

INTRODUCTION TO
ISLAMIC LAW

Principles of Civil, Criminal,
and International Law
under the *Shari'a*

Jonathan G. Burns

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ISBN (13): 978-0-9845182-5-8

ISBN (10): 0-9845182-5-8

JuraLaw™

an imprint of TellerBooks™

TellerBooks.com/JuraLaw



www.TellerBooks.com

Manufactured in the U.S.A.

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FOREWORD

The globe at the moment has become a huge village. Today, Muslims and non-Muslims live side by side and must know and learn about one another, enjoying shared commonalities while tolerating and respecting differences. Having taught law in both Egypt and the United States and having lectured at many conferences around the globe, I have found that significant confusion and misunderstanding exists between Muslims and non-Muslims alike regarding different cultural, religious, and ideological norms and beliefs.

Particularly in the Western world, however, Islamic law (*Shari'a*) is a subject that is so often misinterpreted and misunderstood, thought to be a group of oppressive rules and unfair standards which are biased, discriminatory, and backward, opposing and affronting contemporary notions of human dignity and contradicting human rights values and norms.

The truth, however, is quite otherwise. Philosophies of equality and justice inspire the rules of *usual al-fiqh* (Islamic jurisprudence) and are applicable to both individuals and to the affairs of the entire Muslim community, which is designed, stratified, and firmly sheltered by Islamic legal norms and *Shari'a* tracks. In addition, the *Shari'a's* spirit, which originates from divine revelation, exemplifies global and universal principles of dignity, equity, social justice, and human solidarity. Indeed, the non-Muslim reader will be surprised by the great similarity of specific legal perspectives between *Shari'a* law and positive (Western) law in cases of, for instance, the protection of the family, criminal law and criminal justice, property law, banking and financial systems, laws relating to elderly and handicapped individuals, and international law.

Thus, it is very important - particularly in non-Muslim nations - to have objective and educated sources of scholarship that provide truth and clarity where misunderstanding and fear pervades. I am delighted to say that this book - an outstanding and impressive contribution to Islamic scholarship authored by my friend and former student, Jonathan Burns - helps to provide such clarity. This book, *Introduction to Islamic Law*, is not an inclusive treatise but a succinct, clear, and captivating summary of the basic principles of Islamic law which are applicable to the Muslim *Ummah* (community) in general.

I am confident that readers will wholeheartedly enjoy this exposition and acquire significant academic benefits from reading it. With great pleasure, therefore, I highly recommend *Introduction to Islamic Law* to scholars, non-Muslims, and any individual who desires to learn and know about the *Shari'a* rules and its basic values through an objective, rational medium.

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ACKNOWLEDGEMENTS

It is nearly impossible to achieve any degree of success without the support of friends, family, colleagues, and role models. Constantly, I am amazed at the selflessness of highly successful people in my life who have stooped low and made themselves vulnerable in order to help me to achieve.

First, many thanks are due to my mentor and friend John M. B. Balouziyeh, Esq. for making this book possible. John's interactions with me from the moment we met can only be described as utterly selfless and I aspire to, one day, rise to the level of his character, experience, and intellect.

Further, I am extremely grateful to my friend and former professor Mohamed A. 'Arafa, Ph.D. for taking the time to contribute the foreword for this book, undertaking a final review of the manuscript, and providing excellent scholarly clarification and advice to ensure its accuracy.

I would also like to thank Amgad T. Husein, Esq., managing partner of Dentons in Riyadh, for arranging my visit to the Kingdom of Saudi Arabia, the heartland of Islam, where I was able to observe firsthand the application of Islamic law within the context of international transactions and finance in a *Shari'a* jurisdiction.

Additionally, I would like to thank Robert D. Cheesebourough, Esq. for allowing me several years ago to work as an intern in his law office, taking me under his wing as a mentor, and inspiring me to attend law school and pursue a legal career.

Finally, I cannot begin to express the gratitude that is due to my loving family for their undying support and encouragement. Thank you all.

