

University of Pittsburgh School of Law

Scholarship@PITT LAW

Book Chapters

Faculty Publications

2024

Law, Society, and Religion: Islam and the West

Paolo Davide Farah

West Virginia University (WV, USA); gLAWcal - Global Law Initiatives for Sustainable Development (UK);
University of Pittsburgh School of Law (PA, USA), paolofarah@yahoo.com

Follow this and additional works at: https://scholarship.law.pitt.edu/fac_book-chapters



Part of the [Comparative and Foreign Law Commons](#), [Constitutional Law Commons](#), [Cultural Heritage Law Commons](#), [International Law Commons](#), [Islamic World and Near East History Commons](#), [Legal History Commons](#), [Migration Studies Commons](#), [Religion Law Commons](#), [Social and Cultural Anthropology Commons](#), and the [Transnational Law Commons](#)

Recommended Citation

Paolo D. Farah, *Law, Society, and Religion: Islam and the West*, Juridical Perspectives between Islam and the West – A Tale of Two Worlds (2024).

Available at: https://scholarship.law.pitt.edu/fac_book-chapters/52

This Book Chapter is brought to you for free and open access by the Faculty Publications at Scholarship@PITT LAW. It has been accepted for inclusion in Book Chapters by an authorized administrator of Scholarship@PITT LAW. For more information, please contact leers@pitt.edu, shephard@pitt.edu.

Law, Society, and Religion: Islam and the West

Paolo Davide Farah*

While the origin of the term ‘religion’ remains unclear, its role and prominence in structuring and shaping the relations between state and society in early civilization is undisputed.¹ Historically, religion has played, and partially still play, an important role in shaping the development of humanity whether people were believers or not. Today, some areas, such as Asia and Sub-Saharan Africa, are witnessing a drastic increase in the number of religious followers, whereas in others, religion is often portrayed as a premodern phenomenon destined to disappear in time. Its continuing relevance stems partially from the fact that some religions promise an afterlife for everyone, assuming people follow its dogma, thereby providing hope. Whether it is the eternal question of the afterlife or the meaning of life, all religions provide responses to complex and deeply philosophical questions, in turn influencing how individuals conduct their daily life and bringing a positive outcome for societal and human development also in marginalized populations. Throughout history, both progress and decline have been associated with religion. Religion promoted social progress, the establishment of solidarity, as well as progress in arts and sciences and overall attention for the most vulnerable parts of society. In other cases, religion disputed and questioned the role of science in human development, brought conflicts, and hindered progress. This is why, in many places and in different historical times, the targeting of religious symbols and representatives, as in the French revolution, has been a common trend. Religion has also had a difficult time defining their scope and coverage, especially when dealing with human conduct in private² and public life.³

In light of the complexity and divergence⁴ of the religious landscape and its role in the progress/decline of civilization, scholars have extensively analyzed religion from a variety of

* Paolo Davide Farah, Full Professor, West Virginia University, Eberly College of Arts and Sciences, John D. Rockefeller IV School of Policy and Politics; Founder and Director of the West Virginia University, Energy Justice and Just Transition Lab; Founder and Coordinator of the Eberly College Interdisciplinary Research Collaborative on Global Challenges and Local Responses Initiatives; Founder, President, Director, Principal Investigator and Senior Research Fellow, at gLAWcal—Global Law Initiatives for Sustainable Development (United Kingdom). Dual PhD in International Law from Aix-Marseille University (France) and University of Milan (Italy), LLM in European Legal Studies from the College of Europe in Bruges (Belgium), Maitrise (J.D.) in International and European Law from Paris Ouest La Defense Nanterre University (France). Email Addresses: paolofarah@yahoo.com; paolo.farah@glawcal.org.uk

¹ Shanjendu NATH, “Religion and Its Role in Society”, in *IOSR Journal of Humanities and Social Science*, Vol. 20, Issue 11, 2015, pp. 82-83.

² For an analysis on how religion is amongst one of the factors shaping a negative public opinion on homosexuality, see: Amy ADAMCZYK, *Cross-National Public Opinion about Homosexuality: Examining Attitudes across the Globe*, University of California Press, 2017, pp. 17-40.

