The Impossible State Hallaq

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The Symbolic Scenarios of Islamism

Since Edward Said's foundational work, Orientalism has been singled out for critique as the quintessential example of Western intellectuals' collaboration with oppression. Controversies over the imbrications of knowledge and power and the complicity of Orientalism in the larger project of colonialism have

been waged among generations of scholars. But has Orientalism come to stand in for all of the sins of European modernity, at the cost of neglecting the complicity of the rest of the academic disciplines? In this landmark theoretical investigation, Wael B. Hallaq reevaluates and deepens the critique of Orientalism in order to deploy it for rethinking the foundations of the modern project. Refusing to isolate or scapegoat Orientalism, Restating Orientalism extends the critique to other fields, from law, philosophy, and scientific inquiry to core ideas of academic thought such as sovereignty and the self. Hallaq traces their involvement in colonialism, mass annihilation, and systematic destruction of the natural world, interrogating and historicizing the set of causes that permitted modernity to wed knowledge to power. Restating Orientalism offers a bold rethinking of the theory of the author, the concept of sovereignty, and the place of the secular Western self in the modern project, reopening the problem of power and knowledge to an ethical critique and ultimately theorizing an exit from modernity's predicaments. A remarkably ambitious attempt to overturn the foundations of a wide range of academic disciplines while also drawing on the best they have to offer, Restating Orientalism exposes the depth of academia's lethal complicity in modern forms of capitalism, colonialism, and hegemonic power.

The State in Early Modern France

The Symbolic Scenarios of Islamism initiates a dialogue between the discourse of three of the most

discussed figures in the history of the Sunni Islamic movement—Hasan al-Banna, Sayyid Qutb, and Osama bin Laden—and contemporary debates across religion and political theory, providing a crucial foundation upon which to situate current developments in world politics. Redressing the inefficiency of the terms in which the debate on Islam and Islamism is generally conducted, the book examines the role played by tradition, modernity, and transmodernity as major "symbolic scenarios" of Islamist discourses, highlighting the internal complexity and dynamism of Islamism. By uncovering forms of knowledge that have hitherto gone unnoticed or have been marginalised by traditional and dominant approaches to politics, accounting for central political ideas in non-Western sources and in the Global South, the book provides a unique contribution towards rethinking the nature of citizenship, antagonism, space, and frontiers required today. While offering valuable reading for scholars of Islamic studies, religious studies and politics, it provides a critical perspective for academics with an interest in discourse theory, post-colonial theory, political philosophy, and comparative political thought.

The Concept of an Islamic State

This book examines the cultural responses of Muslims to the transformations, contradictions and challenges confronting contemporary Islam as it moves towards the twenty-first century. The diffusion of populations, the globalization of culture and the forces of postmodernity have shaken the world like never

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before. These developments have generated a debate among Muslims which, as the contributors to this volume show, will have far-reaching consequences not just for the Muslim world, but for relations between Islam and the West more generally.

Islamic Law and International Human Rights Law

In Islamic Exceptionalism, Brookings Institution scholar and acclaimed author Shadi Hamid offers a novel and provocative argument on how Islam is, in fact, "exceptional" in how it relates to politics, with profound implications for how we understand the future of the Middle East. Divides among citizens aren't just about power but are products of fundamental disagreements over the very nature and purpose of the modern nation state—and the vexing problem of religion's role in public life. Hamid argues for a new understanding of how Islam and Islamism shape politics by examining different models of reckoning with the problem of religion and state, including the terrifying—and alarmingly successful—example of ISIS. With unprecedented access to Islamist activists and leaders across the region, Hamid offers a panoramic and ambitious interpretation of the region's descent into violence. Islamic Exceptionalism is a vital contribution to our understanding of Islam's past and present, and its outsized role in modern politics. We don't have to like it, but we have to understand it—because Islam, as a religion and as an idea, will continue to be a force that shapes not just the region, but the West as well in the

decades to come.

