state splits its adjudicative authority with religious

groups and other societal sources in the regulation of marriage can potentially balance cultural rights and gender equality. In this model the civic and religious sources of legal authority construct, transmit, and communicate heterogeneous notions of the conjugal family, gender relations, and religious membership within the interstices of state and society. In so doing, they fracture the homogenized religious identities grounded in hierarchical gender relations within the conjugal family. The shared adjudication model facilitates diversity as it allows the construction of hybrid religious identities, creates fissures in ossified group boundaries, and provides institutional spaces for ongoing intersocietal dialogue. This pluralized legal sphere, governed by ideologically diverse legal actors, can thus increase gender equality and individual and collective legal mobilization by women effects institutional change.

Divorcing Traditions is an ethnography of Islamic legal expertise and practices in India, a secular state in which Muslims are a significant minority and where Islamic judgments are not legally binding. Katherine Lemons argues that an analysis of divorce in accordance with Islamic strictures is critical to the understanding of Indian secularism. Lemons analyzes four marital dispute adjudication forums run by Muslim jurists or lay Muslims to show that religious law does not muddle the categories of religion and law but generates them. Drawing on ethnographic and archival research conducted in these four institutions—NGO-run women's arbitration centers

(mahila panchayats); sharia courts (dar ul-qazas); a Muslim jurist's authoritative legal opinions (fatwas); and the practice of what a Muslim legal expert (mufti) calls "spiritual healing" Divorcing Traditions shows how secularism is an ongoing project that seeks to establish and maintain an appropriate relationship between religion and politics. A secular state is always secularizing. And yet, as Lemons demonstrates, the state is not the only arbiter of the relationship between religion and law: religious legal forums help to constitute the categories of private and public, religious and secular upon which secularism relies. In the end, because Muslim legal expertise and practice are central to the Indian legal system and because Muslim divorce's contested legal status marks a crisis of the secular distinction between religion and law, Muslim divorce, argues Lemons, is a key site for understanding Indian secularism.

American family law makes two key assumptions: first, that the civil state possesses sole authority over marriage and divorce; and second, that the civil law may contain only one regulatory regime for such matters. These assumptions run counter to the multicultural and religiously plural nature of our society. This book elaborates how those assumptions are descriptively incorrect, and it begins an important conversation about whether more pluralism in family law is normatively desirable. For example, may couples rely upon religious tribunals (Jewish, Muslim, or otherwise) to decide family law disputes? May couples opt into stricter divorce rules,

either through premarital contracts or 'covenant marriages'? How should the state respond? Intentionally interdisciplinary and international in scope, this volume contains contributions from fourteen leading scholars. The authors address the provocative question of whether the state must consider sharing its jurisdictional authority with other groups in family law.

Religion and Law in Cyprus

Feminist Advocacy, Family Law and Violence against Women

The Confluence of Law and Religion

Multi-Tiered Marriage and the Boundaries of Civil Law and Religion

Normativity and Diversity in Family Law

Rethinking Muslim Personal Law

Gender, Law and Activism in India

What is the role of religion in society? In the wake of September 11, public intellectuals provided easy answers.

According to some, religion was the problem, others commented, religion was the solution.

Generally, public debate about the force of religion in society has been organized by either/or propositions. Religion is a force

for either freedom or bondage, for either peace or war, for either mutual recognition

or antagonistic polarization. Analysis of religion and social change has also tended to be framed in terms of oppositions that inform

research agendas and public policy. In this book, authors from South Africa, the United

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States of America, the Netherlands, and Germany test these oppositions.

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

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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.

In recent years, there have been a number of concerns about the recognition of religious laws and the existence of religious courts and tribunals. There has also been the growing literature on legal pluralism which seeks to understand how more than one legal system can and should exist within one social space. However, whilst a number of important theoretical works concerning legal pluralism in the context of cultural rights have been published, little has been published specifically on religion. *Religion and Legal Pluralism* explores the extent to which religious laws are already recognised by the state and the extent to which religious legal systems, such as Sharia law, should be accommodated.