~ Jonathan G. Burns

CHAPTER 1. OVERVIEW: FOUNDATIONS OF ISLAMIC LAW (*SHARI‘A*)

A. WHAT IS ISLAM?

The root word for the word “Islam” in Arabic is “*sa-la-ma*,” which means “submission.” As such, the overriding principle of the religion of Islam is submission to Allah (God). Submitting one’s life to God is effected by adhering to His commands. Most Muslim scholars and adherents from all walks of life agree on five basic divine commands that, together, form the core of the Islamic faith. The “Five Pillars of Islam” are the *Shahada*, prayer, *Zakat*, fasting, and the *Hajj*.

1. The *Shahada*

First, the *Shahada* is called the inseparable testimony of Islam. It is the underpinning of the Islamic faith and must be recited by a person with sincerity in order for her to be counted amongst the followers of Islam. That is, an unthinking chant of the *Shahada* without a genuine belief in the truth of its contents will not do. While there is no formulaic recitation that satisfies the requirements of the *Shahada*, most scholars agree that the following statement is sufficient: “There is no god but Allah and Muhammad is His prophet.”

2. Prayer

Second, most scholars agree that Islam generally requires adherents to perform five daily prayers at five different times during the day. The prayers occur at dawn, at noon, in the afternoon, at dusk, and at night. Muslims must purify

themselves by washing prior to prayer. Further, they must perform their prayers in a pure spot facing towards Mecca.

3. *Zakat*

Third, payment of *Zakat* is a strict requirement in Islam (see *infra* Chapter Three). In Arabic, *Zakat* means “to purify or develop” and is often referred to as almsgiving or charity. However, this definition is deceiving because *Zakat* is a mandatory tax. It is literally a legal right held by the poor against those who are not poor. The *Zakat* is collected on income received during one lunar year. Generally, scholars agree that the *Zakat* is calculated at 2.5 percent of any cash income, 5 to 10 percent of any agricultural income, and 20 percent of any income received by extracting natural resources or minerals from the earth.

4. *Fasting*

Fourth, fasting is another Pillar of Islam. Fasting is considered by many to be an effective means of reminding Muslims of their human frailty, the need for God’s provision, and the misery of the poor. As such, Muslims individually may engage in fasts on many occasions. However, fasting during the holy month of Ramadan is generally an obligatory act for all Muslims. On the *Hijri* calendar, Ramadan is the ninth month, during which the *Qur’an* was revealed to the Prophet Muhammad (PBUH). As such, God specifically set apart the month of Ramadan as a time for fasting.¹ During Ramadan, Muslims refrain from eating, drinking, smoking,

¹ “The month of Ramadan [is that] in which was revealed the *Qur’an*, a guidance for the people and clear proofs of guidance and criterion. So whoever sights [the new moon of] the month, let him fast it; and whoever is ill or on a journey - then an equal number of other days. Allah intends for you ease and does not intend for you hardship and [wants] for you to complete the period and to glorify Allah for that [to] which He has guided you; and perhaps you will be grateful.” *Qur’an* 2:185

A. WHAT IS ISLAM?

and engaging in sexual activity from sunrise until sunset. However, strict adherence to this Pillar is not required from those for whom fasting would be dangerous or extremely unbearable, including children, the physically ill, the elderly, pregnant women, and travelers.

5. *The Hajj*

The fifth and final Pillar of Islam is the *Hajj*. Prior to the revelation of the *Qur'an* to Muhammad, Mecca was a cultural, commercial, and religious melting pot. The *Ka'aba* was at the center of Mecca and was home to many idols representing pagan gods. Worshippers of these gods would make a yearly pilgrimage to the *Ka'aba* out of a religious duty. Muhammad was born and resided in Mecca and, early in the birth of Islam, faced persecution from the Meccan people for his beliefs and public statements. Thereafter, Muhammad and his few followers fled to Medina, where Islam was largely accepted by its inhabitants. With a large, impassioned, and powerful following, Muhammad later returned to Mecca, converted most of its inhabitants to Islam, destroyed the pagan idols at the *Ka'aba*, and declared the *Ka'aba* to be thenceforth the house of the one true God. All physically and financially able Muslims are required to make the pilgrimage to the *Ka'aba* in Mecca at least once during their lifetime.

While Islam is a diverse religion with many different interpretations, sects, and viewpoints, its fundamental principle that is observed by all true Muslims is submission to God. Without prejudice to each one of these diverse beliefs under the large umbrella of Islam, the Five Pillars of Islam comprise the basic underpinning of the Islamic religion, submission to God.

