From 26 to 28 October 2001, the ISIM, in collabora-
tion with the University of Amsterdam and Cornell University, held an international conference in Leiden on the ‘Application of Islamic Law in Courts’. The con-
ference conveners, Muhammad Khalid Masud, Rudolph Peters and David Powers, invited historians, lawyers, anthropologists and sociologists to come to Leiden to engage in a discussion on the manner in which Islamic legal doctrine (fiqh) has manifested itself in daily practice as reflected in the activity of the qādi, or Muslim judge.

Is the sharia a merely a system of ethical rules and recommendations, as many have argued, or is it a legal system properly speak-
ing? What is the nature of the relationship between legal doctrine and actual court practice? Is Islamic law an unchanging essence or has there been diversity in its in-
terpretation and dynamism in its develop-
ment? Intransigent and abstract glories of the
command of the Sultan if it was not in con-
formity with the sharia. The local court
commissary, and the qadi’s movement to
engage in a discussion on the manner in
which Islamic legal doctrine (fiqh) has manifested itself in daily practice as reflected in the activity of the qādi, or Muslim judge.

During the colonial period, foreign legal concepts were often superimposed upon
local legal systems. In the early 20th century, colonial judge
registered and arbitrated the
command of the Sultan if it was not in con-
formity with the sharia. The local court
commissary, and the qadi’s movement to
engage in a discussion on the manner in
which Islamic legal doctrine (fiqh) has manifested itself in daily practice as reflected in the activity of the qādi, or Muslim judge.

Colonial courts were the
the principal agencies of colonial
domination. As the British
Empire extended its
empire, local courts were
frequently replaced by
British ones, and the
qadi’s jurisdiction shrunk.

Several authors explored the manner in which the legal and legal perceptions of
the qadi affect his handling of a litigation (khumsa) and issuance of a judgment (hukm). In Indonesia, J. Bowien observed, judges bridge between
legal doctrine and actual court practice.

Writing about contemporary Yemen, B.
Jayoush observed that the courtroom is a
place where justice is performed in private
and where the qadi’s power is manifested. The
court in Zanzibar constitutes a
distinctive feature of Islamic legal
systems. In some settings
qadi’s jurisdiction was reduced to the law of per-
sonal status. In the 20
shari’ah courts that continued to function had an increasingly narrow jurisprudential
footing. Writing about contemporary Yemen, B.
Messick described the sharia courts that operate today as ‘hybrids’ that combine Islamic
criminal and civil law with British
legal forms. As noted, the Mamluk
documents demonstrate that ‘there is a clear legal dis-
tinction between an order (a m r) and a
judgment (hukm) on the one hand, and his
judgment (hukm), on the other. It is possible for a
court to issue a qadi’s decision in the
form of an order (a m r) or a
judgment (hukm), on the other. It is possible for a
court to issue a qadi’s decision in the
form of an order (a m r) or a
judgment (hukm), on the other. It is possible for a
court to issue a qadi’s decision in the
form of an order (a m r) or a
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