Examining the role of 'open remedies' in human rights adjudication, this book provides a new perspective informing comparative constitutional debates on how to structure institutional relationships over fundamental rights and freedoms. Open remedies declare a human rights violation but invite the other branches of government to decide what corrective action should be taken. Open remedies are premised on the need to engage institutions beyond courts in the process of thinking about and acting on human rights

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problems. This book considers examples across the United States, South Africa, Canada, and internationally, emphasising their similarities and differences in design and the diverse ways they could operate in practice. The book investigates these possibilities through the first systematic legal and empirical study of the declaration of incompatibility model under the United Kingdom Human Rights Act. This new model provides a non-binding declaration that the law has infringed human rights standards, for the legislature's consideration. By design, it has the potential to support democratic deliberation on what human rights require of the laws and policies of the State, however, it also carries uncertainties and risks. Providing a lucid account of existing debates on the relative roles of courts and legislatures to determine the requirements of fundamental rights commitments, the book argues that we need to look beyond the theoretical focus on rights disagreements, to how these remedies have operated in practice across the courts and the political branches of government. Importantly, we should pay attention to the nature and scope of legislative engagement in deliberation on the human rights matters raised by declarations of incompatibility. Adopting this approach, this book presents a carefully argued view of how courts have exercised this power, as well as how the UK executive and Parliament have responded to its use.

Gender and Justice in Family Law Disputes

Social Normativities in Conflict

Roman Law and the Legal World of the Romans

Divorce and Democracy

*Cultural Accommodation, Legal Pluralism, and
Gender Equality in India*

Institutionalizing Rights and Religion

*Islam, Liberal Rights, and the Malaysian
State*

Around the world, discriminatory legislation prevents women from accessing their human rights. It can affect almost every aspect of a woman's life, including the right to choose a partner, inherit property, hold a job, and obtain child custody. Often referred to as family law, these laws have contributed to discrimination and to the justification of gender-based violence globally. This book demonstrates how women across the world are contributing to legal reform, helping to shape non-discriminatory policies and to counter current legal and social justifications for gender-based violence. The book takes case studies from Brazil, India, Iran, Lebanon, Nigeria, Palestine, Senegal, and Turkey, using them to demonstrate in each case the varied history of family law and the wide variety of issues impacting women's equality in legislation. Interviews with prominent women's rights activists in three additional countries are also included, giving personal accounts of the successes and failures of past reform efforts. Overall, the book provides a complex global

picture of current trends and strategies in the fight for a more egalitarian society. These findings come at a critical moment for change. Across the globe, family law issues are contentious. We are simultaneously witnessing an increased demand for women's equality and the resurgence of fundamentalist forces that impede reform, invoking rules rooted in tradition, culture, and interpretations of religious texts. The outcome of these disputes has enormous ramifications for women's roles in the family and society. This book tackles these complexities head on, and will interest activists, practitioners, students, and scholars working on women's rights and gender-based violence. This book studies recent transformations in the area of law and gender in modern India. It tackles legal and social developments with regard to family life, sexuality, motherhood, surrogacy, erotic labour, sexual harassment in the workplace and violence against women, among others. It analyses reform efforts towards women's and LGBTIQ rights and attempts to situate where a reform has taken place, by whom it was brought about, and what impact it has had on society. It engages with protagonists who shape the debate around law and gender and locate their efforts into a socio-political context, thereby showing that the discourses around law and gender are closely connected to broader debates around pluralism, secularism and

religion, identity, culture, nationalism, and family. The book offers compelling evidence that the drivers of change are emerging from beyond the traditional institutions of courts and parliament, and that to understand the everyday implications of gender based reform, it is important to look beyond only these institutional sources.

The core of this edited volume originates from a special issue of the Journal of the Ottoman and Turkish Studies Association (JOTSA) that goes well beyond the special issue to incorporate the stimulating discussions and insights of two Middle East Studies Association conference roundtables and the important work of additional scholars in order to create a state-of-the-field volume on Ottoman sociolegal studies, particularly regarding Ottoman international law from the eighteenth century to the end of the empire. It makes several important contributions to Ottoman and Turkish studies, namely, by introducing these disciplines to the broader fields of trans-imperial studies, comparative international law, and legal history. Combining the best practices of diplomatic history and history from below to integrate the Ottoman Empire and its subjects into the broader debates of the nineteenth-century trans-imperial history this unique volume represents the exciting work and cutting-edge scholarship on these topics that will continue to shape the field in years to come.

Families and family law have encountered significant challenges in the face of rapid changes in social norms, demographics and political expectations. The Cambridge Companion to Comparative Family Law highlights the key questions and themes that have faced family lawyers across the world. Each chapter is written by internationally renowned academic experts and focuses on which of these themes are most significant to their jurisdictions. In taking this jurisdictional approach, the collection will explore how different countries have tackled these issues. As a result, the collection is aimed at students, practitioners and academics across a variety of disciplines interested in the key issues faced by family law around the world and how they have been addressed.

