

INDEX

- ACT for America 53
- adultery 34, 39, 74, 85, 191, 193, 195, 197
- African-American 50
- age
 ~ of marriage 213
 under ~ 85
- aguna* (see also: chained wife) 102-3
- Ahl-i-Hadith movement 80
- Albania, Albanian 13-4, 111-21, 122-3n
- alimony 65, 129, 236
- Alternative Dispute Resolution
 (ADR) 30, 35-9, 44n, 93, 122n
- Alwani, Taha Jabir al- 242, 245-6, 248
- America, American 12-3, 15, 20, 47-61, 242, 247
 North ~ 7, 52, 214, 242, 245
- Amish 48
- apostasy 244
- arbitration, arbiters 14, 18, 33, 37, 55-6, 60, 70, 87, 92-4, 122n, 211-2, 218-21, 235-7
 ~ board 220
 ~ tribunal 122n, 219-20
- Archbishop of Canterbury 7, 25, 55, 67
- Arnoldshain, Evangelische Akademie 82
- Asad, Talal 114
- Asia 127, 132, 134n, 226n
 Southeast ~49
- Austria, Austrian 27, 30
- Australia, Australian 7, 12-5, 20, 55, 65-76
- authorities 7, 79, 81, 88-91, 93, 97-9, 102-104, 141-2, 144-5, 149, 152, 159, 210, 212, 231-2, 234-5
 diplomatic ~ 98, 106
 rabbinical ~ 102
 religious ~ 55, 98, 102, 143, 159, 219-20, 228, 230
- autonomy 14, 35, 37, 126-7, 148, 159, 207, 218
 party ~ 99-100, 106, 213, 234
 personal ~ 16, 217
 sexual ~ 151
 ~ of the will 18, 211-3, 217-8
- Badawi, Zaki 80, 91, 95n
- Bali bombings 67
- Balkan 30, 111, 114, 126, 134-5n
 ~ wars 126, 134n
- Bayyah, Abdullah bin 241
- Baz, ben (*or*: Ibn) 147
- Belgium, Belgian 38, 93, 96n, 217-8, 221n
- best interest 56, 100, 119
- Beth Din 37, 70
- Black American Islam 50
- Bosnia, Bosnian 41, 96n
- burial 8, 11, 74, 81, 132
- burqa* (also: *niqab*) 16
- Buti, Ramadan 247
- Canada, Canadian 14, 17, 27, 32, 37-8, 55, 57-8, 60, 103, 189-97, 198-202n, 209, 211, 219-20
- Catholicism 48, 113
- Catholic(s) 14, 48-9, 70, 87, 112-3, 119, 149, 159, 162n, 220
- Center for American Progress 56
- Center for Security Policy 56
- chained wife (see also: *aguna*) 102-4
- chaplains 47

- children 28, 32, 40, 47, 55, 57, 65, 67-8, 70, 84, 99, 101, 105-7, 115, 118, 131, 133, 143-4, 147, 155, 157, 162n, 210, 231-2, 234-5
- church 47, 49, 53, 70, 74, 82, 97, 103, 112, 116, 149, 159
- Churches' Committee for Migrants Workers in Europe (CCMWE) 82
- Christian(s) 12, 27, 43n, 49, 51, 68, 70, 73-4, 77n, 80, 82, 84, 88, 103, 113, 116, 119, 126-8, 150, 243, 245, 249-50
- Christianity 13, 74, 113-4, 119, 163n, 198n, 245
- circumcision 100-101
female ~ (see: female genital mutilation)
- citizenship 41, 54, 59, 60, 104, 114, 126, 128, 129, 131, 132, 172, 174, 189, 201
- Civil Liberties Union 56
- cohabitation 143, 167-9, 176
- cohesion (social, legal) 37, 39-40, 104, 209
- community, communities 17, 26, 31-2, 34-6, 47-50, 52, 57, 59, 69, 72, 75-6, 82, 84, 86-9, 92, 112, 116, 119-21, 128, 131, 136n, 142, 144, 190, 208, 210, 212, 219-21, 228-30, 236-7, 241, 243, 246
