

Index

- accountability, 14, 17, 21, 30, 106, 167, 171–73
 accountable, 15, 18, 21, 24, 30, 32, 120, 167, 188
 administrative, 21–22, 30, 56, 61, 164–65, 167, 171
 Afghanistan, xvii, 3–4, 6, 20, 38, 41, 44, 48, 79, 81, 87, 93–94, 100, 113, 116–20, 122–23, 126, 142, 144, 147, 149, 187
 Africa, 5, 41, 47, 52, 56, 59–60, 62, 84, 91, 111, 156, 186
ahl al-hall wa-l-aqd (the people who loose and bind), 20
 Al-Azhar University, 28
 Algeria, 16, 26, 36, 38, 44, 48–49, 56–58, 71
 Anglo-Afghan Wars, 114
 Anglo-French Agreement of 1890, 56
 Anglo-Hindu law, 51, 54
 Anglo-Muhammadan law, 51
 Anglophone, 156
 apostasy, 178
ash-shab yurid isqat an-nizam, 13
 Asia, 5, 41, 46–47, 49, 51, 55–56, 62–64, 66–67, 69, 71, 103, 111, 156, 186
 Australia, 52, 84
 authoritarian, 4, 16, 63–64, 91, 125
 ayatollahs, 137
 Azerbaijan, 39–40, 44, 63
 Bahrain, 36, 38, 44, 81, 94
 Bangladesh, 26, 39–41, 44, 154
 bicameral, 23
 blasphemy, 92, 164, 178, 184
 bourgeois, 66
 British India, 50, 86, 156
 Buddha, 76
 Buddhism, 70, 76
 bureaucracy, 22, 167
 Cairo, 2, 5, 28–29, 174, 178
 capitalism, 22
 centralization, 60, 104, 117
 clergy, 24, 65, 83, 101, 111–12, 118–19
 clerical, 108–10, 112, 122, 127, 144
 codification, 49, 51, 53
 colonialism, 8, 13, 45, 48, 50, 55–56, 61, 64, 66, 70, 88, 97, 99
 conservatives, 17, 20, 107, 144, 149, 187
 constitution, 1–3, 5, 7, 9, 14, 17, 19–24, 27–29, 31–34, 36, 38, 40–41, 43, 45, 48, 55, 62, 71, 75–76, 78, 80, 82–83, 87–88, 90–91, 93, 97, 99–101, 103, 105–6, 108–13, 115, 117–21, 123–24, 126–28, 132–34, 137, 139–44, 146, 148–50, 153–54, 157, 159, 161, 172, 175, 178, 185, 187–89
 Constitution of Iraq 2005, 145
 Constitution of Islamic Republic of Iran 1907, 83, 101
 Constitution of Islamic Republic of Pakistan 1956, 157
 Constitution of the Arab Republic of Egypt 1971, 81, 126, 172
 Constitution of the Arab Republic of Egypt 2012, 134
 Constitution of the Arab Republic of Egypt 2014, 134
 Constitution of the Federal Islamic Republic of the Comoros 1996, 93
 constitutional democracy, 3, 7, 19, 150, 189
 constitutionalism, xvii, 6, 9, 16–17, 19–21, 27, 31, 34, 36, 42, 75–76, 79–80, 86, 103, 105, 107, 109–10, 112, 122, 145, 150, 170, 186–88