³ A debate is ongoing on the role of religions in public education. See generally, Steven P. JONES & Eric C. SHEFFIELD, “The Role of Religion in 21st-Century Public Schools: Historic Perspectives on God and Goodness in the Classroom”, <https://files.eric.ed.gov/fulltext/EJ1047681.pdf>

⁴ Akinfenwa OLUWASEUN et al., “The Role of Religion in Modern Society: Masses Opium or Tool for Development: A Case Study of Saw-Mill Area, Ilorin, Kwara State, Nigeria”, in *International Journal of Sociology and Anthropology*, Vol. 6, n. 1, 2014, pp. 8-17.

perspectives. Among others, the link between religion and law has been extensively addressed in literature.⁵ Some consider religion to be the opium of the masses; others see it as a way for progress⁶ encouraging cooperation, including at the international level.⁷ Commentators also point to the marketization and fragmentation of religion, especially in Western secular society. Still, humanity remains, in many regards, under the influence of the faith despite all the contrasting developments witnessed in various fields.⁸

Law and religion are present in almost every society, where the predominance of one over the other can greatly vary, and, in some cases, they both contend for authority over the citizenry. From a historical standpoint, this resulted in a constant change in the relationship between law and religion.⁹ Globalization also had a role in this regard. In some instances, globalization exacerbates differences between religions instead of encouraging mediation;¹⁰ it seeks to fill the gap left by the diminishing role of religion in the West. Globalization also competes with religion; both are looking for ways to regulate conduct and push humanity to maintain particular worldviews. The identification of the position of religion within a secular state is debated to this day. Some tend to view and acknowledge the role of religion as fundamental to the cultivation of morality and better integration of social and cultural considerations within the international community. Others argue against such a role. Scholars in the West see the law as completely separated from religion and morality.¹¹ In other areas this contribution is less definite and varies based on political and social considerations. Even in predominantly Christian or Islamic nations, some countries have imposed rules limiting the influence of religion in the public sphere whereas other countries have remained either completely or partially governed and influenced by religion.¹² Even within countries where religion is held above the law, in some instances, it has been used and exploited for political goals. Similarly, in countries where religion is confined to the private and personal spheres, it still heavily influences national policy. Thus, coexistence amongst law and religion is of topical importance, and has been greatly debated throughout history and is key to the understanding of different cultures.¹³ A great number of comparative studies emerged examining such a coexistence over the

⁵ Seyyed Mehdi TAHERI, “The Role of Religion in the Development of Communities: Comparison of Protestantism, Tokugawa and Islam”, in *Kom*, Vol. 5, Issue 1, 2016, pp. 37-55.

⁶ Akinfenwa OLUWASEUN et al., “The Role of Religion in Modern Society: Masses Opium or Tool for Development: A Case Study of Saw-Mill Area, Ilorin, Kwara State, Nigeria”, in *International Journal of Sociology and Anthropology*, Vol. 6, Issue 1, 2014, pp. 8-17.

⁷ Sida Partnership Forum, “The Role of Religion in Development Cooperation” (May. 2009).

⁸ J. BEYERS, “The Role of Religion and Spirituality in Transforming Society”, in *Acta Theologica*, Issue 32, 2021, pp. 52-69.

⁹ Winnifred Fallers SULLIVAN, “Comparing Religions, Legally”, in *Washington & Lee Law Review*, Vol. 63, 2006, pp. 913-928.

¹⁰ Hans-Henrik BÜLOW et al., “The world's Major Religions Points of View on End-of-Life Decisions in the Intensive Care Unit”, in *Intensive Care Medicine*, Vol. 34, Issue 3, 2008, pp. 423-430.

¹¹ Bryan S. Turner, “Law and Religion”, in *Theory, Culture & Society*, Vol. 23, Issue 2/3, 2006.

¹² Johan D VAN DER VYVER & M Christian GREEN, “Law, Religion and Human Rights in Africa: Introduction”, in *African Human Rights Law Journal*, Vol. 8, Issue 2, 2008, pp. 343-350.

¹³ Erwin AKHVERDIEV & Alexander PONOMAREV, “Religion as Factor in Formation of Law: Current Trends”, in *SHS Web of Conferences*, Vol. 50, 2018, pp. 1-5.

years,¹⁴ given the impact of these relations on a national level but also for international politics.¹⁵ Coexistence between the two in the context of the secular state also forced the judiciary to analyze and interpret religion within the legal framework of the modern state. Courts have had the difficult task of balancing rule of law and the protection of believers. Examples of tribunals that dealt with such topics include the European Court of Human Rights¹⁶ and the Inter-American Court of Human Rights.¹⁷ This is not an easy mission for any judge to deal with, as the final ruling will always be subject to criticism from all parties and stakeholders involved.¹⁸

Among the many existing religions, Islam is one of those that holds a great importance; it constitutes the world's fastest growing religion,¹⁹ and it creates social and political rules that regulate its followers' conduct.²⁰ Islam, historically, played an important role in shaping major political events after its emergence and creating polities where both law and religion were intermixed, each supportive of the other.²¹ As an example, empires such as the Ottomans, relied on Islam to unify the nation and justify territorial expansion.²² Islam's relevance within the political sphere varied from country to country, century to century.²³ Its development took diverging paths, making Islam, rather than a monolithic entity, a multifaceted and complex religious phenomenon.²⁴ Particularly in the West, debate surrounds the political dimension of Islam, approaching it with worry and caution against the spread of the religion and its coexistence within secular and liberal societies.²⁵ Islam, as other religions, continues to serve as the principal basis for identity of its believers²⁶ and as a means for creating and fostering deep social trust and solidarity amongst its followers.²⁷ Various debates took place with regards to the place that Islam

¹⁴ Russell Sandberg, *Law and Religion*, Cambridge University Press, Cambridge, 2012.