B. WHAT IS ISLAMIC LAW?

1. Introduction

Islamic law and *Shari'a* are interchangeable terms used to describe the correct standard of living according to adherents of the religion of Islam. The word "*shari'a*" literally means "road" in the Arabic language and even shares the same root as the Arabic "*shari*," meaning "street." However, "*shari'a*" traditionally referred to a well-worn path traversed by camels through the desert that led to a source of water, a scarce and precious resource. As such, the word "*Shari'a*" (as a proper noun) came to be known as mankind's pathway to salvation through the inhospitable, perilous, and harsh desert of life.

The law abhors a vacuum. In the same sense, the *Shari'a* is a global concept that is able to answer every moral, legal, religious, or other question. With this in mind, it is important to note that the *Shari'a* can be divided into two duties, which together encompass the whole duty of man. The first duty involves mankind's relationship with God. In other words, the duty is worship to Allah and is, thus, a duty that is owed to God alone. The second duty involves mankind's relations with each other. Interestingly, the majority of Islamic law is in reference to the first duty, mankind's relationship with God. The second duty, justice in transactions with mankind, refers to what legal practitioners would call "law," including contractual relationships, tortious conduct, taxation, and so on. Because this is a book designed for the legal community rather than the religious community, very little reference will be given to the worship side of Islamic law. In the end, however, it is important to keep in mind that these two duties encompass the whole duty of man, which is the *Shari'a* and the believed pathway to salvation for followers of Islam.

2. Sources of Islamic law and their development

Essentially, there are four established and accepted sources of Islamic law. They are the *Qur'an*, the *Sunnah* of the Prophet Muhammad, Consensus, and Analogical Reasoning. The first two are primary sources of law and are considered to be divine. The final two sources are not considered to be divine because they are tainted by human error. Nevertheless, they are based on the divine sources of law and they are only used when absolutely necessary for reaching a legal conclusion. Additionally, different interpretations of Islamic law recognize certain other secondary sources of law where the primary sources are silent. However, these additional secondary sources of law are not universally recognized in the way that Consensus and Analogical Reasoning are recognized.

a. *The Qur'an*

First, the *Qur'an* is the absolute primary source of law under the *Shari'a* and its text is dispositive on all matters that it addresses. The reason for this is that Muslims believe that it is the direct word of God to mankind with absolutely no taint of human error. The text of the *Qur'an* comprises 114 chapters of 6,236 verses. This text is believed to have been revealed to Muhammad through the intermediary of the angel Gabriel over a period of 22 years. Throughout Muhammad's life, his companions and followers would memorize and recite the text of the *Qur'an*. Further, the literate persons amongst this group would record and preserve portions of the text. It was not until the first Caliphate under Abu Bakr that the whole of the *Qur'an* was compiled into book form. Historicists and scholars, both Muslim and non-Muslim, agree that the book is the greatest piece of classical Arabic literature available.

As aforementioned, Islamic law is a global concept that encompasses the whole duty of man. In the same way, the *Qur'an* is a global text that asserts legal maxims as well as

religious truths. As such, scholars generally divide the *Qur'an* into two portions, the Medinan Chapters and the Meccan Chapters (referring to the geographical location of the revelation of the text). The Medinan Chapters provide instructions relating to law, justice, and order, including familial relations, contractual rules, and punishment for crime. The Meccan Chapters largely provide guidance on the religious elements of Islam, including the existence of divine truths, correct religious practices, and defenses of Islam against arguments made by non-believers. As aforementioned, the Meccan Chapters comprise the majority of the *Qur'an*, whereas the "legal" (in the secular sense) contents contained in the Medinan Chapters comprise the minority.

While the *Qur'an* is the ultimate, dispositive source of law in the *Shari'a*, its finite text that was revealed some 1,400 years ago cannot possibly answer directly every legal question that arises after its revelation and recording. No, any reasonably workable and lasting legal system requires flexibility in order to stay in pace with modernity. Thus, Islamic law recognizes the *Sunnah* of the Prophet Muhammad as an alternative source of law to the *Qur'an*.

b. The Sunnah

When believers are given a book that is considered to be the direct word of God, they will expectedly conform their lives to its text. By definition, however, a book, is a finite object. It has a defined amount of pages with a certain amount of space available for text. Further, there will likely never be another "edition" of a book like the *Qur'an* because Muslims almost universally agree that it is God's final message to humanity brought by God's final messenger.