Albanian Muslim ~ (AMC) 111, 121
Christian ~ 49, 70
Islamic ~ of Kosovo (ICK) 111
Jewish ~ 70, 87, 102
Muslim ~ 12-3, 15, 35, 51, 53, 57-8, 60-1, 65-6, 72, 74, 80-3, 85-6, 91, 115-6, 121, 125-6, 128-31, 155, 210-1, 220-1, 234-5, 237, 242
- conservative modernity 12, 73, 76
- Convention on the Elimination of All Forms of Discrimination 65
- counselling 70, 236
- Council 13-6, 70, 73, 90, 130, 133, 236, 249, 251
Central ~ of Muslims in Germany 37-8
~ on American-Islamic Relations 56
Federation of Islamic ~s (Australia) 71
Fiqh ~ of North America 52, 242
Fiqh ~ of the Muslim World
League 21n, 45n
Saudi Arabian *Fiqh* ~ 147
Sharia ~ 13, 35-6, 92-3, 101
UK Islamic Sharia ~ 81, 91, 93, 96n, 220
- Council of Europe 130
- court 16, 28, 30, 32-3, 37, 43n, 46n, 56, 66, 69-70, 86, 88, 95n, 99, 136n, 165, 185n, 213, 228
Catholic ~ (also: Catholic tribunal) 14, 48, 220
civil ~ 36, 93, 103, 125, 131, 214, 216, 234-6
family ~ 69-70, 81, 84, 87, 90, 92
Islamic ~ 89-90, 117, 125, 232
Jewish ~ (also: Jewish tribunal) 14, 46n, 48, 70, 220
national ~ 10
religious ~ 14, 48, 103, 129-30, 219, 235
Sharia ~ (see also: Sharia boards) 14, 39, 55-6, 60, 66, 69
state ~ 31, 35, 38, 40, 219
American court – 48, 52-3, 56-7, 64n
Australian court – 69
Canadian Court – 17, 103, 191-7, 201-2n
Dutch court – 101-2
German Court – 17, 165-81, 185n, 187n
Greek court – 130
Jordanian court – 194
UK court – 29, 55, 93
- crime, 45n, 201n
honour ~ 17, 189-90, 192-4
~ passionel 192, 194
- custody 27, 56-7, 65-7, 70, 84, 100, 107n, 118, 144, 160n
- custom (see also: tradition) 18, 52, 85, 118-9, 128-30, 230-1, 233, 237, 244, 246

- da'wa* 51
- dar*
- ~ *al-aman* 51
 - ~ *al-islam* 51, 89-90, 243-4, 247, 253
 - ~ *al-harb* 51, 89-90, 243-4, 253
 - ~ *al-kufr* 243-4, 247
- Darsh, Sheikh Syed M. 79, 82
- darura* 251
- defence of provocation 189, 191, 197
- Denmark, Danish 32, 94, 182n, 213
- discrimination 51, 65, 67, 103, 194, 197, 228
- non- ~ 213-4
- diversity 12, 16, 18-20, 35, 39, 52, 60, 66-7, 73-4, 104, 115, 122n, 190, 207, 230
- religious ~ 18, 47, 75, 125
- divorce 10-1, 27-8, 31, 35-6, 38, 52, 55-8, 65-70, 72-3, 77n, 81, 83-4, 86, 92-4, 99, 102-3, 115, 117-8, 126, 129, 131, 144, 146-7, 155, 160n, 167-71, 173-6, 179, 184n, 208, 210, 215-7, 220, 230-2, 235-6, 246
- domicile 27, 31, 174, 234-5
- dower (see also: *mahr*) 33, 36, 81, 86, 98, 100, 107n, 143, 145, 158, 165, 171, 214
- El Fadl, Abou 51
- Egypt, Egyptian 29, 49, 79, 141, 145-8, 154, 162n
- Emirates, Emirati 170, 180, 195
- engagement 92, 118-9, 142, 237
- England, English 7, 8, 10, 12, 25, 35-6, 46n, 55, 79-81, 84-7, 90-4, 192, 211-3, 221
- equality (see also: rights) 27, 29, 47, 60, 86, 91, 101, 103, 105, 126, 130, 192, 195, 197, 213, 246, 251
- equal treatment 46n, 48, 60
- eruv* 59
