Foreword

This is an unusual book written by academics at three Australian universities. They are respectively, a Muslim in the Sunni tradition, a Muslim in the Shia tradition, and a non-Muslim woman. Their different traditions and gender perspectives inform the book throughout. The purpose of the authors is to examine Islamic law by offering a contemporary view that is, as they put it, rational, ethical and comparative. In particular, they believe that there are no theological reasons why Islam should be in contradiction with what have become increasingly accepted international principles in the fields of human rights, democracy, the rule of law, civil society and pluralism.

Whatever the outcomes of the political movements loosely characterized by terms such as the ‘Arab Spring’, it is plain that Islam continues to play a vital role not just in the Middle East but also across the wider world. The discussion on which the authors embark therefore is a crucial one, but it remains controversial in many respects – even the appropriateness of the enquiry can be in dispute. The authors approach the subject from a position of informed respect. Readers will find an analysis that includes historical perspective, reference to religious writings and scholarship, and a discussion of the Sharia as it applies in various different contexts. Divisive issues such as the ban in some countries of the wearing of the burqa are tackled, with a careful reference to the arguments for and against.

Fundamentally however, the issue is a more general one. While the relationship between law and religion in the Western world is, as the authors point out, more or less settled, the same is not true in the Islamic world. However, a simple distinction between the religious and the secular no longer seems adequate. This book makes its own characteristic contribution to that important and ongoing debate.

By the Honourable Sir William Blair
Judge, High Court of England and Wales
September 2012