Because of the limited nature of the *Qur'an*, coupled with the fact that the law abhors a vacuum, another source of law is necessary to provide guidance on unanswered issues. For

B. WHAT IS ISLAMIC LAW?

this reason, the second source of law – subordinate only to the *Qur'an* – is the *Sunnah* of the Prophet Muhammad.

The word “*sunnah*” literally means “a way for others to follow.” The *Sunnah* of the Prophet Muhammad is an extremely broad concept. First, it is necessary to realize that followers of Islam consider Muhammad to be the most important prophet of all time. As such, he is considered to be the most blessed human and, though still but a man, the most rightly guided human that ever did or will walk the earth. Thus, anything that Muhammad ever said or did during his life is extremely likely to be a holy and correct command or action. For this reason, Muslims look to the habits and teachings of Muhammad as an alternate source of law where the *Qur'an* is silent.

The *Sunnah* can essentially be divided into two portions. The first portion comprises the known actions, utterances, and tacit approvals expressed by Muhammad during his life and recorded in a reliable manner. These recordings are collected in *ahadith*. The second portion comprises all of the unknown actions, utterances, and tacit approvals of Muhammad during his life. Unfortunately, the only reliable source of law that can be derived from the *Sunnah* are the *ahadith*, as the unknown portions of the *Sunnah* are lost forever.

Originally, there was no guaranteed way of knowing that any given text proclaimed to be a reliable record of the *Sunnah* was authentic. Even to this day, there is no uniform agreement on what qualifies as an authentic *hadith*. Nevertheless, Islamic scholars engaged in a very important authentication movement over a period of around 300 years that led to the verification of about one million authentic narrations of the actions, utterances, and tacit approvals of Muhammad which are now contained in 4,400 *ahadith*.

When an answer to a legal question cannot be found in the *Qur'an*, Islamic legal practitioners and judges next consult the *ahadith* to determine if the solution was addressed by Muhammad during his life. However, while the *Sunnah* expands the sources of law by adding an extra layer of reliable precedent on top of the *Qur'an*, it is still a finite source of law. That is, Muhammad lived a mortal life and died just as every other mortal does. Much like the *Qur'an*, all of the actions, utterances, and tacit approvals expressed by him during his life can only fill a certain amount of pages and volumes. Further to this point, from a non-religious perspective, Muhammad lived and the *Qur'an* was revealed over 1,400 years ago. How could such relics possibly be able to provide legitimate, workable answers to the pressing moral and legal dilemmas of the 21st century and into the future? For example, are organ transplants, enforcement of intellectual property rights, in vitro fertilization, and withholding life-sustaining medical treatment *Shari'a*-compliant activities? These issues were nonexistent during the life of Muhammad; thus, alternative sources of law are required to provide answers to very important questions like these where the primary sources of law are silent.

c. Ijma

Consensus (*Ijma* in Arabic) is a secondary source of law that, while tainted by human error, is a reliable way to reach correct legal conclusions where the primary sources are silent. One *hadith* narrates Muhammad as saying, “[m]y community will not agree upon error.”² As such, where the primary sources of law are silent on an issue, agreement of the Muslim community as to the resolution of the issue is sufficient. It is important to note that consensus means unanimous

² *Sunan Ibn Majah*, 2:1303.

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CHAPTER 7. LAW OF WAR

A. INTRODUCTION

Armed conflict and the necessity of using deadly military force are inevitable occurrences in an imperfect world. Islamic law provides much guidance regarding the purposes, methods, and justifications for carrying out such activities, perhaps because of the context in which the primary sources of Islamic law were formed. Indeed, Islam was born in a time of significant conflict and chaos in the Arabian Gulf which occurred as a result of misunderstandings, miscommunication, and retaliatory attacks between warring familial groups. Thereafter, the Prophet Muhammad (PBUH) and the first Muslims faced religious persecution and oppression on the basis of their beliefs and teachings. However, as Islam began to spread – first in Medina, then to Mecca and to all other parts of the Middle East – the followers of Islam began to obtain the upper hand in number and strength such that the Islamic community, rather than the unbelievers, was capable of oppression.

