

# CONSTITUTIONALISM IN ISLAMIC COUNTRIES

Presented by: *[Name]*



# Constitutionalism In Islamic Countries Between Upheaval And Continuity

**Rainer Grote, Tilmann J. Röder**



## **Constitutionalism In Islamic Countries Between Upheaval And Continuity:**

**Constitutionalism in Islamic Countries: Between Upheaval and Continuity** Rainer Grote, Tilmann J.

Röder, 2012-02-16 Constitutionalism in Islamic Countries Between Upheaval and Continuity offers a comprehensive analysis of the issues associated with the theory and practice of constitutionalism in Islamic countries. This collection of essays is written by leading constitutional and comparative law scholars and constitutional practitioners and essays provide readers with an overview of the constitutional developments in countries in the Islamic world, an understanding of the potential and actual impact of Islam and Sharia on the notion of modern constitutionalism and insight into the ways in which Western ideals may be reconciled with Islamic tradition.

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Röder, 2012 This volume examines the question of whether something similar to an Islamic constitutionalism has emerged out of the political and constitutional upheaval witnessed in many parts of North Africa, the Middle East and Central and Southern Asia in order to identify its defining features and to assess the challenges it poses to established concepts of constitutionalism. This book offers an integrated analysis of the constitutional experience of Islamic countries drawing on the methods and insights of comparative constitutional law, Islamic law, international law and legal history.

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Constitutionalism, Human Rights, and Islam After the Arab Spring Rainer Grote, Tilmann J. Röder, Ali M. El-Haj, 2016 Constitutionalism, Human Rights and Islam after the Arab Spring offers a comprehensive analysis of the impact that new and draft constitutions and amendments such as those in Jordan, Morocco, Syria, Egypt and Tunisia have had on the transformative processes that drive constitutionalism in Arab countries. This book aims to identify and analyze the key issues facing constitutional law and democratic development in Islamic states and offers an in-depth examination of the relevance of the transformation processes for the development and future of constitutionalism in Arab countries. Using an encompassing and multi-faceted approach, this book explores underlying trends and currents that have been pivotal to the Arab Spring while identifying and providing a forward-looking view of constitution making in the Arab world.

*Islam, Constitutional Law and Human Rights* Tommaso Virgili, 2021-09-15 This book focuses on Islamic constitutionalism and in particular on the relation between religion and the protection of individual liberties potentially clashing with sharia and the Islamic ethos. The analysis goes from general to particular, starting with a theoretical overview on constitutionalism, human rights and Islam, moving to the assessment of the post-Arab Spring Constitutions of Egypt and Tunisia and concluding with a specific focus on the rights of sexual minorities and freethinkers. Part I provides a theoretical account of the conception of constitutionalism and human rights in Islam compared

and contrasted with Western constitutionalism A set of issues where the tension between sharia and human rights is accentuated is analysed against the backdrop of the main Islamic charters of rights Part II conducts a similar assessment based on the Constitutions of Tunisia and Egypt the two main epicentres of the Arab Spring Part III moves to two specific rights in the same countries from the twofold perspective of the Constitutions and international law the freedom from interference in one's intimate life with particular regard to homosexuality and the freedom of holding and expressing nonconventional beliefs deemed unacceptable from the point of view of traditional Islam These issues have been chosen as representative of the most controversial still considered taboo in both legal and social terms hence at the fringes of the debate on individual freedoms Focusing on two overlooked and underexplored issues the work thus pushes the boundaries of the human rights discourse in Muslim contexts

**Political and Constitutional Transitions in North Africa** Justin Frosini, Francesco Biagi, 2014-12-05 The transformations which are taking place in the Arab world are dynamic processes characterised by a number of variables that one can refer to as actors and factors The implications of the Arab uprisings are important for the world at large the Arab world's successes and failures at this crucial moment may well serve as a model for other nations Political and Constitutional Transitions in North Africa focuses on five Northern African countries Tunisia Egypt Morocco Libya and Algeria examining specific institutions and actors participating in the political upheavals in North Africa since 2011 and placing them in a comparative perspective in order to better understand the processes at work This book addresses issues pertinent to North African and Middle Eastern Studies comparative constitutional law political science and transitional studies and it contains contributions by experts in all these fields Providing a significant contribution to the understanding of events that followed the immolation of Mohamed Bouazizi in Tunisia this book is a valuable contribution to North African Studies Middle Eastern Studies Comparative Constitutional Law and Transitional Studies

**Islamic State as a Legal Order** Federico Lorenzo Ramaioli, 2022-04-04 This book explores the legal dimension of the Islamic State an aspect which has hitherto been neglected in the literature ISIS dystopian experience intended as a short lived territorial and political governance has been analyzed from multiple points of view including the geopolitical social and religious ones However its legal dimension has never been properly dealt with in a comprehensive way assuming as a point of reference both the Islamic and the Western legal tradition This book analyzes ISIS as the expression of a potential though never fully realized legal order The book does not describe ISIS possible classifications according to the standards and the criteria of international law such as its possible statehood or proto statehood issues that are however touched upon Rather it analyzes ISIS own legal awareness based on the group's literary materials which show a considerable amount of juridical work Such material mainly propagandistic in its nature is essential in understanding which kind of legal order ISIS aimed at establishing The book will be of interest to students and academics in the fields of Law International Relations Political Sciences Terrorism Studies Religion and Middle Eastern Studies