Shari'a Scripts

This book advances an Islamic political philosophy based on the concept of Ihsan, which means to do beautiful things. The author moves beyond the dominant model of Islamic governance advanced by modern day Islamists. The political philosophy of Ihsan privileges process over structure, deeds over identity, love over law and mercy and forgiveness over retribution. The work invites Muslims to move away from thinking about the form of Islamic government and to strive to create a self-critical society that defends national virtue and generates institutions and practices that provide good governance.

Muhammad: A Very Short Introduction

In The Politics of Islamic Law, Iza Hussin compares India, Malaya, and Egypt during the British colonial period in order to trace the making and transformation of the contemporary category of 'Islamic law.' She demonstrates that not only is Islamic law not the shari'ah, its present institutional forms, substantive content, symbolic vocabulary, and relationship to state and society—in short, its politics—are built upon foundations laid during the colonial encounter. Drawing on extensive archival work in English, Arabic, and Malay—from court records to colonial and local papers to private letters and visual material—Hussin offers a view of politics in

the colonial period as an iterative series of negotiations between local and colonial powers in multiple locations. She shows how this resulted in a paradox, centralizing Islamic law at the same time that it limited its reach to family and ritual matters, and produced a transformation in the Muslim state, providing the frame within which Islam is articulated today, setting the agenda for ongoing legislation and policy, and defining the limits of change. Combining a genealogy of law with a political analysis of its institutional dynamics, this book offers an up-close look at the ways in which global transformations are realized at the local level.

Religious Difference in a Secular Age

In Secular Translations, the anthropologist Talal Asad reflects on his lifelong engagement with secularism and its contradictions. He draws out the ambiguities in our concepts of the religious and the secular through a rich consideration of translatability and untranslatability, exploring the circuitous movements of ideas between histories and cultures. In search of meeting points between the language of Islam and the language of secular reason, Asad gives particular importance to the translations of religious ideas into nonreligious ones. He discusses the claim that liberal conceptions of equality represent earlier Christian ideas translated into secularism; explores the ways that the language and practice of religious ritual play an important but radically transformed role as they are translated into modern life; and considers the history of the idea of the self and its centrality to the

project of the secular state. Secularism is not only an abstract principle that modern liberal democratic states espouse, he argues, but also a range of sensibilities. The shifting vocabularies associated with each of these sensibilities are fundamentally intertwined with different ways of life. In exploring these entanglements, Asad shows how translation opens the door for—or requires—the utter transformation of the translated. Drawing on a diverse set of thinkers ranging from al-Ghazālī to Walter Benjamin, Secular Translations points toward new possibilities for intercultural communication, seeking a language for our time beyond the language of the state.

Understanding Islamic Law

Secular Translations

This book is a post-revisionist history of the late Ottoman Empire that makes a major contribution to Ottoman scholarship.

The Impossible State

Renewed authoritarianism, national disintegration, sectarian violence, and the increasing radicalization of Jihadi-Salafism since the Arab uprisings have significantly blurred visions for constructive religion-state-society relations in the MENA region. The dissolution of the 'Arab Spring'seems to have revived the questionable notion of Islamic exceptionalism. In

sharp contrast, this book seeks to invalidate the supposed incompatibility of Islam and secular democracy. It outlines a complex Islamic political theology that undermines the religious basis of the unification of religionand state, offering religious justification for their separation. Naser Ghobadzadeh coins the seemingly oxymoronic notion 'religious secularity' to encapsulate the Islamic quest to emancipate religion from state. In simultaneous opposition to both the politicisation of Islam and authoritarian secularism, religious secularity employs Islamic sources such as theQuran and Hadiths to articulate a robust religious rationale for state secularism. Whereas mainstream literature frequently presents being secular as 'antithetical to being religious', religious secularity blurs the boundaries between the 'religious' and the 'secular'. This book suggests that therift between the religious and the secular is no more pronounced than the relationship between the two understood in dualistic terms, as evinced by Islamic history. Thus, religious secularity supports a theoretical shift away from the religious-secular dichotomy.