Who Is the Judge?

Mutinies for Equality

Normative Pluralism and Human Rights

Women, Mediation, and Religious Arbitration

Interdisciplinary Reflections on the Work of Norman Doe

International Perspectives

Most Muslim-majority countries have legal systems that enshrine both Islam and liberal rights. While not necessarily at odds, these dual commitments nonetheless provide legal and symbolic resources for activists to advance contending visions for their state.

and societies. Using the case study of Malaysia, *Constituting Religion* examines how these legal arrangements enable litigation and feed the construction of a 'rights-versus-rites binary' in law, politics, and the popular imagination. By drawing on extensive primary source material and tracing controversial cases from the court of law to the court of public opinion, this study theorizes the 'judicialization of religion' and the radiating effects of courts on popular legal and religious consciousness. The book documents how legal institutions catalyze ideological struggles, which stand to redefine the nation and its politics. Probing the links between legal pluralism, social movements, secularism, and political Islamism, *Constituting Religion* sheds new light on the confluence of law, religion, politics, and society. This title is also available as Open Access.

This book focuses on Islamic family 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-related issues - consent and age of spouses, dower, polygamy and divorce - are adjudicated. The solutions proposed by different legal systems are reviewed, and some broader questions are addressed: how Islamic principles are harmonized with norms based on gender equality, how parties bargain strategically in and out of court, and how Muslim diasporas align their Islamic worldview with a Western normative

narrative.

Offering an interdisciplinary, international and philosophical perspective, this comprehensive Research Handbook explores both perennial and recent legal issues that concern the modern state and its interaction with religious communities and individuals.

Multiculturalism is a concept that has been stretched to include a variety of political conditions, mainly in countries that have liberal democratic political systems and traditions. In this North/South 'comparison' we illuminate remedies pursued by governments and various political interests to address the binary.

Tensions of culture and rights may not be the same everywhere. An interesting point of comparison is in the treatment of liberalism – often assumed in the global North to be the universal norms to be defended whereas in the global South, liberalism itself may be viewed as the problem. Colonial histories are fraught with discriminatory legislation aimed at accommodating indigenous populations, often a trade-off for more structural redistributive justice through, for example, land reform. In Africa, for example, the codification of customary law has reinforced misogynistic and static interpretations of 'African culture'. This book will show how varied and complex the embodiment of multiculturalism as a political practice, or policy discourse in different political contexts can be, and how often the outcome of

multicultural discourses creates a binary between culture and universal human rights. The aim of this book is to grapple with dislodging this binary. This book was published as a special issue of *Politikon*.

The Evolution of Case Law

Law and Religion in the Commonwealth

A Minority Report

Islamic Marriage Law and the Making of Indian Secularism

Identity and Diversity on the International Bench

Adjudication in Religious Family Laws

A Shari'a Path in a Secular Society

Religion is a prominent legal force despite the premise constructed and promoted by Western constitutionalism that it must be separated from the State in democracies.

Education constitutes an area of human life that leaves ample scope for the expression of religious identity and shapes the citizens of the future. It is also the place of origin of a considerable number of normative conflicts involving religious identity that arise today in

multicultural settings. The book deals with the interplay of law and religion in education through the versatility of religious law and legal pluralism, as well as religion's possible adaptation and reconciliation with modernity, in order to consider and reflect on normative conflicts. It

adopts the angle of the constitutional dimension of religion narrated in a comparative perspective and critically reflects on regulatory attempts by the State and the international community to promote new ways of living together.

This volume shows how and why legal empowerment is important for those exercising their religious rights

under various jurisdictions, in conditions of legal pluralism. At the same time, it also questions the thesis that as societies become more modern, they also become less religious. The authors look beyond the rule of law orthodoxy in their consideration of the freedom of religion as a human right and place this discussion in a more plurality-sensitive context. The book sheds more light on the informal and/or customary mechanisms that explain the limited impact of law on individuals and groups, especially in non-Western societies. The focus is on discussing how religion and the exercise of religious rights may or may not empower individuals and social groups and improve access to human rights in general. This book is important reading for academics and practitioners of law and religion, religious rights, religious diversity and cultural difference, as well as NGOs, policy makers, lawyers and advocates at multicultural jurisdictions. It offers a contemporary take on comparative legal studies, with a distinct focus on religion as an identity marker.