Iran Revisited Ali Pirzadeh, 2016-04-20 This book examines

Modern Iran through an interdisciplinary analysis of its cultural norms history and institutional environment The goal is to underline strengths and weaknesses of Iranian society as a whole and to illustrate less prescriptive explanations for the way Iran is seen through a lens of persistent collective conduct rather than erratic historical occurrences Throughout its history Iran has been subject to many studies all of which have diagnosed the country s problem and prescribed solutions based on certain theoretical grounds This book intends to look inward seeking cultural explanations for Iran s perpetual inability to improve its society The theme in this book is based on the eloquent words of Nasir Khusrau a great Iranian poet *az mast ki bar mast* The words are from a poem describing a self adoring eagle that sees its life abruptly ended by an arrow winged with its own feathers the bird is doomed by its own vanity The closest interpretation of this idiom in Western Christian culture is you reap what you sow which conveys a similar message that underlines one s responsibility in the sense that sooner or later we must face the choices we make This would enable us to confront and live up to what Iran s history and culture have taught us

**Judicial Control of Public Administration in Afghanistan** Mirwais Ayobi, 2022-05-10 Judicial control of public administration is essential for the realisation of the rule of law and democracy To date there is virtually no effective judicial protection in Afghanistan However a study of Afghan legal history suggests that the country has certain currently underdeveloped institutions that could be used as the basis for the creation of judicial control Based on a historical study the book elaborates the pluralist legal culture of Afghanistan rooted in tribal and Islamic legal conceptions alongside a State legal system The author proposes practical solutions for the development of judicial control of public administration in Afghanistan Dr Mirwais Ayobi has more than a decade of experience as an assistant professor of law and political science in Afghanistan His work focuses on administrative law constitutional law public administration and judicial review

**UCLA Journal of International Law and Foreign Affairs** ,2013 **Michigan Law Review** ,2012 **Neue Bücher und Aufsätze in der Bibliothek** Germany. Bundestag. Bibliothek, 2012 The Evolution of Islamic Constitutional Theory and Practice from 610 to 1926 Kemal A. Faruki, 1971 *Theory and Practice in Islamic Constitutionalism* Pietro

Longo, 2019-04-22 The present work deals with Islamic law and the law of the Muslim countries More specifically the author has studied the constitutional law of the Islamic legal tradition starting from the perspective of the law of Caliphate Moreover this work focuses on the process of institutionalization which since the first half of 19th century led to the adoption of civil law in both sunni and shiite world Further this study combines different methodological approaches based on Islamic law analyzing sources in Arabic especially classical and contemporary fiqh booklets and also following the approach of comparative public law to highlight how modern Constitutions of Muslim countries differ from western constitutionalism

Democracy Eugene Cotran, Adel Omar Sherif, 1999-01-01 This important collection of articles contributed by eminent scholars judges legal practitioners addresses the fundamental issues of human rights democracy the rule of law Islam It covers a broad diverse range of topics discusses key issues questions such as What lessons should emerging democracies

learn from mature democracies in the promotion of human rights respect for the rule of law Are democratic processes human rights standards in the developed world really models that should be adopted by developing countries How are human rights protected in Islam the Middle East What is Islamic constitutionalism how does Islamic law provide for a democratic system of government The book argues that the development of the rule of law democracy respect for human rights should be a process of interaction integration on a global scale In addition it stresses that the integration of previously closed societies into the process of globalisation must take into account the indigenous traditions already existing in such societies the extent to which they will contribute to benefit from the process as a whole      *Radical Separation of Powers* Wael

Hallaq, 2026-02-24 Two centuries of Orientalist scholarship have denied that Islam has a constitutional concept Premodern Islamic political practice has been subject to mistranslation misinterpretation and condescension through the eyes of colonisers and judged inferior to the norms of Western liberalism Wael Hallaq a leading scholar of Islamic law sets the record straight in this groundbreaking volume Traumatized by the tyranny of absolute monarchies Europe came to see in Islam everything that it despised about itself By seeking to understand Islamic governance from within its own tradition of reason Hallaq reveals premodern Islam to have a rich and distinctive constitutional tradition starting from the individual as a political subject up to the power of executives      **Constitutionalism in Islamic Law** Centre for Islamic Legal Studies.

Zaria, 1977      **Authority, Continuity, and Change in Islamic Law** Wael B. Hallaq, 2001 In his latest book Wael Hallaq examines the relationship between authority continuity and change in Islamic law and concludes that the mechanisms of change are embedded in its very structure despite its inherent conservatism Scholars will welcome the intellectual rigor and innovation of this pathbreaking analysis      **The Principles of State and Government in Islam** Muhammad Asad, 1961

*Islamic Constitutionalism and the Concept of Democracy* Azizah Y. Al-Hibri, 1992

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