Mirror For the Muslim Prince

Politics of Piety is a groundbreaking analysis of Islamist cultural politics through the ethnography of a thriving, grassroots women's piety movement in the mosques of Cairo, Egypt. Unlike those organized Islamist activities that seek to seize or transform the state, this is a moral reform movement whose orthodox practices are commonly viewed as

inconsequential to Egypt's political landscape. Saba Mahmood's compelling exposition of these practices challenges this assumption by showing how the ethical and the political are indelibly linked within the context of such movements. Not only is this book a sensitive ethnography of a critical but largely ignored dimension of the Islamic revival, it is also an unflinching critique of the secular-liberal principles by which some people hold such movements to account. The book addresses three central questions: How do movements of moral reform help us rethink the normative liberal account of politics? How does the adherence of women to the patriarchal norms at the core of such movements parochialize key assumptions within feminist theory about freedom, agency, authority, and the human subject? How does a consideration of debates about embodied religious rituals among Islamists and their secular critics help us understand the conceptual relationship between bodily form and political imaginaries? Politics of Piety is essential reading for anyone interested in issues at the nexus of ethics and politics, embodiment and gender, and liberalism and postcolonialism.

Religious Secularity

The first translation of this work by Ibn Taymiyya, one of the greatest thinkers of medieval Islam, the book is a critique of Greek logic, which he saw as the source of the erroneous and heretical metaphysics propounded by medieval philosophers, theologians and mystics.

Constituting Religion

In recent years, Islamic law, or Shari'a, has been appropriated as a tool of modernity in the Muslim world and in the West and has become highly politicised in consequence. Wael Hallaq's magisterial overview of Shari'a sets the record straight by examining the doctrines and practices of Islamic law within the context of its history, and by showing how it functioned within pre-modern Islamic societies as a moral imperative. In so doing, Hallaq takes the reader on an epic journey tracing the history of Islamic law from its beginnings in seventh-century Arabia, through its development and transformation under the Ottomans, and across lands as diverse as India, Africa and South-East Asia, to the present. In a remarkably fluent narrative, the author unravels the complexities of his subject to reveal a love and deep knowledge of the law which will inform, engage and challenge the reader.

Islam in Liberalism

What happens when authorities you venerate condone something you know is wrong? Every major religion and philosophy once condoned or approved of slavery, but in modern times nothing is seen as more evil. Americans confront this crisis of authority when they erect statues of Founding Fathers who slept with their slaves. And Muslims faced it when ISIS revived sex-slavery, justifying it with verses from the Quran and the practice of Muhammad. Exploring the moral and ultimately theological problem of slavery,

Jonathan A.C. Brown traces how the Christian, Jewish and Islamic traditions have tried to reconcile modern moral certainties with the infallibility of God's message. He lays out how Islam viewed slavery in theory, and the reality of how it was practiced across Islamic civilization. Finally, Brown carefully examines arguments put forward by Muslims for the abolition of slavery.

The Politics of Islamic Law

Wael B. Hallaq boldly argues that the ÒIslamic state,Ó judged by any standard definition of what the modern state represents, is both impossible and inherently self-contradictory. Comparing the legal, political, moral, and constitutional histories of premodern Islam and Euro-America, he finds the adoption and practice of the modern state to be highly problematic for modern Muslims. He also critiques more expansively modernityÕs moral predicament, which renders impossible any project resting solely on ethical foundations. The modern state not only suffers from serious legal, political, and constitutional issues, Hallaq argues, but also, by its very nature, fashions a subject inconsistent with what it means to be, or to live as, a Muslim. By Islamic standards, the stateÕs technologies of the self are severely lacking in moral substance, and todayÕs Islamic state, as Hallaq shows, has done little to advance an acceptable form of genuine ShariÕa governance. The IslamistsÕ constitutional battles in Egypt and Pakistan, the Islamic legal and political failures of the Iranian Revolution, and similar disappointments underscore

this fact. Nevertheless, the state remains the favored template of the Islamists and the ulama (Muslim clergymen). Providing Muslims with a path toward realizing the good life, Hallaq turns to the rich moral resources of Islamic history. Along the way, he proves political and other Òcrises of IslamÓ are not unique to the Islamic world nor to the Muslim religion. These crises are integral to the modern condition of both East and West, and by acknowledging these parallels, Muslims can engage more productively with their Western counterparts.

