



THE UNIVERSITY of EDINBURGH
The Alwaleed Centre

Seminar Report:

'Recent Research on Shari'a (Islamic Law)'

15th March 2012

The Director of the Alwaleed Centre, Professor Hugh Goddard, introduced the seminar by explaining the background to it, namely the strong reaction which had been caused by the lecture given by the Archbishop of Canterbury, Dr Rowan Williams, on Shari'a, in 2007. Some media comment in particular had demonstrated a lamentable ignorance of both the principles and the practices associated with Islamic Law, and the seminar was thus designed to address this through two presentations on recent research undertaken on different aspects of Shari'a in two British universities.

In the first presentation, on 'Power of Law: Problems in the contemporary application of Islamic Criminal Law of *Hudud* in relation to women', Dr Rana Alsoufi (Ph.D. Edinburgh, 2011) emphasised that the Shari'a is in one sense no different from any other legal tradition, in that it is an intellectual tradition which is not monolithic and whose stipulations are vigorously debated. Some of the traditional teachings of Islamic Law, however, are seen by many today as being rigid, and therefore problematic, and also not in conformity with the conventions of modern Human Rights law. This is particularly the case in connection with certain prescriptions of Islamic criminal law, as introduced in such places as Iran, Sudan and Nigeria. Dr Alsoufi argued, however, that recent developments in these countries make *selective* use of certain aspects of the classical tradition of Islamic Law, setting aside the practice whereby legal scholars in the intervening period had worked hard to make some of the traditionally prescribed punishments inoperative. Important issues were being raised, however, by some current practice with respect to equal opportunities, and Dr Alsoufi suggested that the main motivation behind some of these more

conservative readings of Islamic Law is political and cultural, rather than primarily religious. She ended her presentation by asking the question 'who is doing anything about these issues'?

The second presentation, by Mrs Azizat Amoloye-Adebayo (Ph.D. candidate, University of Nottingham), asked the question 'Islamic Law for Men? Or for Everyone? The dilemmatic question of a Muslim woman'. To introduce her discussion of this question, which focused particularly on the law of inheritance, the speaker began with a quotation from a contemporary Nigerian source to the effect that '...any Muslim woman with analytical spirit and the capacity for deep critical reflection may legitimately feel disengaged with some of the existing interpretations and application of *Shari'iah* commandments ...' This thesis was elaborated through a detailed investigation of Qur'anic and classical Islamic teaching concerning the detail of which relatives should inherit, with the suggestion being made that the latter had in some cases disadvantaged women by the assertion that the interests of paternal relatives override those of maternal ones. In addition practice does not always correspond to theory, with Muslim women sometimes being expected to be more spiritually responsible, accommodating and altruistic, while, either by design or accident, a system of irresponsibility as well as self-serving religious manipulation is maintained for men. She concluded, therefore, that a measure of evolution is necessary, as there is no relevance in simply hanging onto past glories. Were Qur'anic ideals to be implemented, she suggested, they might have useful lessons for modern Human Rights conventions.

After discussion of the presentations, Professor Goddard observed that as a result of recent developments in the Middle East a lot was being heard about the Muslim Brotherhood, but this might usefully be balanced by a focus on some of the contributions of the Muslim Sisterhood, including in the field of Islamic Law. It was therefore particularly appropriate that the seminar had been held in the Chrystal Macmillan Building, the only building of the University of Edinburgh named after a woman, who, among her many other achievements, had made history in 1908 by being the first woman to plead in the House of Lords, arguing that female university graduates should be given the right to vote.