RAINER GROTE & TILMANN J. RÖDER

CONSTITUTIONALISM IN ISLAMIC COUNTRIES

Between Upheaval and Continuity



Constitutionalism In Islamic Countries Between Upheaval And Continuity

Mehran Kamrava

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on the transformative processes that drive constitutionalism in Arab countries This book aims to identify and analyze the key issues facing constitutional law and democratic development in Islamic states and offers an in depth examination of the relevance of the transformation processes for the development and future of constitutionalism in Arab countries Using an encompassing and multi faceted approach this book explores underlying trends and currents that have been pivotal to the Arab Spring while identifying and providing a forward looking view of constitution making in the Arab world Constitutional Law and Human Rights Tommaso Virgili, 2021-09-15 This book focuses on Islamic constitutionalism and in particular on the relation between religion and the protection of individual liberties potentially clashing with sharica and the Islamic ethos The analysis goes from general to particular starting with a theoretical overview on constitutionalism human rights and Islam moving to the assessment of the post Arab Spring Constitutions of Egypt and Tunisia and concluding with a specific focus on the rights of sexual minorities and freethinkers Part I provides a theoretical account of the conception of constitutionalism and human rights in Islam compared and contrasted with Western constitutionalism A set of issues where the tension between sharica and human rights is accentuated is analysed against the backdrop of the main Islamic charters of rights Part II conducts a similar assessment based on the Constitutions of Tunisia and Egypt the two main epicentres of the Arab Spring Part III moves to two specific rights in the same countries from the twofold perspective of the Constitutions and international law the freedom from interference in one s intimate life with particular regard to homosexuality and the freedom of holding and expressing nonconventional beliefs deemed unacceptable from the point of view of traditional Islam These issues have been chosen as representative of the most controversial still considered taboo in both legal and social terms hence at the fringes of the debate on individual freedoms Focusing on two overlooked and underexplored issues the work thus pushes the boundaries of the human rights discourse in Muslim contexts The Rule of Law, Freedom of **Expression and Islamic Law** Hossein Esmaeili, Irmgard Marboe, Javaid Rehman, 2017-12-14 The importance of the rule of law is universally recognised and of fundamental value for most societies Establishing and promoting the rule of law in the Muslim world particularly in the Middle East North Africa and Central Asia has become a pressing but complicated issue These states have Muslim majority populations and the religion of Islam has an important role in the traditional structures of their societies While the Muslim world is taking gradual steps towards the establishment of rule of law systems most Muslim majority countries may not yet have effective legal systems with independent judiciaries which would allow the state and institutions to be controlled by an effective rule of law system One important aspect of the rule of law is freedom of expression Given the sensitivity of Muslim societies in relation to their sacred beliefs freedom of expression as an international human rights issue has raised some controversial cases This book drawing on both International and Islamic Law explores the rule of law and freedom of expression and its practical application in the Muslim world The Arab Revolution of 2011 Saïd Amir Arjomand, 2015-03-16 How do we make sense of the Arab revolution of 2011 What were its

successes its failures and significance in world history The Arab Revolution of 2011 brings together a broad range of perspectives to explain the causes processes and consequences of the revolution of 2011 and its critical implications for the future The contributors in this major addition to the sociology of revolutions step back from the earlier euphoria of the Arab Spring to provide a sober analysis of what is still an ongoing process of upheaval in the Middle East The essays address the role of national armies and foreign military intervention the character and structure of old regimes as determinants of peaceful or violent political transformation the constitutional placement of Islam in post revolutionary regimes and the possibilities of supplanting authoritarianism with democracy The revolution of 2011 is also examined within a broad historical perspective comparing the dynamics of revolution and counterrevolution in countries such as Tunisia Egypt and Libya with such epochal events as the European revolution of 1848 and Russia in 1917 SUNY Press has collaborated with Knowledge Unlatched to unlock KU Select titles The Knowledge Unlatched titles have been made open access through libraries coming together to crowd fund the publication cost Each monograph has been released as open access making the eBook freely available to readers worldwide Discover more about the Knowledge Unlatched program here https knowledgeunlatched org It can also be found in the SUNY Open Access Repository at https soar suny edu handle 20 500 12648 8432 Beyond the Arab Spring Mehran Kamrava, 2014-12-15 The Arab Spring occurred within the context of the unravelling of the dominant ruling bargain that emerged across the Middle East in the 1950s This is being replaced by a new and in choate system that redefines sources of authority and legitimacy through various devices such as constitutions experiences and processes mass protests civil wars and elections by reassessing the roles functions and at times the structures of institutions political parties and organisations the armed forces the executive and by the initiative of key personalities and actors agency Across the Arab world and the Middle East authority and political legitimacy are in flux Where power will ultimately reside depends largely on the shape voracity and staying power of these new emerging conceptions of authority The contributors to this book examine the nature and evolution of ruling bargains the political systems to which they gave rise the steady unravelling of the old systems and the structural consequences thereof and the uprisings that have engulfed much of the Middle East since December 2010 Humanitarian Intervention, Colonialism, **Islam and Democracy** Gustavo Gozzi,2021-04-12 This book offers a critical analysis of the European colonial heritage in the Arab countries and highlights the way this legacy is still with us today informing the current state of relations between Europe and the formerly colonized states The work analyses the fraught relationship between the Western powers and the Arab countries that have been subject to their colonial rule It does so by looking at this relationship from two vantage points On the one hand is that of humanitarian intervention a paradigm under which colonial rule coexisted alongside humanitarian policies pursued on the dual assumption that the colonized were barbarous peoples who wanted to be civilized and that the West could lay a claim of superiority over an inferior humanity On the other hand is the Arab view from which the

humanitarian paradigm does not hold up and which accordingly offers its own insights into the processes through which the Arab countries have sought to wrest themselves from colonial rule In unpacking this analysis the book traces a history of international and colonial law to this end also using the tools offered by the history of political thought The book will be of interest to students academics and researchers working in legal history international law international relations the history of political thought and colonial studies

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