Comparative law of religions has developed in recent years as a new discipline at the intersection of legal and religious science, of theology and anthropology. This book presents a systematic theoretical basis for this new discipline. While law is mostly associated with the state, many religions also have their own internal law. These internal legal norms are aimed at a particular form of behaviour on the part of believers. They therefore play a particular role in conflicts arising today between certain religious forms of behaviour. The comparison of the internal law of religions serves to establish and explain the commonalities and differences between various religious legal traditions. The religions examined here include: the law of Christian denominations, Jewish

law, Islamic law, Hindu law, Buddhist law, and other religious legal systems. The work assesses six current approaches to the comparative law of religions, evaluating their strengths and weaknesses, leading to the development of a new approach. The book discusses the role of religious law in state law and looks to likely future developments. The work will be essential for those interested in the administration of justice and politics, for those professions where intercultural competence is required, and for interreligious dialogue. Andrew Riggsby provides a survey of the main areas of Roman law, and their place in Roman life.

Muslim Family Law in Western Courts

Gender, Religion, and Family Law

Sharia Tribunals, Rabbinical Courts, and Christian Panels

Beyond Disagreement

Lessons from Comparative Law

Nation and Family

Personal Law, Cultural Pluralism, and Gendered Citizenship in India

Derived from the renowned multi-volume International Encyclopaedia of Laws, this convenient resource provides systematic information on how Cyprus deals with the role religion plays or can play in society, the legal status of religious communities and institutions, and the legal interaction among religion, culture, education, and media. After a general introduction describing the social and historical

background, the book goes on to explain the legal framework in which religion is approached. Coverage proceeds from the principle of religious freedom through the rights and contractual obligations of religious communities; international, transnational, and regional law effects; and the legal parameters affecting the influence of religion in politics and public life. Also covered are legal positions on religion in such specific fields as church financing, labour and employment, and matrimonial and family law. A clear and comprehensive overview of relevant legislation and legal doctrine make the book an invaluable reference source and very useful guide. Succinct and practical, this book will prove to be of great value to practitioners in the myriad instances where a law-related religious interest arises in Cyprus. Academics and researchers will appreciate its value as a thorough but concise treatment of the legal aspects of diversity and multiculturalism in which religion plays such an important part. 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.

The distinct personal laws that govern the major religious groups are a major aspect of Indian multiculturalism and secularism, and support specific gendered rights in family life. Nation and Family is the most comprehensive study to date of the public discourses,

processes of social mobilization, legislation and case law that formed India's three major personal law systems, which govern Hindus, Muslims, and Christians. It for the first time systematically compares Indian experiences to those in a wide range of other countries that inherited personal laws specific to religious group, sect, or ethnic group. The book shows why India's postcolonial policy-makers changed the personal laws they inherited less than the rulers of Turkey and Tunisia, but far more than those of Algeria, Syria and Lebanon, and increased women's rights for the most part, contrary to the trend in Pakistan, Iran, Sudan and Nigeria since the 1970s. Subramanian demonstrates that discourses of community and features of state-society relations shape the course of personal law. Ruling elites' discourses about the nation, its cultural groups and its traditions interact with the state-society relations that regimes inherit and the projects of regimes to change their relations with society. These interactions influence the pattern of

multiculturalism, the place of religion in public policy and public life, and the forms of regulation of family life.

The book shows how the greater engagement of political elites with initiatives among the Hindu majority and the predominant place they gave Hindu motifs in discourses about the nation shaped Indian multiculturalism and secularism, contrary to current understandings. In exploring the significant role of communitarian discourses in shaping state-society relations and public policy, it takes "state-in-society" approaches to comparative politics, political sociology, and legal studies in new directions.

Recently, new methods of dispute resolution in matters of family law—such as arbitration, mediation, and conciliation—have created new forms of legal culture that affect minority communities throughout the world. There are now multiple ways of obtaining restitution through nontraditional alternative dispute resolution (ADR) mechanisms. For some, the emergence of ADRs can be understood as part of a

broader liberal response to the challenges presented by the settlement of migrant communities in Western liberal democracies. Questions of rights are framed as "multicultural challenges" that give rise to important issues relating to power, authority, agency, and choice. Underpinning these debates are questions about the doctrine and practice of secularism, citizenship, belonging, and identity. *Gender and Justice in Family Law Disputes* offers insights into how women's autonomy and personal decision-making capabilities are expressed via multiple formal and nonformal dispute-resolution mechanisms, and as part of their social and legal lived realities. It analyzes the specific ways in which both mediation and religious arbitration take shape in contemporary and comparative family law across jurisdictions. Demarcating lines between contemporary family mediation and new forms of religious arbitration, Bano illuminates the complexities of these processes across multiple national contexts.

