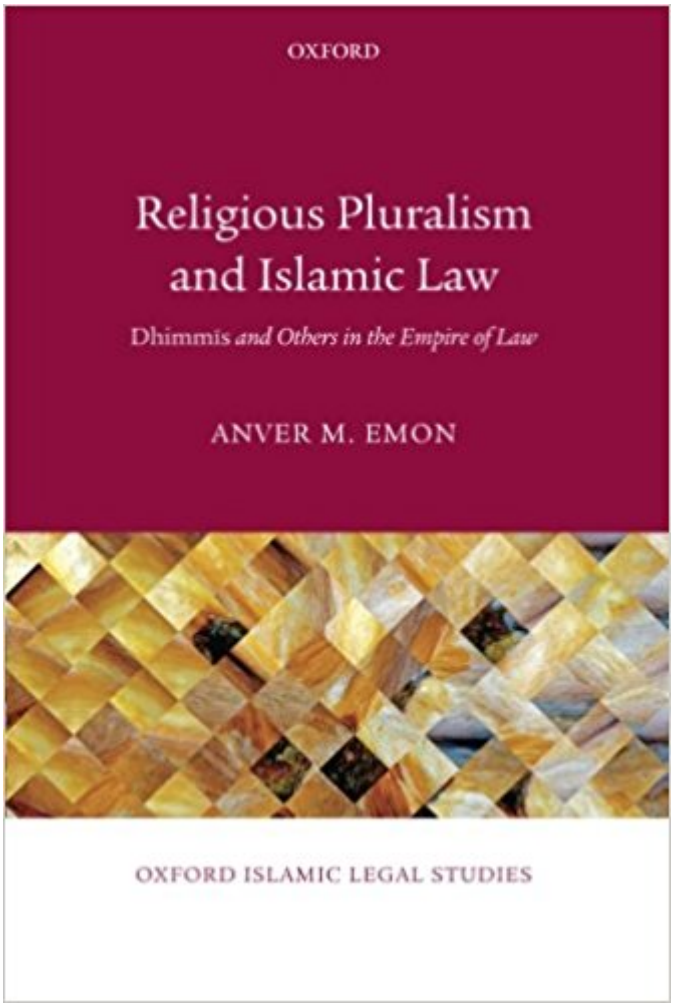
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Religious Pluralism And Islamic Law: Dhimmis And Others In The Empire Of Law (Oxford Islamic Legal Studies)



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Synopsis

The question of tolerance and Islam is not a new one. Polemicists are certain that Islam is not a tolerant religion. As evidence they point to the rules governing the treatment of non-Muslim permanent residents in Muslim lands, namely the dhimmi rules that are at the center of this study. These rules, when read in isolation, are certainly discriminatory in nature. They legitimate discriminatory treatment on grounds of what could be said to be religious faith and religious difference. The dhimmi rules are often invoked as proof-positive of the inherent intolerance of the Islamic faith (and thereby of any believing Muslim) toward the non-Muslim.This book addresses the problem of the concept of 'tolerance' for understanding the significance of the dhimmi rules that governed and regulated non-Muslim permanent residents in Islamic lands. In doing so, it suggests that the Islamic legal treatment of non-Muslims is symptomatic of the more general challenge of governing a diverse polity. Far from being constitutive of an Islamic ethos, the dhimmi rules raise important thematic questions about Rule of Law, governance, and how the pursuit of pluralism through the institutions of law and governance is a messy business.As argued throughout this book, an inescapable, and all-too-often painful, bottom line in the pursuit of pluralism is that it requires impositions and limitations on freedoms that are considered central and fundamental to an individual's well-being, but which must be limited for some people in some circumstances for reasons extending well beyond the claims of a given individual. A comparison to recent cases from the United States, United Kingdom, and the European Court of Human Rights reveals that however different and distant premodern Islamic and modern democratic societies may be in terms of time, space, and values, legal systems face similar challenges when governing a populace in which minority and majority groups diverge on the meaning and implication of values deemed fundamental to a particular polity.

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"Polytheists and the irreligious were anathematized in classical Islam, but it assigned People of the Book, mainly Christians and Jews, to an intermediate protected category, the dhimma. Much writing on this institution takes sides, arguing that it was a mechanism either for interreligiousharmony or for persecution of minorities. Anver Emon, in his weighty and original Religious Pluralism and Islamic Law, rejects both opposing views, as well as the concept of tolerance as a useful analytical tool.... [W]hat gives this study a surprising topicality is the comparison that Emon draws with the arguments deployed by Euro-American courts today when rights of religious minorities conflict with the imperative of social cohesion." --Jonathan Benthall, Times Literary Supplement"This brilliant and ground-breaking work of scholarship brings about a revolution in the way non-Muslim minorities are viewed in Muslim societies and Shari'a...This is a must read for anyone interested in the comparative study of religious pluralism in Islamic and Western law." --James Tully, University of Victoria, Canada"In this book, Emon offers a reasoned and much needed historical, sociological, and legal frame for understanding attitudes towards the other within Islam. More provocatively, but equally convincingly, he draws comparisons between Islamic law and the travails of contemporary Western legalcodes in wrestling with its own other - often in the form of the veiled Muslim woman. The challenges to these legal orders are surprisingly similar, as are the problematic and (in a liberal individualist light) the 'intolerant' responses of each. Emon's book is to be read carefully." --Adam Seligman, Professor of Religion, Boston University, USA"This book is a major contribution to the recent debates on Shari'a, rule of law and pluralism...Emon offers a groundbreaking study of Shari'a as unavoidably embedded in an 'enterprise of governance'. Comparing the legal debates on the dhimmis with recent legal debates on Islam and Islamic lawin the West, the author shows that despite claims about freedom and liberty, legal systems cannot avoid being hegemonic against minorities." --Muhammad Khalid Masud, Former Chairman, Council of Islamic Ideology, Pakistan

Anver M. Emon is Professor of Law at the University of Toronto's Faculty of Law. Emon's research focuses on premodern and modern Islamic legal history and theory; premodern modes of governance and adjudication; and the role of Shari'a both inside and outside the Muslim world. The

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