For Love of the Prophet

A penetrating analysis of the relationship between authority, continuity and change in Islamic law.

Politics of Piety

The Second Formation of Islamic Law is the first book to deal with the rise of an official school of law in the post-Mongol period. The author explores how the Ottoman dynasty shaped the structure and doctrine of a particular branch within the Hanafi school of law. In addition, the book examines the opposition of various jurists, mostly from the empire's Arab provinces, to this development. By looking at the emergence of the concept of an official school of law, the book seeks to call into question the grand narratives of Islamic legal history that tend to see the nineteenth century as the major rupture. Instead, an argument is formed that some of the supposedly nineteenth-century developments, such as the

codification of Islamic law, are rooted in much earlier
centuries. In so doing, the book offers a new
periodization of Islamic legal history in the eastern
Islamic lands.

An Introduction to Islamic Law

In this book, one of the world's leading social theorists
presents a critical, alarmed, but also nuanced
understanding of the post-traditional world we inhabit
today. Jeffrey Alexander writes about modernity as
historical time and social condition, but also as
ideology and utopia. The idea of modernity embodies
the Enlightenment's noble hopes for progress and
rationality, but its reality brings great suffering and
exposes the destructive impulses that continue to
motivate humankind. Alexander examines how
twentieth-century theorists struggled to comprehend
the Janus-faced character of modernity, which looks
backward and forward at the same time. Weber linked
the triumph of worldly asceticism to liberating
autonomy but also ruthless domination, describing
flights from rationalization as systemic and
dangerous. Simmel pointed to the otherness haunting
modernity, even as he normalized the stranger.
Eisenstadt celebrated Axial Age transcendence, but
acknowledged its increasing capacity for barbarity.
Parsons heralded American community, but ignored
modernity's fragmentations. Rather than seeking to
resolve modernity's contradictions, Alexander argues
that social theory should accept its Janus-faced
character. It is a dangerous delusion to think that
modernity can eliminate evil. Civil inclusion and anti-

civil exclusion are intertwined. Alexander enumerates dangerous frictions endemic to modernity, but he also suggests new lines of social amelioration and emotional repair.

Restating Orientalism

Wael B. Hallaq has already established himself as one of the most eminent scholars in the field of Islamic law. In this book, first published in 1997, the author traces the history of Islamic legal theory from its early beginnings until the modern period. Initially, he focuses on the early formation of this theory, analysing its central themes and examining the developments which gave rise to a variety of doctrines. He concludes with a discussion of modern thinking about the theoretical foundations and methodology of Islamic law. In organisation, approach to the subject and critical apparatus, the book will be an essential tool for the understanding of Islamic legal theory in particular and Islamic law in general. This, in combination with an accessibility of language and style, will guarantee a readership among students and scholars and anyone interested in Islam and its evolution.

Islamic Exceptionalism

Opening with the provocative query "what might an anthropology of the secular look like?" this book explores the concepts, practices, and political formations of secularism, with emphasis on the major historical shifts that have shaped secular sensibilities

and attitudes in the modern West and the Middle East. Talal Asad proceeds to dismantle commonly held assumptions about the secular and the terrain it allegedly covers. He argues that while anthropologists have oriented themselves to the study of the "strangeness of the non-European world" and to what are seen as non-rational dimensions of social life (things like myth, taboo, and religion),the modern and the secular have not been adequately examined. The conclusion is that the secular cannot be viewed as a successor to religion, or be seen as on the side of the rational. It is a category with a multi-layered history, related to major premises of modernity, democracy, and the concept of human rights. This book will appeal to anthropologists, historians, religious studies scholars, as well as scholars working on modernity.

In Quest of Justice

The study of Islamic law can be a forbidding prospect for those entering the field for the first time. Wael Hallaq, a leading scholar and practitioner of Islamic law, guides students through the intricacies of the subject in this absorbing introduction. The first half of the book is devoted to a discussion of Islamic law in its pre-modern natural habitat. The second part explains how the law was transformed and ultimately dismantled during the colonial period. In the final chapters, the author charts recent developments and the struggles of the Islamists to negotiate changes which have seen the law emerge as a primarily textual entity focused on fixed punishments and ritual requirements. The book, which includes a chronology,

a glossary of key terms, and lists of further reading, will be the first stop for those who wish to understand the fundamentals of Islamic law, its practices and history.