The law of war under the *Shari'a* encompasses justifications for the use of military force as well as rules that govern how military force may be used and how non-Muslim conquered persons should be treated. However, before engaging in an analysis of the law of war under the *Shari'a*, it is important to note that the sources of Islamic law must be studied rigorously within the context of their inception. One cannot fully understand the content of a religious text without first understanding its context. For this reason, it is important to understand the concepts related to statehood and enemy identification under Islamic law at the outset.

1. Islamic statehood

To begin, the Islamic law of war mainly concerns the protection and propagation of the Islamic State. Muhammad first established the Islamic State in Medina and presided over it as supreme ruler. However, when Muhammad died, the Muslim community was faced with the dilemma of choosing a leader to fill his position and govern the Islamic State. Thus, the post-Muhammad Islamic State is a Caliphate ruled by a single Caliph who governs the entire Islamic community much in the way that Muhammad did (keeping in mind that Muhammad is considered the final Prophet and messenger of Allah).

When Muhammad died, the Islamic community disagreed on choosing a successor. One sect believed that the title of Caliph should be bestowed on someone chosen by the people and the companions of Muhammad (the *Sunni* sect), while another sect believed that the title of Caliph should pass through the bloodline of Muhammad (the *Shi'ite* sect). The *Sunni* sect elected a close friend of Muhammad, Abu Bakr, as Caliph. However, the *Shi'a* believed the cousin and son-in-law of Muhammad, Ali ibn Abu Talib, was the rightful successor and refused to recognize Abu Bakr as Caliph. Thus, arguably the Islamic State was dissolved immediately upon the death of Muhammad because the Islamic community was divided, with two different sects recognizing two different leaders as legitimate. However, most scholars agree that the Islamic State was perpetuated by the Rightly Guided Caliphs of the Rashidun Caliphate up until the year 661.

Eventually, the *Shi'a* leader Ali ibn Abu Talib was elected Caliph and acted as the final leader of the Rashidun Caliphate. Thereafter, most scholars agree that the Islamic State was dissolved due to significant disagreement and strife within the Islamic community. However, some believe that the Islamic State, though somewhat disorganized, was still

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intact. Nevertheless, without the guidance of Muhammad, each successive Caliph had to look to his consultative council as well as the sources of Islamic law to effectively govern the Islamic community while remaining faithful to the tenets of Islam. Inevitably, as each successive Caliphate became more removed from the time of Muhammad's life, their practices also became less and less similar to the model of governance carried out by Muhammad.

Arguably, Abdul-Mecid II was the final Caliph, and the Ottoman Empire the final Caliphate, of Islam. However, many scholars and laypeople alike believe that most, if not all, of the Caliphs and Caliphates that followed the Rashidun Caliphate were illegitimate in whole or in part. The arguments for this position point to the un-Islamic characteristics of the successive Caliphates including, for example, the manner in which leaders attained and retained their titles as well as the way that they governed.

Today, it is widely agreed that the Islamic State no longer exists. This concept introduces a tension in the application of Islamic law, especially in the field of international relations and specifically with regard to the law of war. To be sure, there are many Islamic states whose governments are wholly or partially influenced by Islam. These independent states can have confidence in applying Islamic law in their courts with regard to purely internal matters involving, for example, contracts, marriage, criminal actions, and so on. However, when these independent states engage in international relations, the application of Islamic law is less clear because they are acting in their own interests, not in the interests of the entire Muslim population.

In this regard, one can see why the vast majority of Muslims today denounce the actions of such persons and groups as Osama bin Laden, Al Qaeda, the Taliban, Al Shabab, and even the Muslim Brotherhood, who have

invoked Islam in justifying violence. First, these actors lurk in the shadows in even the most devout Muslim countries and attract a tiny minority of fanatics. Only a legitimate ruler of the entire Muslim community can declare war or order military action to be carried out in defense of Islam. Thus, such shadowy and fragmented terrorist organizations do not act on behalf of the Muslim community and have no legitimate power to carry out military action on behalf of any purported Islamic State. Furthermore, terrorist organizations today use certain tactics that are wholly contrary to Islamic law including, for example, intentionally targeting civilian non-combatants (*see infra*).