The Right to Difference

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In Law And Society

Religion and Legal Pluralism

Issues, Debates and Reforms

Constituting Religion

Law and Religious Diversity in

Education

Research Handbook on Law and Religion

Divorcing Traditions

Adjudication in Religious Family Laws

Cultural Accommodation, Legal Pluralism, and Gender Equality in

India Cambridge University Press

Lack of diversity within the judiciary has been identified as a legitimacy concern in domestic settings, and the last few years have seen increasing attention to this question at the international level. This book analyses the implications of identity and diversity across numerous international adjudicatory bodies.

Policy-makers and the public are increasingly attentive to the role of shari'a in the everyday lives of Western Muslims, with negative associations and public fears growing among their non-Muslim neighbors in the United States and Canada. The most common way North American Muslims relate to shari'a is in their observance of Muslim marriage and divorce rituals; recourse to traditional Islamic marriage and, to a lesser extent, divorce is widespread. Julie Macfarlane has conducted hundreds of interviews with Muslim couples, as well as with religious and community leaders and family conflict professionals. Her book describes how Muslim marriage and divorce processes are used in North America, and what they mean to those who embrace them as a part of

their religious and cultural identity. The picture that emerges is of an idiosyncratic private ordering system that reflects a wide range of attitudes towards contemporary family values and changes in gender roles. Some women describe pervasive assumptions about restrictions on their role in the family system, as well as pressure to accept these values and to stay married. Others of both genders describe the gradual modernization of Islamic family traditions - and the subsequent emergence of a Western shari'a--but a continuing commitment to the rituals of Muslim marriage and divorce in their private lives. Readers will be challenged to consider how the secular state should respond in order to find a balance between state commitment to universal norms and formal equality, and the protection of religious freedom expressed in private religious and cultural practices.

About one-third of the world's population currently lives under pluri-legal systems where governments hold individuals subject to the purview of ethno-religious rather than national norms in respect to family law. How does the state-enforcement of these religious family laws impact fundamental rights and liberties? What resistance strategies do people employ in order to overcome the disabilities and limitations these religious laws impose upon their rights? Based on archival research, court observations and interviews with individuals from three countries, Yüksel Sezgin shows that governments have often intervened in order to impress a particular image of subjectivity upon a society, while people have constantly challenged the interpretive monopoly of courts and state-

sanctioned religious institutions, re-negotiated their rights and duties under the law, and changed the system from within. He also identifies key lessons and best practices for the integration of universal human rights principles into religious legal systems.

Religious Arbitration in America and the West
Human Rights under State-Enforced Religious Family
Laws in Israel, Egypt and India

Contemporary Developments in Law and Gender in India
The Subjects of Ottoman International Law
Competing Supremacies

Religion as Empowerment

Marriage and Divorce in a Multi-Cultural Context

Modern statesmen and political theorists have long
struggled to design institutions that will

simultaneously respect individual freedom of religion,
nurture religion's capacity to be a force for civic good
and human rights, and tame religion's illiberal

tendencies. Moving past the usual focus on personal
free expression of religion, this illuminating book -

written by renowned scholars of law and religion
from the United States, England, and Israel -

considers how the institutional design of both
religions and political regimes influences the

relationship between religious practice and activity
and human rights. The authors examine how the

organization of religious communities affects human
rights, and investigate the scope of a just state's

authority with respect to organized religion in the
name of human rights. They explore the institutional

challenges posed by, and possible responses to, the fraught relationship between religion and rights in the world today.

This book argues that the shared adjudication model in which the state splits its adjudicative authority with religious groups and other societal sources in the regulation of marriage can potentially balance cultural rights and gender equality. In this model the civic and religious sources of legal authority construct, transmit and communicate heterogeneous notions of the conjugal family, gender relations and religious membership within the interstices of state and society. In so doing, they fracture the homogenized religious identities grounded in hierarchical gender relations within the conjugal family. The shared adjudication model facilitates diversity as it allows the construction of hybrid religious identities, creates fissures in ossified group boundaries and provides institutional spaces for ongoing intersocietal dialogue. This pluralized legal sphere, governed by ideologically diverse legal actors, can thus increase gender equality and individual and collective legal mobilization by women effects institutional change.

