The installation of large numbers of Muslim immigrants in Western Europe and the United States has contributed to a renewed interest in Islamic law in these countries. Competent Islamic law is becoming an important topic of research. The attention on the plurality of norms in Muslim societies has a tradition of more than a century. The model provides a better understanding of the relationship to each other, instead of viewing them as isolated entities. Study of the process of state formation, in which a central government claims the monopoly on the imposition of uniform and generally valid legal norms, offers a key to understanding the constantly changing relationships between the three domains. The triangular model offers a key to understanding the constantly changing relationships between the three domains.

Léon Buskens was appointed to the Chair of Law and Culture of Islam at the Faculty of Law, Utrecht University. This article is an extract from his inaugural lecture delivered on 23 February 2000. The full text of the lecture will be published separately in Dutch.

The triangular model which is presented here is not intended as a general outline of the ‘nature’ of Islamic legal systems. On the contrary, this contribution is a plea for research on the diversity of legal systems and their historical development. In my own work on the generalities of the modern Moroccan legal system since the 19th century, attention was paid to the interaction of the three domains of legal norms. A comparison of the plurality of legal norms in the Islamic world is important for the study of the diversification of the legal systems of the Islamic world. Our discipline can benefit from a comparative essay which might be entitled, as a pun on Clifford Geertz’s famous book, Islamic Law Observed.

Notes
1. See, for example, Dupret, Basmaou, Mauets Berger, and Lela al-Zawari, eds. (1999). Legal Pluralism in the Arab World. The Hague, etc., for a study of the transformation of the Islamic legal system in Yemen, to which I am greatly indebted.
4. See, for example, Steinbock, Foris, and Marie-Claire Foblets, eds. (1999). Relations familiales intestinales. Sigmund Freud’s contributions to the study of the interpersonal system, New Haven, etc.
5. For example, in my recent work, in Fons Strijbosch’s contribution, ‘The Islamic Triangle: Changing Relationships between Shari’a, State Law, and Local Customs’.

A plea for comparative studies

Changing Relationships between Shari’a, State Law, and Local Customs

In the ‘diaspora’, state law and customs continue to be important within the scope of their countries of origin, the immigrants are faced with the state law of their country of residence, particularly in the form of international law. At the same time, their customs can no longer be described as local. In Western European countries, these new communities of immigrants, reflective young persons of the succeeding generations seem to be willing to comply with this wish for unity. Many of them seem to give more importance to a shared Islamic identity than to differences in law schools and customs. They consult modern ‘restatements’ of Islamic law, which is abolished by the rule of law. The killing of a daughter might be meaningless in the eyes of German neighbours, for example, but inurable and hoardable according to Islamic law. The standards of grandparents and cousins in Turkey.

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