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2. Record Nr.	UNINA9910456693903321
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Nota di contenuto	CONTENTS; ACKNOWLEDGEMENTS; Introduction; The Employment of Islamic Law; American Muslims and Islamic Law; Inside the American Courtroom; The Self-Image of American Muslims; The View from Abroad; 1. Orientalisms in Practice; Images: Traditional and Modern; The Birth of "Orientalism"; Orientalism in the 21 st Century; Muslim Voices; Legal Orientalisms; 2. The Qadi and Images of Injustice; The Qadi of Western Scholarship; The Qadi in the Supreme Court; The Adoption of Terminello; Systems in Opposition; Authority Without Limitation; The Qadi in History; The Unbridled Qadi; Justice for the Qadi 3. Terrorism and JihadThe Battle Over Jihad; Defining Jihad; Jihad in the Qur'an; Defensive Jihad; Political Jihad; Greater Jihad; Jihad in the Courtroom; Jihad in Other Cases; An Emphasis Upon Terror; Courts, Jihad and Terrorism; 4. Child Custody and American Muslims; Stakes in the Battle; Definitional Considerations; Legal Principles Affecting Child Custody Matters; Child Custody under Shari'a; A Court Divided; From Comity to Community; Of Comity; 5. Marriage, Divorce and the American Muslim; The Muslim Marital Contract; The Dissolution of a

Marriage; Muslim Marriages in U.S. Courts

From Beginning to End Dower Agreements; Questions and Interpretations; 6. Abandoning Tradition?; The Relationship between Islam and Islamic Law; Separating Law and Practice; A Modernist Call; Founders of a Movement; The Outcry of Traditionalists; Ultimate Questions; 7. A Parallel System of Justice?; Canada's Experiment with Arbitration; Arbitration, U.S. Secular Courts and the Muslim Community; From Canada to the U.S.: Assessing the Future of Muslim Arbitration; 8. Other Paths; Germany: Limited Enforcement of Muslim Legal Norms; England: Seeking Influence; Concluding Observations
9. Seeking Solutions The Way Forward; A. Excerpts from the Ontario Arbitration Act Of 1991 235; B. Executive Summary the Report "Dispute Resolution in Family Law: Protecting Choice, Promoting Inclusion," December 2004, also known as the "Boyd Report";
BIBLIOGRAPHY; INDEX

Sommario/riassunto

Hanshaw explores the often competing demands that confront American Muslims from Islamic religious law and secular law. The conflict extends into many aspects of daily life, ranging from issues concerning divorce and child custody to the interpretation of contracts. The receptivity of U.S. courts to claims rooted in Islamic legal principles has been uneven, leaving Muslims in a state of uncertainty. As well, U.S. courts have often struggled to interpret Islamic law provisions. At the heart of Hanshaw's legal analysis lies the very personal question of whether weaknesses in U.S. judicial process