The plight of religious minorities in the Middle East is often attributed to the failure of secularism to take root in the region. *Religious Difference in a Secular Age* challenges this assessment by examining four cornerstones of secularism—political and civil

equality, minority rights, religious freedom, and the legal separation of private and public domains. Drawing on her extensive fieldwork in Egypt with Coptic Orthodox Christians and Bahais—religious minorities in a predominantly Muslim country—Saba Mahmood shows how modern secular governance has exacerbated religious tensions and inequalities rather than reduced them. Tracing the historical career of secular legal concepts in the colonial and postcolonial Middle East, she explores how contradictions at the very heart of political secularism have aggravated and amplified existing forms of Islamic hierarchy, bringing minority relations in Egypt to a new historical impasse. Through a close examination of Egyptian court cases and constitutional debates about minority rights, conflicts around family law, and controversies over freedom of expression, Mahmood invites us to reflect on the entwined histories of secularism in the Middle East and Europe. A provocative work of scholarship, *Religious Difference in a Secular Age* challenges us to rethink the promise and limits of the secular ideal of religious equality.

Groundbreaking theoretical and legal approaches to resolving conflicts between gender equality and cultural practices

Muslim Women's Quest for Justice

The Cambridge Companion to Comparative Family Law

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In Law And Society

Religion, Politics, and Identity in a Changing South Africa

The Internal Law of Religions

Gender and Multiculturalism

Religious Difference in a Secular Age

Islamic Divorce in North America

This volume critically analyses Muslim Personal Law (MPL) in India and offers an alternative perspective to look at MPL and the Uniform Civil Code (UCC) debate. Tracing the historical origins of this legal mechanism and its subsequent political manifestations, it highlights the complex nature of MPL as a sociological phenomenon, driven by context-specific social norms and cultural values. With expert contributions, it discusses wide-ranging themes and issues including MPL reforms and human rights; decoding of UCC in India; the contentious Triple Talaq bill and MPL; the Shah Bano case; Sharia (Islamic jurisprudence) in postcolonial India; women ' s equality and family laws; and MPL in the media discourse in India. The volume highlights that although MPL is inextricably linked to Sharia, it does not necessarily determine the everyday customs and local practices of Muslim communities in India This topical book will greatly interest scholars and researchers of law and jurisprudence, political studies, Islamic studies, Muslim Personal Law, history, multiculturalism, South Asian studies, sociology of religion, sociology of law and family law. It will also be useful to practitioners, policymakers, law professionals and journalists.

The complex legal situations arising from the coexistence of international law, state law, and social and religious norms in different parts of the world often include scenarios of conflict between them. These conflicting norms issued from different categories of ' laws ' result in difficulties in describing, identifying and analysing human rights in plural environments. This volume studies how normative conflicts unfold when trapped in the aspirations of human rights and their local realizations. It reflects on how such tensions can be eased,

while observing how and why they occur. The authors examine how obedience or resistance to the official law is generated through the interaction of a multiplicity of conflicting norms, interpretations and practices. Emphasis is placed on the actors involved in raising or decreasing the tension surrounding the conflict and the implications that the conflict carries, whether resolved or not, in conditions of asymmetric power movements. It is argued that legal responsiveness to state law depends on how people with different identities deal with it, narrate it and build expectations from it, bearing in mind that normative pluralism may also operate as an instrument towards the exclusion of certain communities from the public sphere. The chapters look particularly to expose the dialogue between parallel normative spheres in order for law to become more effective, while investigating the types of socio-legal variables that affect the functioning of law, leading to conflicts between rights, values and entire cultural frames. This book is an urban ethnographic study of several Muslim women's organisations in northern India. These organisations work to carve out spaces that allow for the articulation of alternative experiences and conceptions of religion and justice that challenge Islamic orthodoxy as well as the monopoly of the Indian state in the domain of family law. While most analyses on reform efforts within Muslim family law in India have focused on women's protection within the state legal system, this book offers the rare opportunity to understand how organised groups of Muslim women's rights activists contest marginalising forces present in the family and criminal courts, Shariat courts, local mosques, workplace, legislature and legal documents. It pushes against troubling assumptions that Islam is incompatible with ideas of women's rights and that the State is the only dispenser of justice, and offers new directions for studies on the dispersed nature of women's identities in Islamic family law.