Preface

This book presents an in-depth analysis and a practical approach to Islamic law from a contemporary perspective. The authors intend to give both a practical and a theoretical scholarly discussion of the most important areas of Islamic law, as it is studied and practised not only in Muslim countries today but also by Muslims who live in non-Muslim countries, particularly in the secular Western nations.

Apart from drawing on the experience of authors from three different law schools and states in Australia, the authors provide a juxtaposition of different cultural perspectives and traditions – Middle Eastern, Southeast Asian and European Australian; different religious traditions – Sunni, Shia and non-Muslim; different languages – Indonesian, Persian and Arabic, three of the major Muslim languages; and different gender perspectives, all of which reflect the diversity within Muslim societies, and Muslim communities in the West.

An article based on Chapter 1 was published in the *Connecticut Journal of International Law*. (See Hossein Esmaeili, 'The Nature and Development of Law in Islam and the Rule of Law Challenge in the Middle East and the Muslim World' (2011) 26(2) *Connecticut Journal of International Law*, 329–66.) A shorter version of Chapter 3 was published in the *Journal of Islamic State Practice in International Law*. (See Hossein Esmaeili, 'Islamic Law (Sharia) in Modern Democratic Nation States' (2011) 7(2) *Journal of Islamic State Practice in International Law* (UK), 23–36.) The authors acknowledge that Chapter 4 develops concepts and material first published in *Griffith Law Review* in 2009. (See Ann Black and Nadirsyah Hosen, 'Fatwas: The Role in Contemporary Secular Australia' (2009) 18(1) *Griffith Law Review*, 405–27.) These chapters are published with the permission of these journals. We thank those journals for giving permission for us to republish some parts of the original articles in this book.

For the record, Ann Black was responsible for Chapters 5 and 6, and shared responsibility for Chapters 4 and 10 with Nadirsyah Hosen. Hossein Esmaeili was responsible for Chapters 1, 3 and 8. Nadirsyah Hosen was responsible for Chapters 2, 7 and 9. However, we present this

book as a collaboration representing the diversity of the authors' experiences and strengths in scholarship on Islamic law.

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Ann greatly values the opportunity to have collaborated with two highly respected Islamic scholars, Hossein Esmaeili and Nadirsyah Hosen, and that together we worked to achieve something distinctive in our different reflections on the role of Islamic law today. She also is grateful to be married to Rob, who has been a tower of strength through good and difficult times, and to her children, Peter, Suzi and Katherine, who remind her of the blessings that only a family can bring.

Nadir would like to thank Hossein and Ann for this wonderful collaboration, to colleagues at Legal Intersection Research Centre, Faculty of Law, University of Wollongong for their continuing support, and to his family for their unflagging love. Special thanks to his father, the late Professor K.H. Ibrahim Hosen, from whom he learnt *usul al-fiqh*, *fiqh muqarin*, and above all, the love of knowledge.