Thus, it is important to keep in mind the tension involved in applying principles of Islamic international law in today's world. For this reason, some scholars hold that all of Islamic international law is wholly inapplicable today because there is no Islamic State with a centralized body led by a Caliph. However, other scholars say that some principles of Islamic international law are binding on Islamic peoples and governments today. Thus, the applicability of the law of war under the *Shari'a* in today's rapidly changing world is subject to wide debate.

2. Enemy identification

With the concept of the Islamic State and its current limitations in mind, it is important nonetheless to note that, under Islamic law, the entire population of the world is divided into two theoretical spheres of influence. The Islamic State and all lands under its control is referred to as the "place of peace" (*dar al Islam*). On the other hand, all unconquered lands and all territories governed by a non-Muslim authority lie within the "place of war" (*dar al harb*). The distinction between these two spheres of influence is important in determining, for example, when military force is justified,

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Adverse possession A legal doctrine that provides for transfer of title to land by way of possessing it. Generally, in addition to any statutory requirements, the possession must be actual, visible, open and notorious, exclusive, under claim of ownership, hostile, and continuous.

Ahl al dhimma An Arabic phrase meaning the people of the *dhimma*.

Counterofferor One who has rejected an offer made by an offeror and makes a counteroffer.

Dar al harb An Arabic phrase meaning the place or abode of war. Land that is not under control of the Islamic State.

Dar al Islam An Arabic phrase meaning the place or abode of peace. Land that is under control of the Islamic State.

Dhimmi An Arabic word meaning a non-Muslim living within land controlled by the Islamic State and under a subjugation treaty.

Diyah An Arabic word meaning blood money. Money paid to a victim or a victim's family in compensation for battery or homicide.

Easement The right to use or control another's property for a specific purpose.

Fiqh Islamic jurisprudence; Islamic school of legal thought.

Fuqaha The plural form of *fiqh*.

Gharar An Arabic word meaning excessive risk or uncertainty. A prohibited contractual element.

Halaal An Arabic word meaning permissible, lawful, legal.

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Hadd An Arabic word meaning fixed. A criminal offense that, when proved, is punishable with a specific penalty.

Hudud The plural form of *hadd*.

Iddat An Arabic word meaning waiting period. The waiting period that a woman must undergo after divorce or the death of her husband before she can remarry. The waiting period for a divorced woman is three menstrual cycles or until she gives birth. The waiting period for a widow is generally four months and ten days.

Ijara An Arabic word meaning lease. A permissible financial instrument.

Jizyah An Arabic word meaning subjugation tax. The subjugation tax collected on adult male non-Muslims living under a *dhimma* treaty.

Khul'a An Arabic word meaning compensational divorce. A manner in which a woman may seek divorce from her husband by offering compensation, usually expressed in terms of the woman's dowry.

Lex talionis A Latin phrase meaning law of retaliation. The right of a physically injured party or her family to inflict equal physical damage on the offender.

Mahr An Arabic word meaning dowry.

Majlis An Arabic word meaning meeting or joining together.

Mudaraba Sleeping partnership. A permissible financial instrument whereby an investor offers capital to an investee in return for a percentage of profit earned by the investee's use of the capital.

Murabaha Markup and resale agreement. A permissible financial instrument whereby an investor purchases an asset and resells it to a borrower at a marked up price to be paid in regular installment payments.

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Nafaka An Arabic word meaning maintenance. The duty of a husband and father to provide food, clothing, and shelter to his wife and children according to his earning capacity.

Nisab The threshold amount of income that an individual must meet in order to be liable for *Zakat*.

Offeree One who receives an offer.

Offeror One who makes an offer.

Pledge A debtor's act of offering property to a creditor as security for a loan. If the loan is not repaid, the creditor may have recourse to the property.

Possession The use or control of property. Possession can be held with or without holding title to the property.

Qesas An Arabic word meaning equality. An offense that causes physical injury or death and creates a right in the victim or the victim's family to seek compensation in the form of blood money or retaliation by inflicting the same injury on the offender.

Riba An Arabic word meaning usury or unjust enrichment. A prohibited contractual element.

Stare decisis A doctrine that encourages adherence to legal interpretations and principles laid down in previous judicial rulings. The phrase literally means "to stand by things decided" in Latin.

Sukuk An Arabic word meaning legal instruments. A tradable certificate evidencing a right to receive payments from an investee.

Talaaq An Arabic word meaning divorce. Specifically, it is a man's right to revoke his marriage. *Talaaq* may not be exercised by a woman.

