

Customary Succession Among Muslims

Intestate Succession is the second volume in the Comparative Succession Law series which examines the principles of succession law from a comparative and historical perspective. This volume discusses the rules which apply where a person dies either without leaving a valid will, or leaving a will which fails to dispose of all of the person's assets. Among the questions considered are the following: What is the nature of the rules for the disposal of the deceased's assets? Are they mechanical or is there an element of discretion? Are particular types of property dealt with in particular ways? Is there entitlement to individual assets (as opposed to money)? Do the rules operate in a parentelic system or a system of some other kind? Are spouses treated more favourably than children? What provision is made for extra-marital children, for adopted children, for step-children? Does cohabitation give rise to entitlement? How are same-sex couples treated? Broader questions also arise of a historical and comparative nature. Where, for example, do the rules in intestate succession come from in particular legal systems? Have they been influenced by the rules in other countries? How are the rules explained and how are they justified? To what extent have they changed over time? What are the long-term trends? And finally, are the rules satisfactory, and is there pressure for their reform? As in the first volume, this book will focus on Europe and on countries which have been influenced by the European experience such as Australia, New Zealand, South Africa, the United States of America, Quebec, and the countries of Latin America. Further chapters are devoted to Islamic Law and Nordic law. Opening with a discussion on Roman law and concluding with an assessment of the overall development of the law in the countries surveyed, this book will provide a wider reflection on the nature and purpose of the law of intestate succession.

Intestate Succession Oxford University Press, USA

This book provides an accessible introductory discussion of issues in Islamic law, justice, and society. At the center of the volume is a discussion of some interrelated theological, historical, legal, and practical issues facing Islamic law in such different countries and regions as Algeria, Morocco, South Africa, and South Asia. This will be a valuable book for students and scholars of Middle Eastern studies, law, and history.

The Adaptation of Muslim Law in Sub-Saharan Africa

Women and the Inheritance Law in Tanzania

Inscribing South Asian Muslim Women

The Law of Testate and Intestate Succession in Ghana

Islamic Family Law

Property and Human Rights in the Muslim World

This is an altogether original work in a virgin field. About two decades ago, the School of Law of the University Of Ghana, introduced the study of Islamic law as an aspect or jurisprudence. The decision was informed by the reality of a significant Muslim segment of the Ghanaian population. It was a brave decision. The halls of academia had never resounded to Islamic law concepts; for up to that point Islamic law was treated as a Cinderella with no place in the legal curriculum, save for a few passing references in regard to marriage and succession laws. Almost single-handedly, I set about developing a corpus of Islamic customary law relevant to the needs of Ghanaian law students. This small volume is the result of efforts to put my thoughts in essay form and to make available to students and the wider public a book-length manual on the nature of Islamic customary law in Ghana. By obtaining and analysing data elicited from community leaders, ordinary Muslims and clerics and evaluating them in the light of settled principles of Sharia law, a distinctly Ghanaian brand of Muslim law emerges. At appropriate points, material derived from court verdicts is interwoven into the text. No attempt has been made here to deal with other systems of Ghanaian family law other than the Islamic. What is here described as Islamic law applies only to those communities where observation reveals that no other form of customary law prevails. A significant part of this work is founded on an earlier publication entitled "A Basis for Islamic Law in Ghana", originally published in the University of Ghana Law Journal in 2005. Although lame parts of that work are produced lock, stock and barrel, readers familiar with the earlier work will recognise significant rewriting and reorganisation of the ideas presented in that work. The topics are addressed both to the faithful and to the enquiring student. I have attempted to present the Muslim laws of family, property and succession within a reasonable compass to aid appreciation of the personal laws of substantial numbers of Ghanaians; and in a form that will be clearly understood. Aside from Law 111 and the Marriage of Mohammedans Ordinance, Cap 129 (1951 Rev.),

Islamic law has been subject to no comprehensive legislative reform. This is perhaps to be expected as the practised law of Muslims was frequently misunderstood, and hardly recognised and understood by administrators and legislators. My purpose will have been achieved if the following account helps to free Islamic law from misconceptions common in our society.

