

Acculturation of Islamic Sharia law in the context of European legal systems

Abstract

The aim of this advanced Master's („rigorózní“) thesis is to analyze the ways of acculturation of Islamic Sharia law in the context of European legal systems from a legal point of view. The first chapter deals with Islam, as well as the historical, political and geographical context that influenced the emerging religion. For the purposes of deeper understanding of Islam, the main pillars of Islam and the sources of Islamic creed are also discussed. The second chapter focuses on a more detailed specification of classical Islamic law - Sharia. The key is to define the content of Sharia law, including the identification of individual subjects of law, and to define the scope of the law. Furthermore, the individual primary and secondary sources of classical Islamic law are discussed. For the purpose of understanding the differences in the interpretation of classical law, the individual law schools of Islam and their differences are also described. Furthermore, the work aims to outline selected institutes of Islamic law, with emphasis primarily on legal institutes that are a frequent part of the life of ordinary Muslims. The third chapter focuses on the topic of religious freedom in the context of Europe. The concept of religion is defined, both from a sociological-philosophical point of view and from a legal point of view. The main part of this chapter is devoted to the elaboration of the concept of religious freedom in international law or legally non-binding declarations. Furthermore, in this chapter the thesis deals with the issue of polynormative society as well as the limits of religious freedom. In the fourth chapter, the thesis focuses on the issue of acculturation of Islamic law in the context of Europe, with a special focus on three European countries – the Great Britain, France and Germany. This chapter also deals with potential complications of the applications of Sharia law in the context of Europe and the various approaches to the acculturation of Sharia law. However, the main part of this chapter is a detail analysis of the acculturation of Sharia law in the Great Britain, France and Germany, with emphasis on the historical and cultural context affecting the researched issues in the country.

Key words: Islamic Sharia law, acculturation, Europe