Talaaq ahsan The most favorable method of divorce.

Talaaq bid'ee The most disapproved method of divorce.

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ORGANISATION OF ISLAMIC COOPERATION (OIC) MEMBER STATES

OIC MEMBER STATE	AFFILIATION OF MUSLIM POPULATION
Afghanistan	<i>Sunni</i> majority, but large <i>Shi'a</i> population.
Albania	<i>Sunni</i> majority.
Algeria	<i>Sunni</i> majority.
Azerbaijan	<i>Shi'a</i> majority.
Bahrain	<i>Shi'a</i> majority.
Bangladesh	<i>Sunni</i> majority.
Benin	<i>Sunni</i> majority.
Brunei	<i>Sunni</i> majority.
Burkina Faso	<i>Sunni</i> majority.
Cameroon	<i>Sunni</i> majority.
Chad	<i>Sunni</i> majority.
Comoros	<i>Sunni</i> majority.
Côte d'Ivoire	<i>Sunni</i> majority.
Djibouti	<i>Sunni</i> majority.
Egypt	<i>Sunni</i> majority.
Gabon	<i>Sunni</i> majority.
Gambia	<i>Sunni</i> majority.
Guinea	<i>Sunni</i> majority.

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Guinea-Bissau	<i>Sunni</i> majority.
Guyana	<i>Sunni</i> majority.
Indonesia	<i>Sunni</i> majority, but large <i>Shi'a</i> population.
Iran	<i>Shi'a</i> majority.
Iraq	<i>Shi'a</i> majority.
Jordan	<i>Sunni</i> majority.
Kazakhstan	<i>Sunni</i> majority.
Kuwait	<i>Sunni</i> majority, but large <i>Shi'a</i> population.
Kyrgyzstan	<i>Sunni</i> majority.
Lebanon	<i>Sunni</i> majority, but large <i>Shi'a</i> population.
Libya	<i>Sunni</i> majority.
Malaysia	<i>Sunni</i> majority.
Maldives	<i>Sunni</i> majority.
Mali	<i>Sunni</i> majority.
Mauritania	<i>Sunni</i> majority.
Morocco	<i>Sunni</i> majority.
Mozambique	<i>Sunni</i> majority.
Niger	<i>Sunni</i> majority.
Nigeria	<i>Sunni</i> majority, but large <i>Shi'a</i> population.
Oman	<i>Ibadi</i> majority.
Pakistan	<i>Sunni</i> majority, but large <i>Shi'a</i> population.
Palestine	<i>Sunni</i> majority.
Qatar	<i>Sunni</i> majority, but large <i>Shi'a</i> population.
Saudi Arabia	<i>Sunni</i> majority, but large <i>Shi'a</i> population.

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Islamic law (*Shari'a*) is an all-inclusive legal tradition that creates a seamless web reaching from the public sphere into the private sphere of life. Thus, the *Shari'a* recognizes no bifurcation between legislation and religion, no wall of separation between the mosque and the state, and no compartmentalization of morality, faith, and law. Nonetheless, the duties under Islamic law can be divided into two large subcategories, the first and most important of which mainly concerns the private, individual relationship between God and man. In contrast, the second duty mainly concerns the public, transactional relationships among individuals which – in a secular framework – is most analogous to “law.”

INTRODUCTION TO ISLAMIC LAW begins with an overview of Islam as a whole, including a discussion of the sources of Islamic law and sectarian distinctions. Then, the book thoroughly addresses the secondary duties of Islamic law, which govern daily transactions between individuals, including the law of contracts, property, banking and finance, and familial relations as well as criminal law and procedure and the law of war.

The legal rules embodied within the *Shari'a* are mandatory in jurisdictions adhering to a strict application of Islamic law. However, Islamic law remains highly influential even in Muslim-majority countries with secular legal codes. Nevertheless, given recent developments in the Arab world, as well as the rise of terrorism in the name of Islam, the *Shari'a* is a subject that has seeped into the national dialogue of wholly secular, non-Muslim jurisdictions. Thus, INTRODUCTION TO ISLAMIC LAW is offered for scholars and students – both Muslim and non-Muslim, with or without a legal background – for the purpose of obtaining a basic understanding of the foundational concepts of the *Shari'a*.

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