- Establishment Clause 56
- Ethnocentric 190, 198
- European Court of Human Rights 7, 17, 27, 103-4
- European Convention on Human Rights 101, 130
- express provisions 100
- extramarital relationship (see also: adultery) 103, 142
- extremist 11, 25, 34, 44, 60, 90, 150
- fatwa* 10, 51, 55, 66, 92, 129, 147, 242, 245, 248-252
- favour*-principle 99-100, 106
- Federation of Islamic Councils (see: Council)
- female genital mutilation 74, 189
- femicide 192, 194, 196, 199n
- fiqh* 51, 52, 83, 87, 89-90, 167
- Fiqh al-'aqqaliyyat* (see: *fiqh* for minorities)
- Fiqh Council of North America (see: Council)
- fiqh* for minorities 10, 19, 227, 241-53
- filiation 210
- foreigner(s) 109n, 120, 133, 165, 179, 196
- France, French 14, 16, 27, 30, 38, 47, 50, 80-2, 93-4, 96n, 114, 122n, 189, 193
- freedom 12, 16-8, 29, 37, 44n, 59, 75, 79, 105, 112, 127, 131, 147, 175, 177, 180, 220
- ~ of choice 18, 35
 - ~ of religion 15-6, 18, 20, 25, 27, 30, 38, 48, 51, 99, 101, 103, 115, 119, 126, 132, 149, 219, 243, 245
 - ~ of thought 18
 - ~ of the wife, woman 179
- functional approach 166
- fundamentalism 49, 120
- Fundamentalist Church of Jesus Christ of Latter-Day Saints 47
- gender 11, 18, 86, 91, 101, 103, 105, 126, 143, 148, 150, 156-7, 159, 176, 192, 194-5, 199n, 227-33, 236, 240n, 246
- gendered violence 189, 191-2, 194-6, 228
- Germany, German 10, 14, 17, 25, 27-31, 33, 34, 37-8, 40, 42n, 44n, 80, 82, 84, 165-9, 171-81, 185-187n, 211, 213
- get* 43n, 102
- globalization 48, 54, 60, 197

- good morals 33, 100, 106, 172, 176
 Great Britain, British 9, 17, 29, 73, 79,
 83, 90, 189, 191-2, 195, 219-21
 Greece, Greek 13-4, 29, 43n, 123n,
 125-33, 134-8n
 Ground Zero 53
 guardian, marriage ~ (see: marriage)
 guardianship 27-8, 65, 70, 224n
 Gülen Movement 112
- Habermas, Jürgen 75-6
halal 93-4, 142, 253
 Hanafi (school, tradition) 84, 90, 129,
 142, 162n
haram 93, 248, 253
hatib 116, 127, 129
hijab (see: headscarf)
 headscarf 16, 59, 81, 115, 119-20
 Hindu(s) 47-8
 Hofstad network 149-51, 154
 Homeland Security Committee 54
 honour crime (see: crime)
 human rights 13, 17, 27, 41, 45n, 59-60,
 91, 98, 101-7, 125-6, 130-1, 207
- 'idda* 236, 249
 identity 12-3, 18, 20, 48, 52, 59, 61, 67,
 74, 79, 88, 111-2, 114-5, 118, 120-1,
 122n, 128, 133, 135n, 153, 189-90, 195,
 201n, 209, 220, 227-9, 244, 246
ijtihad 87-8, 247
imam 38, 51, 57, 66, 68-70, 72-3, 93-4,
 99, 102, 115-20, 127, 129, 132, 141,
 149-52, 155-6, 162-63n, 171, 234, 236
 immigration (see also: migration) 28,
 39, 105, 132, 138n, 190, 208,
 inheritance 27, 29, 31, 38, 55-6, 65, 69,
 84, 86, 100, 125-6, 129, 132, 157, 167,
 232
 insurance 17, 33, 48
 integration 19, 53, 84, 99, 104-5, 111-2,
 119, 135n, 227-8, 230, 237, 246
 intellectuals, Muslim ~ 50, 84, 229