Artikler om praktisering af islamisk familieret i Mellemøsten, Europa, Syd- og Sydøstasien samt Kina.

This is the second edition of a classic first published in 1965. This updated edition contains concise extracts of landmark judgements relating to Muslim law in India, Pakistan, and Bangladesh. It contains all the leading cases on most important issues such as Interpretation of Text, Who is a Muslim, Hybrids, Customs, Marriage, Dower, Dissolution of Marriage, Acknowledgements of Paternity and Legitimacy, Guardianship, Illegitimate Child, Gift, Life Interest, Wakf, Mosque, Pre-emption, Administration of Estates, Inheritance, Customary Law, Will, Testamentary Power, with recent updates and cases from India, Pakistan, and Bangladesh. Edited by Inida's most outstanding scholar of Islamic law this volume will be an essential read for all libraries and institutions that catalogue books on Islamic law/studies. This is an essential reading for scholars and students of law and religion. It will be especially important to lawyers and judges as Fyzee is still considered the greatest authority on Islamic law. It will also be useful to scholars and students of applied jurisprudence and philosophy.

Islamic Divorce in North America

A Very Short Introduction

A History of Islamic Law

Islamic Law

The Law of Succession in Kenya

In this pioneering work Siraj Sait and Hilary Lim address Islamic property and land rights, drawing on a range of socio-historical, classical and contemporary resources. They address the significance of Islamic theories of property and Islamic land tenure regimes on the 'webs of tenure' prevalent in the Muslim societies. They consider the possibility of using Islamic legal and human rights systems for the development of inclusive, pro-poor approaches to land rights. They also focus on Muslim women's rights to property and inheritance systems. Engaging with institutions such as the Islamic endowment (waqf) and principles of Islamic microfinance, they test the workability of 'authentic' Islamic proposals. Located in human rights as well as Islamic debates, this study offers a well researched and constructive appraisal of property and land rights in the Muslim world. This book is methodologically unique in scholarly literature on Muslim society. Its originality lies in the fact that the rich material offered by the shari'a courts is given a thorough analysis with a view to drawing conclusions about the present-day phenomena in Arab society and processes that the society has been undergoing in modern times. Aharon Layish examines every aspect of the social status of Muslim women that finds expression in the shari'a courts: the age of marriage, stipulations inserted in the marriage contract, dower, 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 shari'a 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 shari'a and Israeli legislation: Do shari'a courts have regard to the provisions of Israeli law? What is the relationship between shari'a and social custom, and which is decisive in regard to Israeli Muslim women? To what extent does Israeli law actually affect Israeli Muslim women? What is the attitude of the qadis, toward Israeli 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.

When a person dies, his ownership of his property ends, and is to be given to his heirs. It is Allah's Ta'ala favour upon us that He has not made the disposal of that wealth as charity necessary, but rather, He in His wisdom knows that the death of any person is a great loss to their relatives and an even greater loss to their dependents who relied upon them for provision. That said, Allah Ta'ala also knew that Man has greed. And it is this greed that causes brother to hate brother and sister, and to usurp the rights of the less persuasive. For this reason, Allah has fixed, very clearly in the Qur'an, the allotted shares of the relatives of the deceased. This has been further mapped out in the Ahadith by the Prophet of Allah Ta'ala so as to leave no scope of doubt or leeway for argument in who gets what. Everyone will get their share: No more, no less. This prevents the greedy from getting more than their share and it stops the undefended from receiving less than their allotment. In Islam the concept of the wealth only going to the first born son is seen as oppressive. Islam has also distinguished the different levels of dependency of the closer relatives and has stipulated amounts varying in quantity in different circumstances. The factors that lessen one relative's share is the presence of another relative, who also has a considerable relationship with the deceased. There are times when an allotment may seem unfair, these will also be explained. For example, of two inheriting brothers, one may be financially well off whereas the other is poor. This will not mean that the poorer brother will get everything or more than the richer brother. This is because inheritance is not charity and is given on account of the strength of the relationship not on account of who is more needy. Both brothers in this aspect are equal, and will thus receive an equal share. This book only deals with the financial side of the events around death. For an in-depth look at the rites of passage of the burial please refer to our publication, "What to do when a Muslim Dies".