- democracy, 4–5, 7–8, 13, 16, 27, 40, 78–79, 89,
91, 97, 99, 103, 137–38, 142–43, 147–48,
150, 157, 161, 173, 185–86, 188
- Denmark, 6, 50
- dictatorial, 15, 132, 145, 162, 165
- diyāt*, 165
- Egypt, xvii, 1, 3, 7, 10, 14–16, 18, 20, 23, 25,
28–29, 36, 38, 44, 47–48, 56, 77, 79, 81–83,
87, 90, 94, 100, 113, 117, 121, 124, 126,
129–30, 132, 134, 142, 144, 150, 153, 171,
174–75, 177–80, 182–83, 187
- Fatimid dynasty, 28
- fatwa, 102, 114, 135
- Federal Shariat Court, Pakistan, 36, 160, 162,
167, 170, 184
- France, 14, 21, 48, 50, 56, 59–62
- French North, 56
- Gandhi, 155
- globalization, 80
- grundnorm*, 31, 157
- hadd*, 184
- Hanafi, 69, 117–18, 120
- headscarves, 82
- hijab*, 65, 71, 82
- Hindu, 53–54, 84, 154, 156, 160
- hisba*, 178
- human rights, xvii, 4, 6–7, 15, 31, 40, 42, 63,
77–78, 90, 148, 153, 159, 161, 163–66,
168–69, 177, 181, 183, 185
- ijtihad*, 53
- imperialism, 56, 108
- India, 34, 46, 48–51, 53–54, 60, 84, 114, 154–55
- Indonesia, 39, 41, 45, 47
- Iran, 5–6, 8, 15, 20, 24, 26, 35, 38, 40, 44–45, 48,
76–77, 79, 83, 86–87, 94, 100–1, 103–4,
106, 109, 112–15, 119, 121–24, 126, 128, 143,
147, 149, 170, 187
- Iraq, 3–4, 6, 14, 38, 43–44, 79, 94, 100, 134,
136–39, 143–44, 146–48, 150, 187
- Islamic constitutionalism, xvii, 10, 27–28, 31,
37, 143, 170
- Islamic state, 55, 62, 70, 156, 168
- Israel, 3, 129, 131, 154
- Jamaat-e-Islami, 155, 158
- Japan, 103
- Jerusalem, 131
- Jews, 116–17, 119
- jihad, 32, 36, 114
- Jinnah, Muhammad Ali, 154–56
- Judaism, 5, 19, 115
- Kazakhstan, 39, 63–65, 68, 70
- Kenya, 50, 85
- Kurds, 138–39, 141–42, 144, 146–48
- Kuwait, 38, 44, 81–82, 95
- Kyrgyzstan, 63–64, 70
- laicistic, 62
- liberal, 2, 22, 31, 64, 79, 91, 104, 112, 120–23, 125,
131, 134, 148, 150, 154, 156, 164, 166, 170,
180, 182–83, 189
- Libya, 3, 38, 44, 95
- madrāsa*, 28
- Maldives, 36, 38, 40–41, 43–44, 83, 87, 95
- marriage, 51, 84, 116, 119–20, 178, 182
- Marxist, 64, 131
- Mauritania, 36, 38, 44, 56, 93, 95
- Mecca, 42, 49, 61–63, 70
- monarch, 21, 24, 47, 101, 105–6, 109, 114, 123,
128, 134, 149, 187
- monarchy, 3, 21, 105–6, 113, 115, 124, 134, 172
- Morocco, 36, 38, 44, 56, 81
- Muslim world, 2, 5–6, 9, 13, 15, 17–19, 26–27,
32, 34, 49, 64, 67, 75, 78–79, 100, 160, 176,
185, 189
- Najaf, 146, 148
- Napoleon, 56, 62
- nationalism, 80, 129, 154, 156
- Nuri, Shaikh Fazlollah, 107–11
- Ottoman Empire, 17, 20, 22–23, 25, 47, 115,
123
- Pakistan, 3, 10, 16, 26, 36, 38, 40–41, 44, 49, 55,
77, 81–82, 95, 153–57, 159, 161–63, 165, 167,
169–70, 175, 180, 183, 188
- Palestine, 34–35
- Parsi, 160
- Pashtun, 113
- Persia, 87
- Punjab, 50, 165, 167–68
- qadi*, 57, 67
- Quran, 36, 157–58, 160

- Roman Catholic, 61
 rule of law, 13, 19, 24, 104, 126, 154, 169, 172, 175, 181, 188
 Russia, 24, 102, 106, 114, 119
- Salafi, 29, 171, 174
 sectarian, 147, 157
 secular, 2–3, 9, 13, 15–16, 23, 28, 35, 50, 60, 62, 64, 68, 70–72, 78, 80, 82, 91–92, 102, 108, 112, 119, 129, 140, 143, 145, 147, 155–57, 161, 185, 188
 secularism, 14–16, 35, 40, 42, 51, 60, 63–64, 66, 68, 72, 79, 106, 115, 129, 185
 secularization, 121, 133
 self-government, 46
 shari'a (sharia, shariah), 6, 7, 8, 18, 19, 37, 38, 51, 61, 75, 76, 77, 80, 81, 82, 83, 87, 108, 110, 112, 118, 121, 126, 129, 132, 133, 138, 141, 142, 143, 154, 173, 174, 175, 176, 179, 181, 182, 183
 Sierra Leone, 35, 39, 41, 45
siyasa, 18, 184
 Somalia, 8, 38, 40, 42, 44, 95
- sovereignty, 19, 26, 29, 59, 105, 114, 135, 144, 157–59
 Sri Lanka, 76
- Tajikistan, 39, 62–63, 65, 67, 69–70
tanzimat, 22, 23
taqlid, 53
 theocracy, 2, 4, 7, 43, 78, 149, 186
 Tunisia, xvii, 3, 5, 14–17, 20–21, 23, 25, 27, 39, 44, 56, 75, 83
 Turkey, 6, 15, 35, 39, 78, 91, 115, 119
 Turkmenistan, 39, 45, 62–63, 65, 70
- ulama, xxi, 20, 23, 25, 65, 67, 93, 103–5, 109–11, 113–14, 157, 163, 170, 174, 176, 183
 United States, 3, 43, 106, 135, 137
 Uzbekistan, 8, 35, 39, 45, 49, 63–65, 67, 69–70
- waqf*, 67
 West Africa, 49, 56, 58, 61, 71, 84
- Yemen, 3, 35, 38, 44, 81, 96
- Zoroastrianism, 70