 interest (*riba*) 32-3, 251-2
 Internet 55, 66, 71, 92, 163n
- institutions 26, 32, 36, 39, 48, 50, 60,
 80-1, 84, 88-9, 121, 135n, 165, 190,
 195, 198n, 219-21, 233-4, 251
 religious ~ 14, 16-7, 111-2, 228
 state ~ 31-2, 40
 Iran 10, 146, 157-8, 169-70, 174-80,
 184n, 228
 Islamic banking 52, 67, 89, 95n
 Islamic Centre, Hamburg 80
 Islamic Charta 38
 Islamic finance (see also: Islamic
 banking, mortgage, insurance) 10,
 12, 17, 71
 Islamic schools (see: schools)
 Islamism 229
 Islamophobia 237
 Israel 30, 86
 Italy, Italien 103
- Jews 30, 47-8, 77n, 87, 126, 134n
 Jewish (community, minority, people,
 world) 48, 59, 70, 102
jihad 53, 149-50
 Jordanian Law 190-1, 194
 Judaism 48
- Kanun* 112-3, 122n
khul' 36, 69, 92, 170, 174, 176, 184n
 Kosovo, Kosovian 13-4, 111-5, 119-21,
 122n
- law
 civil ~ 18-9, 26, 29-30, 58, 69, 72-3,
 81, 98, 209-17, 219, 227, 237
 common ~ 41, 45, 57, 66, 68, 90,
 192, 201n
 continental ~ 65
 criminal ~ 57, 90, 105, 191
 devolved ~ 65
 family ~ 8, 10-5, 17, 19, 27, 29-31,
 34-6, 38-9, 58, 65-70, 72, 74, 79-82,
 84-91, 94, 97-101, 105-6, 112, 114-5,
 117, 126, 131, 142-4, 150, 152-3, 165-7,
 172-3, 175-7, 180, 187n, 198n, 207,
 210-1, 213-4, 217, 219, 221, 228-9,
 231-3

- foreign ~ 10
 Jewish ~ 102
 ~ of marriage 177
 migration ~ 105
 penal ~ 26, 38, 42n, 193
 personal status ~ 67, 90, 185n, 229, 237
 private international ~ 7, 10, 12, 18, 26-7, 31, 97, 99-100, 105, 165-6, 207, 210-3, 215, 217-8, 226n
 public ~ 26, 42n
 religious ~ 30, 55, 68-70, 72, 117, 119, 136n, 198n, 207-10, 212, 214, 216, 226n, 227, 229-30, 232-3
 rule of ~ 41, 149, 163n
 substantive ~ 38, 98-100, 176
 ~ of succession 27, 44n
- Lausanne 128, 134n
 ~ Conference 127
 Treaty of ~ 14, 29, 127-30, 134n
- Lebanon, Lebanese 69, 86, 193, 219
- legal hybridity 194
 legal order (see: order)
 legal plurality (see: plurality)
 legal transplant (see: transplant)
 limping marriage (see: marriage)
 Locke, John 48
- madhhab* 125
- mahr* 17, 33, 36, 68-9, 81, 86, 118, 165-81, 186-7n, 214, 235-6
 immaterial functions of ~ 166
 material functions of ~ 167
- maintenance 28, 31, 34, 84, 107n, 135n, 143, 147-8, 158, 160, 171, 173, 178-80, 192, 232
- marital finances 233-4
- marriage
 arranged ~ 58, 60, 64n, 109n, 156
 child ~ 109n
 civil ~ 14, 32, 58, 69, 92-4, 96n, 98, 102, 116, 145, 148-55, 157-9, 163n, 171-2, 177, 186n, 214
 ~ contract 28, 55-6, 69, 81, 98, 116-7, 142-4, 147, 151-3, 156, 159, 170-1, 173, 178, 211, 213-7, 226n, 234-5
 dissolution of, dissolving the ~ 28, 69, 85, 92, 94, 102, 155, 165, 168-70, 173, 178, 210, 214-5, 217, 234
 forced ~ 74, 93, 108-9n, 153-4, 169n, 189
 ~ guardian 85, 142n3, 145, 156, 160n, 232
 informal ~ 153, 159, 212
 Islamic ~ 17, 58, 68, 94, 115, 118, 141-2, 145, 148-59, 162-3n, 214, 231