The Islāmic Law of Succession

Textbook on Muslim Law

The Laws of Islamic Inheritance

South African Law of Succession and Trusts

Religious Life and Politics in Indonesia

Land, Law and Islam

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, is a key piece of forest legislation passed in India on 18 December 2006. It has also been called the Forest Rights Act, the Tribal Rights Act, the Tribal Bill, and the Tribal Land Act. The law concerns the rights of forest-dwelling communities to land and other resources, denied to them over decades as a result of the continuance of colonial forest laws in India.

It has been observed that the Copyright Act, 1988, as amended, has made adequate provisions for succession to copyright but it is not yet known how the courts will treat the same issue where the deceased is intestate and his or her estate is governed by customary law. The sources of law in Nigeria include customary non-muslim law and muslim (sharia) law. This paper examines the possible approaches the courts may be constrained to adopt in dealing with intestate succession involving copyright and concludes that as property, the subsisting statute allows recourse to customary law because nothing in the Act precludes succession to copyright under any of the many customary laws in Nigeria.

Lawyers, according to Edmund Burke, are bad historians. He was referring to an unwillingness, rather than an inaptitude, on the part of early nineteenth-century English lawyers to concern themselves with the past: for contemporary jurisprudence was a pure and isolated science wherein law appeared as a body of rules, based upon objective criteria, whose nature and very existence were independent of considerations of time and place. Despite the influence of the historical school of Western jurisprudence, Burke's observation is generally valid for Middle East studies. Muslim jurisprudence in its traditional form provides an extreme example of a legal science divorced from historical considerations. Law, in classical Islamic theory, is the revealed will of God, a divinely ordained system preceding, and not preceded by, the Muslim state controlling, but not controlled by, Muslim society. There can thus be no relativistic notion of the law itself evolving as an historical phenomenon closely tied with the progress of society. The increasing number of nations that are largely Muslim or have a Muslim head of state, emphasizes the growing political importance of the Islamic world, and, as a result, the desirability of extending and expanding the understanding and appreciation of their culture and belief systems. Since history counts for much among Muslims and what happened in 632 or 656 is still a live issue, a journalistic familiarity with present conditions is not enough; there must also be some awareness of how the past has molded the present. This book is designed to give the reader a clear picture. But where there are gaps, obscurities, and differences of opinion, these are also indicated.

Shariah and the Halal Industry

Marriage, Divorce, and Succession in the Druze Family

Expressing Islam

The Relationship Between Islamic Law and Customary Practices in Newly-Islamized Societies

Women and Islamic Law in a Non-Muslim State

Comparative Succession Law

Islamic law is one of the major legal systems in the world today, yet it is often misunderstood, particularly in the West. This book provides a critical overview of the theory, scope, and practice of Islamic law, taking into account both classical and modern scholarly perspectives in examining the various facets of this key legal system.

This is a study of madness in the medieval Islamic world. Using a wide variety of sources, from the fields of history, literature, and art, the late Michael Dols explores beliefs about madness in Islamic society, and examines attitudes towards individuals afflicted by mental illness or disability. The book demonstrates the links between Christian and Muslim medical beliefs and practices, and traces the influence of certain Christian beliefs, such as miracle-working, on Islamic practices. It breaks new ground in analysing the notions of the romantic fool, the wise fool, and the holy fool in medieval Islam within the framework of perceptions of mental illness. It shows that the madman was not regarded as a pariah, an outcast, or a scapegoat. This is a comprehensive and original work, whose insights into magic, medicine, and religion combine to open up our understanding of medieval Islamic society.