Philosophy in the Islamic World: A Very Short Introduction

In this volume, a group of distinguished scholars reinterpret concepts and canons of Islamic thought in Arab, Persian, South Asian, and Turkish traditions. They demonstrate that there is no unitary "Islamic" position on important issues of statecraft and governance. They recognize that Islam is a discursive site marked by silences, agreements, and animated controversies. Rigorous debates and profound disagreements among Muslim theologians, philosophers, and literati have taken place over such questions as: What is an Islamic state? Was the state ever viewed as an independent political institution in the Islamic tradition of political thought? Is it possible that a religion that places an inordinate emphasis upon the importance of good deeds does not indeed have a vigorous notion of "public interest" or a systematic theory of government? Does Islam provide an edifice, a common idiom, and an ideological mooring for premodern and modern Muslim rulers alike? The nuanced reading of the Islamic traditions provided in this book will help future generations of Muslims contemplate a more humane style of statecraft.

Pragmatism in Islamic Law

In recent years, Islamic law, or Shari'a, has increasingly occupied center stage in the languages and practices of politics in the Muslim world as well as in the West. Popular narratives and quasi-scholarly accounts have distorted Shari'a principles and practices of the past, conflating them with distinctly modern, negative and highly politicised reincarnations. Wael B. Hallaq's magisterial overview sets the record straight by examining the doctrines and practices of the Shari'a within the context of its history, and by showing how it functioned within pre-modern Islamic societies as a moral imperative. In so doing, Hallaq takes the reader on an epic journey tracing the history of Islamic law from its beginnings in seventh-century Arabia, through its development and transformation under the Ottomans, and across lands as diverse as India, Africa and South-East Asia, to the present. In a remarkably fluent narrative, the author unravels the complexities of his subject to reveal a love and deep knowledge of the law which will inform, engage and challenge the reader.

Ibn Taymiyya Against the Greek Logicians

In the popular imagination, Islam is often associated with words like oppression, totalitarianism, intolerance, cruelty, misogyny, and homophobia, while its presumed antonyms are Christianity, the West, liberalism, individualism, freedom, citizenship, and democracy. In the most alarmist views, the West's most cherished values—freedom, equality, and tolerance—are said to be endangered by Islam

worldwide. Joseph Massad's Islam in Liberalism explores what Islam has become in today's world, with full attention to the multiplication of its meanings and interpretations. He seeks to understand how anxieties about tyranny, intolerance, misogyny, and homophobia, seen in the politics of the Middle East, are projected onto Islam itself. Massad shows that through this projection Europe emerges as democratic and tolerant, feminist, and pro-LGBT rights—or, in short, Islam-free. Massad documents the Christian and liberal idea that we should missionize democracy, women's rights, sexual rights, tolerance, equality, and even therapies to cure Muslims of their un-European, un-Christian, and illiberal ways. Along the way he sheds light on a variety of controversial topics, including the meanings of democracy—and the ideological assumption that Islam is not compatible with it while Christianity is—women in Islam, sexuality and sexual freedom, and the idea of Abrahamic religions valorizing an interfaith agenda. Islam in Liberalism is an unflinching critique of Western assumptions and of the liberalism that Europe and Euro-America blindly present as a type of salvation to an assumingly unenlightened Islam.

Formations of the Secular

Drawing on traditional Muslim sources, Michael Cook describes Muhammad's life and teaching. He also attempts to stand back from this traditional picture to show how far it is historically justified.

The Second Formation of Islamic Law

A major new textbook examining the nature of the state and the monarchy in early modern France.

Authority, Continuity and Change in Islamic Law

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 states 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.