kafir ~ 93
 limping ~ 69, 81
misyar ~ 147-8
 registered ~ 146-8, 152, 154
 religious ~ 14, 17, 28, 31, 32, 40, 96n, 98, 102-3, 116, 132, 145, 148, 152, 171-2, 177, 209, 212, 215-6, 225-6n, 234
 (Roman-) Catholic ~ 159, 162n
 temporary ~ 143, 146, 157-8
'urfi ~ 141-2, 144-8
- maslaha* 119
- media 57-8, 73-4, 80-1, 121, 141, 144, 149-50, 194-5, 201n, 219
- mediation, mediators 35-6, 38, 117, 219, 220, 235-6
- Middle East 49, 51, 115, 118, 132, 141, 226n
- migration (see also: immigration) 37, 48, 65, 72, 99, 104-5, 127, 199n, 207, 242
- millet* (see also: neo-milletism) 14, 86, 129
- minority, minorities 13-4, 19, 29, 48, 51, 56, 75, 83, 90-1, 94, 95n, 104, 115, 119, 122-3n, 126-8, 130-3, 135n, 137n, 153, 190, 196-7, 210, 227-8, 241-2, 245-52
- mortgage (Islamic ~) 17, 19, 33, 48, 251-2
- Morocco, Moroccan 10, 148, 152-3
- mosque 15, 17-8, 31, 59, 66, 77n, 79-80, 111-2, 115-6, 119-21, 129, 132, 150, 171
- mufti* 129-132, 136n, 147
- multicultural(ism) 47-8, 51, 59-60, 67, 71, 74, 104-5, 114, 133, 160n, 187n, 189-90, 207

- Muslim Arbitration Tribunal 37, 92-3
 Muslim World League 92
mut'a 143
- nafaqa* 236
 name, naming 81, 100
 Nation of Islam 50
 national security 53, 67, 135n, 149
 nationality 10, 27, 97-100, 132, 134n,
 151-2, 208, 212, 217-8, 234
 negligence 102
 neo-milletism 14, 125, 129
 Netherlands, Dutch 9-10, 13-5, 17, 32-3,
 80, 82, 96n, 97-102, 104-6, 109n,
 141-2, 148-59, 160n, 163-4n
 Nigeria 49, 79
nikah (see: marriage, Islamic)
niqab (also: *burqa*) 16
 non-Muslim(s) 34, 37, 41n, 60, 67, 74,
 83-6, 93, 116, 128, 154, 156-7, 159, 195,
 216, 242-4, 246-7, 249-50, 253
 ~ majority 243, 246
 ~ rule 242-3, 245
 ~ government 245
 norms 16, 19, 28, 34, 40, 41n, 57-59, 66,
 84, 97, 117, 119, 145, 196-7, 198n, 209,
 213, 217, 227, 229, 232, 237, 244
 Islamic ~ 25-6, 32-3, 52, 190, 230
 legal ~ 27, 34, 45n
 open ~ 99-100, 106
 unstated legal ~ 190, 194-5
 shari'a ~ 25-6, 55, 66
 North Africans 81
 North America 51-2, 214, 242, 245
 Norway, Norwegian 216
- Ontario 14, 37, 55, 57, 193, 195-6, 219-20
 open norms 99-100, 106
 order
 informal legal ~ 103, 106
 legal ~ 25, 29, 31, 34, 37-41, 97-8,
 106, 207, 209, 217-8
 secular legal ~ 25, 40
 social ~ 98, 196, 231
 Orthodox Christian(s) 126, 128, 136n
 otherness 75, 189-92, 194-5
- Ottoman
 ~ Empire 111, 126-7, 129, 133-4n,
 136n, 160n
 ~ past 112-4
- Pakistan 57, 84-6
 parallel system 66, 227, 230
 parentage 98
 participation 104, 119
 party autonomy 99, 106, 234
 penalization 105
 piety 49-50
 pluralism, plurality
 ~ of family lifestyles 207
 legal ~ 29, 39, 53-6, 59-61, 71, 73, 76
 religious ~ 13, 104, 106
 weak legal ~ 220
 polygamy, polygamous marriage (also:
 polygyny) 10, 28-9, 47, 68-9, 85-6,