The classic introduction to Islamic law, tracing its development from its origins, through the medieval period, to its place in modern Islam.

Succession to Copyright Ownership under the Nigerian Laws

Perspectives on Islamic Law, Justice, and Society

Islamic Family Law in a Changing World

Cases in the Muhammadan Law of India, Pakistan and Bangladesh

The Madman in Medieval Islamic Society

A Study Based on Decisions of the Shari'a Courts in Israel

Anthropology of Law in Muslim Sudan analyses the hybridity of law systems and the plurality of legal practices in rural and urban contexts of contemporary Sudan, shedding light

on the complex relation between Islam and society.

As the forces of globalisation and modernisation buffet Islam and other world religions, Indonesia's 200 million Muslims are expressing their faith in ever more complex ways. This book examines some of the ways in which Islam is expressed in contemporary Indonesian life and politics. Editors from Australian National University.

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.

Volume II: Intestate Succession

An Annotated Bibliography & Research Guide

Report of the Commission on the Law of Succession

A Background to Wills in Kenya

Islamic Law in Africa

The Past Meeting the Present and Thoughts for the Future

Exploring the rules that apply when a person dies without leaving a valid will, 'Intestate Succession' delivers a comparative and historical review of the relevant law in Europe and beyond, including an analysis of legal development, justifications, and reform.

The rapid expansion of the halal industry and its markets has occurred not only in the heavily Islamic regions of Southeast Asia and the Middle East, but also in more unexpected countries such as Turkey, Japan, and South Korea, plus many others around the world. Yet despite both the increasing number of practicing Muslims and the demand for halal products worldwide, a base of scholarship on the subject has never emerged. The industry has been more market driven rather than knowledge driven. As such, industry operators have frequently drawn attention to the absence of such an authoritative text, one that would elucidate the shariah credibly of halal as well as its market presence. Mohammad Hashim Kamali's Shariah and the Halal Industry is designed to fill this gap. The first of its kind in the English language, the book is written in an accessible and reader-friendly style by a world-renowned authority on Islamic law and jurisprudence. The book serves as a reference on the shariah foundations of halal and meets the needs not only of industry operators and decision-makers, but also of students, scholars of Islam, and the many practicing Muslims who are customers of the halal industry across the globe. The book can also serve to educate the general public and non-specialist readers on Islam and shariah law at-large.

In many parts of Africa three different systems of laws are concurrently applied – the imported "Colonial" law, the indigenous customary law and Islamic law. In some countries the customary and the Islamic law are kept separate and distinct, while in others they are fused into a single system. This volume represents a unique survey of the extent to which Islamic law is in fact applied in those parts of East and West Africa which were at one time under British administration. It examines the relevant legislation and case law, much of which has never appeared in any Law Reports; the judges and courts which apply it and the problems to which its application give rise.

With Special Reference to the Law of Succession in Malaya

Land, Courts and the Plurality of Practices

Indian Legal History 2006

Volume III: Mandatory Family Protection

A Study Based on Decisions of Druze Arbitrators and Religious Courts in Israel and the Golan Heights

An Outline of Islamic Customary Law in Ghana

Offers an annotated source for the study of the public and private lives of South Asian Muslim women.

This book is about the protection from disinheritance. Regardless of what a person's will might say, the closest relatives usually have a claim to some of the deceased's property. The book explores this issue in a sample of countries in Europe as well as in the USA, Canada, Latin America, China, South Africa, Australia, and New Zealand.

In "Islamic Family Law in a Changing World," Abdullahi A. An-Na'im explores the practice of the Shari'a, commonly known as Islamic Family Law. An-Na'im shows that the practical application of Shari'a principles is often modified by theological differences of interpretation, a country's particular customary practices, and state policy and law.

The Inheritance Law

A Shari'a Path in a Secular Society

Mirath

The Islamic Quarterly

A Critical Appr[a]isal of Judicial Interpretation in Kashmir

Gender Perspectives in Property Management and Control