Reforming Modernity

Reforming Modernity is a sweeping intellectual history and philosophical reflection built around the work of

the Morocco-based philosopher Abdurrahman Taha, one of the most significant philosophers in the Islamic world since the colonial era. Wael B. Hallaq contends that Taha is at the forefront of forging a new, non-Western-centric philosophical tradition. He explores how Taha's philosophical project sheds light on recent intellectual currents in the Islamic world and puts forth a formidable critique of Western and Islamic modernities. Hallaq argues that Taha's project departs from—but leaves behind—the epistemological grounds in which most modern Muslim intellectuals have anchored their programs. Taha systematically rejects the modes of thought that have dominated the Muslim intellectual scene since the beginning of the twentieth century—nationalism, Marxism, secularism, political Islamism, and liberalism. Instead, he provides alternative ways of thinking, forcefully and virtuosically developing an ethical system with a view toward reforming existing modernities. Hallaq analyzes the ethical thread that runs throughout Taha's oeuvre, illuminating how Taha weaves it into a discursive engagement with the central questions that plague modernity in both the West and the Muslim world. The first introduction to Taha's ethical philosophy for Western audiences, Reforming Modernity presents his complex thought in an accessible way while engaging with it critically. Hallaq's conversation with Taha's work both proffers a cogent critique of modernity and points toward answers for its endemic and seemingly insoluble problems.

Alternative Paradigms

In the history of philosophy, few topics are so relevant to today's cultural and political landscape as philosophy in the Islamic world. Yet, this remains one of the lesser-known philosophical traditions. In this Very Short Introduction, Peter Adamson explores the history of philosophy among Muslims, Jews, and Christians living in Islamic lands, from its historical background to thinkers in the twentieth century. Introducing the main philosophical themes of the Islamic world, Adamson integrates ideas from the Islamic and Abrahamic faiths to consider the broad philosophical questions that continue to invite debate: What is the relationship between reason and religious belief? What is the possibility of proving God's existence? What is the nature of knowledge? Drawing on the most recent research in the field, this book challenges the assumption of the cultural decline of philosophy and science in the Islamic world by demonstrating its rich heritage and overlap with other faiths and philosophies.

A History of Islamic Legal Theories

The relationship between Islamic law and international human rights law has been the subject of considerable, and heated, debate in recent years. The usual starting point has been to test one system by the standards of the other, asking is Islamic law 'compatible' with international human rights standards, or vice versa. This approach quickly ends in acrimony and accusations of misunderstanding. By overlaying one set of norms on another we overlook the deeply contextual nature of how legal rules

operate in a society, and meaningful comparison and discussion is impossible. In this volume, leading experts in Islamic law and international human rights law attempt to deepen the understanding of human rights and Islam, paving the way for a more meaningful debate. Focusing on central areas of controversy, such as freedom of speech and religion, gender equality, and minority rights, the authors examine the contextual nature of how Islamic law and international human rights law are legitimately formed, interpreted, and applied within a community. They examine how these fundamental interests are recognized and protected within the law, and what restrictions are placed on the freedoms associated with them. By examining how each system recognizes and limits fundamental freedoms, this volume clears the ground for exploring the relationship between Islamic law and international human rights law on a sounder footing. In doing so it offers a challenging and distinctive contribution to the literature on the subject, and will be an invaluable reference for students, academics, and policy-makers engaged in the legal and religious debates surrounding Islam and the West.

Sharia (South Asian Edition)

In Pragmatism in Islamic Law, Ibrahim presents a detailed history of Sunni legal pluralism and the ways in which it was employed to accommodate the changing needs of society. Since the formative period of Islamic law, jurists have debated whether it is acceptable for a law to be selected based on its

utility, rather than weighing conflicting articulations of
the law to determine the most likely expression of the
divine will. Virtually unanimous opposition to the
utilitarian approach, referred to as "pragmatic
eclecticism," emerged among early Islamic jurists.
However, due to a host of changing institutional and
socioeconomic transformations, a trend toward the
legitimization of pragmatic eclecticism arose in the
thirteenth century. Subsequently, the Mamluk
authorities institutionalized this pragmatism when
Sultan Baybars appointed four chief judges
representing the four Sunni schools in Cairo in 1265
CE. After a brief attempt to reverse Mamluk pluralism
by imposing the Hanafi school in the sixteenth
century, Egypt's new rulers, the Ottomans, embraced
this pluralistic pragmatism. In examining over a
thousand cases from three seventeenth- and
eighteenthcentury Egyptian courts, Ibrahim traces the
internal logic of pragmatic eclecticism under the
Ottomans. An array of archival sources documents
the manner in which Egyptian society's subaltern
classes navigated Sunni legal pluralism as a tool to
avoid more austere legal doctrines. The ensuing
portrait challenges the assumption made by many
modern historians that the utilitarian approaches
adopted by nineteenth- and twentieth-century Muslim
reformers constituted a clear rupture with early
Islamic legal history. In contrast, many of the legal
strategies exercised in Egypt's partial codification of
family law in the twentieth century were rooted in
premodern Islamic jurisprudence.