 105, 144, 150, 154, 166, 215, 235
 Pomaks 127-8
 property
 matrimonial ~ 171, 178-80, 186n
 Prophet 11, 49, 83, 88, 116-8, 242-3
 Protestant 48, 53, 82
 public authority 103
 public policy 26-7, 29, 35, 100, 106,
 109n, 168, 172, 176-7, 189, 192, 220
- qadi* 129-30
qadi justice 52
 Qaradawi, Yusuf 147, 242
 Qur'an 11, 27, 65, 80, 88, 117, 242, 246,
 250, 252
- Ramadan, Tariq 121, 123
 recognition 26, 28, 30-1, 37-9, 47, 58,
 74, 92, 97, 101, 103-4, 106, 109n, 117,
 210, 212, 217, 220, 241
 reconciliation 87, 98, 211
 reforms 37, 143, 160n, 229
 repudiation (see: *talaq*)
riba (see: interest)
 rights
 equality ~ 103
 fundamental ~ 98, 101, 103-4

- human ~ 13, 17, 27, 41, 45n, 59-60, 91, 98, 101-7, 125-6, 131, 207
 religious ~ 175
 Roman Catholicism 149, 159, 162n
 rule of law (see: law)
- salafi 95n, 141, 149-51, 154, 156, 158
 Saudi Arabia 71, 118-9, 147
 schools,
 Islamic ~ 67
 multicultural ~ 133
 public ~ 115, 119, 133
 secular
 ~ization 49, 84, 209, 211
 ~ism 12-5, 61, 88, 115, 119-20
 ~ laws 237
 ~ state 103, 116-7, 119, 122n, 211
 post ~ism 65, 67, 73, 75
 segregation 27-8, 37, 50, 59, 143, 156-7
 separation of Church and State 47, 97
 Sharia Awareness Action Network 53
 Sharia board 37
 Sharia council (see: Council)
 Sharia court (see: Court)
 shari'a judge (see: *qadi*)
 Shia, Shi'ites 143, 146, 157-8
sigheh 143
 social cohesion (see: cohesion)
 social order (see: order)
 social security 28, 34, 40, 154
 Society of Americans for National Existence 53
 Spain, Spanish 14, 28, 39, 181n, 245
 Sunna 27, 65, 117, 246, 250
 Syria, Syrians 49, 86, 172, 193, 247
 Switzerland, Swiss 27, 30, 33, 38, 180
- talaq* 31, 36, 68-9, 92
 Thrace (Western and Eastern) 125, 127-132, 1135-137
 tolerance, intolerance 47-8, 53, 75, 104-5, 119-20
 tort 90, 102, 104
 tradition 39, 51-5, 58, 65-6, 74, 79-80, 83-4, 88-92, 95n, 111, 114, 119, 122n, 128-9, 146, 190, 194, 219, 233, 248, 253
 transnational(ism) 148, 209, 218, 237
 transplant, legal 193, 196, 199n
 tribunal (see also: Muslim Arbitration Tribunal) 14-5, 48, 55, 60, 70, 86-7, 90, 92-3, 122n, 219-20, 236
 Turkey, Turkish Republic 20n, 29-30, 44n, 126-32, 134-5n, 137n, 145, 152
 Turks, Turkish 37, 94, 112, 127-8, 130, 134-7n, 152, 180
- 'ulama* 88, 95n
ummah 115
 Union of Muslim Organisations (UMO) 29, 43n, 79, 80
 United Kingdom 13-5, 17, 27-9, 33, 35, 37, 40, 48-58, 60, 67, 77n, 79, 81-2, 95n, 113, 238n
 United States 14, 27, 47-54, 56-8, 60, 192, 209
 upbringing 100, 107n
'urfi (see: marriage)
- values
 cultural ~ 7, 61, 66
 fundamental ~ 105, 197
 legal ~ 213
 social ~ 12, 73
 veil (see: headscarf; for face veil, see: *niqab* and *burqa*)
- waqf* 127
 Wansharishi, Ahmad al- 245
 witnesses 31, 39, 86, 142-3, 152, 158, 234-5
- Yugoslav Federation 111
zina 142, 157