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978-1-107-09424-6 - Sexual Violation in Islamic Law: Substance, Evidence, and Procedure

Hina Azam

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Sexual Violation in Islamic Law

This book provides a detailed analysis of Islamic juristic writings on the topic of rape. The author argues that classical Islamic jurisprudence contained nuanced, substantially divergent doctrines of sexual violation as a punishable crime. The work centers on legal discourses of the first six centuries of Islam, the period during which these discourses reached their classical forms. It chronicles the disagreement over whether or not to provide monetary compensation to victims, as reflected in debates between the Ḥanafī and Mālikī schools of law. Along with tracing the emergence and development of this conflict over time, the author explains the evidentiary and procedural ramifications of each of the two competing positions. This study examines several critical themes in Islamic law, such as the relationship between sexuality and property, the tension between divine rights and personal rights in sex crimes, and justifications of victims' rights as afforded by the two competing doctrines.

Hina Azam is an Assistant Professor of Islamic Studies at the University of Texas at Austin. She has published articles in the *Journal of Law and Religion*, the *Journal of Middle East Women's Studies*, and *Comparative Islamic Studies*. She has contributed to the edited volumes *Feminism, Law, and Religion* and *A Jihad for Justice: Honoring the Work and Life of Amina Wadud*, as well as to *The Oxford Encyclopedia of Islam and Law*.

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