Slavery and Islam

What should be the place of Shari'a - Islamic religious law - in predominantly Muslim societies of the world? In this book, a Muslim scholar and human rights activist envisions a positive and sustainable role for Shari'a, based on a profound rethinking of the relationship between religion and the secular state in all societies.

Islam, Globalization and Postmodernity

Many scholars were convinced that the existing Western style of life, thought, and political institutions could easily be adapted to Muslim societies by bringing them into line with Islamic belief systems and rules. But after some experiences they were surprised when even intellectuals who had Western academic training remained deeply attached to Islam. In this book, Davutoglu develops a comparative analysis between Western and Islamic political theories and images. His argument contends that the conflicts and contrasts between Islamic and Western political thought originate from their philosophical, methodological, and theoretical background rather than mere institutional and historical differences. The questions of how and through which processes these alternative conceptions of the world affect political ideas via a set of axiological presuppositions are the crux of the book. Contents: Transliteration; Introduction; I. Theoretical Inquiries. Western Paradigm: Ontological Proximity; Islamic Paradigm: Tawhid and Ontological Differentiation; II. Political Consequences. Justification of the Socio-Political System: Cosmologico-Ontological Foundations;

Legitimation of Political Authority: Epistemologico-Axiological Foundations; Power Theories and Pluralism; The Political Unit and the Universal Political System; Concluding Comparative Remarks.

The Impossible State

A case study in the textual architecture of the venerable legal and ethical tradition at the center of the Islamic experience, Sharīʿa Scripts is a work of historical anthropology focused on Yemen in the early twentieth century. There—while colonial regimes, late Ottoman reformers, and early nationalists wrought decisive changes to the legal status of the sharīʿa, significantly narrowing its sphere of relevance—the Zaydī school of jurisprudence, rooted in highland Yemen for a millennium, still held sway. Brinkley Messick uses the richly varied writings of the Yemeni past to offer a uniquely comprehensive view of the sharīʿa as a localized and lived phenomenon. Sharīʿa Scripts reads a wide spectrum of sources in search of a new historical-anthropological perspective on Islamic textual relations. Messick analyzes the sharīʿa as a local system of texts, distinguishing between theoretical or doctrinal juridical texts (or the "library") and those produced by the sharīʿa courts and notarial writers (termed the "archive"). Attending to textual form, he closely examines representative books of madrasa instruction; formal opinion-giving by muftis and imams; the structure of court judgments; and the drafting of contracts. Messick's intensive readings of texts are supplemented by retrospective ethnography and oral history based on extensive field research.

Further, the book ventures a major methodological contribution by confronting anthropology's longstanding reliance upon the observational and the colloquial. Presenting a new understanding of Islamic legal history, Sharīʿa Scripts is a groundbreaking examination of the interpretative range and historical insights offered by the anthropologist as reader.

Religious Education

The Second Ottoman Empire

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.

Islam and Good Governance

Wael B. Hallaq boldly argues that the "Islamic state," judged by any standard definition of what the modern state represents, is both impossible and inherently self-contradictory. Comparing the legal, political, moral, and constitutional histories of premodern Islam and Euro-America, he finds the adoption and practice of the modern state to be highly problematic for modern Muslims. He also critiques more expansively modernity's moral predicament, which renders impossible any project resting solely on ethical foundations. The modern state not only suffers from serious legal, political, and constitutional issues, Hallaq argues, but also, by its very nature, fashions a subject inconsistent with what it means to be, or to live as, a Muslim. By Islamic standards, the state's technologies of the self are severely lacking in moral substance, and today's Islamic state, as Hallaq shows, has done little to advance an acceptable form of genuine Shari'a governance. The Islamists' constitutional battles in Egypt and Pakistan, the Islamic legal and political failures of the Iranian Revolution, and similar disappointments underscore this fact. Nevertheless, the state remains the favored

template of the Islamists and the ulama (Muslim clergymen). Providing Muslims with a path toward realizing the good life, Hallaq turns to the rich moral resources of Islamic history. Along the way, he proves political and other "crises of Islam" are not unique to the Islamic world nor to the Muslim religion. These crises are integral to the modern condition of both East and West, and by acknowledging these parallels, Muslims can engage more productively with their Western counterparts.

The Dark Side of Modernity

In Quest of Justice provides the first full account of the establishment and workings of a new kind of state in Egypt in the modern period. Drawing on groundbreaking research in the Egyptian archives, this highly original book shows how the state affected those subject to it and their response. Illustrating how shari'a was actually implemented, how criminal justice functioned, and how scientific-medical knowledges and practices were introduced, Khaled Fahmy offers exciting new interpretations that are neither colonial nor nationalist. Moreover he shows how lower-class Egyptians did not see modern practices that fused medical and legal purposes in new ways as contrary to Islam. This is a major contribution to our understanding of Islam and modernity.

Islam and the Secular State

For some, the idea of an Islamic state serves to fulfill

aspirations for cultural sovereignty and new forms of ethical political practice. For others, it violates the proper domains of both religion and politics. Yet, while there has been much discussion of the idea and ideals of the Islamic state, its possibilities and impossibilities, surprisingly little has been written about how this political formation is lived. For Love of the Prophet looks at the Republic of Sudan's twenty-five-year experiment with Islamic statehood. Focusing not on state institutions, but rather on the daily life that goes on in their shadows, Noah Salomon's careful ethnography examines the lasting effects of state Islamization on Sudanese society through a study of the individuals and organizations working in its midst. Salomon investigates Sudan at a crucial moment in its history—balanced between unity and partition, secular and religious politics, peace and war—when those who desired an Islamic state were rethinking the political form under which they had lived for nearly a generation. Countering the dominant discourse, Salomon depicts contemporary Islamic politics not as a response to secularism and Westernization but as a node in a much longer conversation within Islamic thought, augmented and reappropriated as state projects of Islamic reform became objects of debate and controversy. Among the first books to delve into the making of the modern Islamic state, For Love of the Prophet reveals both novel political ideals and new articulations of Islam as it is rethought through the lens of the nation.

Sharī'a

The authors of this volume examine theory and practice regarding past and present roles of Jewish, Christian and Islamic religious education in nurturing tolerance, interpreted as mutual respect for and recognition of other groups, in Eastern (Albania, Bulgaria, Kosovo, Macedonia, Moldova, Montenegro and Romania) and Western (Finland, Germany, Italy, Latvia and Spain) Europe, Israel, Nigeria and Uzbekistan. They also explore potential roles of religion and exclusivism in fostering (Islamic state, NGOs, etc.), but also averting (Islamic legal theory, authority, Sufism, etc.) radicalization, and of secular states in allowing, but also banning minority religious education in public schools.With contributions from Friedrich Schweitzer, Martin Rothgangel, Gerhard Langer, Daniela Stan, Arto Kallioniemi, Juan Ferreiro Galguera, Maria Chiara Giorda, Rossana M. Salerno, Viorica Goraş-Postică, Constantin Iulian Damian, Valentin Ilie, Dzintra Iliško, Ayman Agbaria, Zilola Khalilova, Raid al-Daghistani, Osman Taştan, Moshe Ma'oz, Adriana Cupcea, Muhamed Ali, Rüdiger Lohlker and Dele Ashiru. The Editors Ednan Aslan is the Chair of Islamic Theological studies at the University of Vienna where he is a Professor for Islamic Education. Margaret Rausch is scholar, researcher and university instructor in the field of Islamic and Religious Studies.

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