¹⁵ Daniel O. CONKLE, "Different Religions, Different Politics: Evaluating the Role of Competing Religious Traditions in American Politics and Law", in *Journal of Law and Religion*, Vol. 10, n. 1, 1993, 1-32.

¹⁶ Effie FOKAS & James T. RICHARDSON, "The European Court of Human Rights and Minority Religions: Messages Generated and Messages received", in *Religion, State & Society*, Vol. 45, Issue 3/4, 2017, 166-173.

¹⁷ Moncef CHAIBI, "Religion and Pluralism before the Inter-American Court of Human Rights: From Individualizing Religious Freedom to Deregulating the Religious Market", in *Oxford Journal of Law and Religion*, <https://doi.org/10.1093/ojlr/rwad009>

¹⁸ Howard KISLOWICZ, "Judging Religion and Judges' Religions", in *Journal of Law and Religion*, Vol. 33, Issue 1, 2018, 42-60.

¹⁹ James R. MOORE, "Islam in Social Studies Education: What We Should Teach Secondary Students and Why It Matters", in *The Social Studies*, Vol. 97, n. 4, 2006, 139-144.

²⁰ Arthur JEFFERY, "The Political Importance of Islam", in *Journal of Near Eastern Studies*, Vol. 1, Issue 4, 1942, 383.

²¹ L. E. BROWNE, "The Development of Islam", in *The Muslim World*, Vol. 24, Issue 2, 1934, 168-177.

²² Frederick F. ANSCOMBE, "Islam and the Age of Ottoman Reform", in *Past & Present*, Vol. 208, Issue 1, 2010, 159-189.

²³ Greg Barton, "The Prospects for Islam", in *Indonesia Today: Challenges of History*, eds. Grayson J. Lloyd & Shannon L. Smith, Rowman & Littlefield Publishers, Inc. 2001, pp. 244-255.

²⁴ Mohammed AYOUB & Danielle Nicole LUSSIER, *The Many Faces of Political Islam: Religion and Politics in Muslim Societies*, University of Michigan Press, Michigan, 2020, pp. 13.

²⁵ For an analysis of how external factors enabled the spread of Islamism see, Mohammed AYOUB, "The Future of Political Islam: The Importance of External Variables", in *International Affairs*, Vol. 81, Issue 5, 2005, 951.

²⁶ Patrick D. GAFFNEY, "Popular Islam", in *AAPSS*, Vol. 524, Issue 1, 1992.

²⁷ Niclas BERGGREN & Christian BJORNESKOV, "Is the Importance of Religion in Daily Life related to Social Trust? Cross-Country and Cross-State Comparisons", in *Journal of Economic Behavior & Organization*, Vol. 80, Issue 3, 2011, pp. 459 - 480.

should occupy in society. In the last two decades, such debates have intensified due to terrorist attacks that have targeted Western ways of life or particular social and cultural institutions.²⁸ At times, there has been great confusion. Commentators have mixed up what Islam and Muslim faith are and what has nothing to do with religion or belief such as radicalization and terrorism which could happen even in any religion. Moreover, the emergence of new Islamic identities, mixing elements of Islam with Western values, as well as changing demographic and migratory patterns has also played a role in the increased attention in covering the religious landscape.

On another note, the digital revolution and the dependencies fueled by globalization, along with advancements in new means of communication - like social media - and transportation allowed for the propagation of different ideas and ideologies, including religious ones.²⁹ Phenomena that, in the past, were much slower to spread and relatively enclosed within the boundaries of a single country or region are now increasingly being debated as part of the global conversation. Ideas and notions belonging to entirely different worldviews and philosophies are now intertwined, resulting in both an opening to find peaceful coexistence and conflict between them. Regarding the former, examples of coexistence can be found in several areas where there has been a true effort to reconcile religion with labour protections³⁰, gender equality³¹, environmental protection,³² and social justice³³. On tensions, some scholars embrace the “Clash of Civilizations” theory first hypothesized by Samuel Huntington, arguing that religion will fuel conflict in the medium and long term.³⁴ This perspective believes that such a conflict is inevitable, and instead on opening dialogue, the attention should focus on how further differences develop which makes it almost impossible to find compromises even in the short term.

The relation between Islam and the law is very complicated in modern times. This can be seen, for example, in the critique of international law by Muslim scholars through various studies and publications,³⁵ but it is likewise evident the religion’s positive contribution to Western public and international law as well as its influence upon it.³⁶ Indeed, a debate is currently taking place, arguing for the creation of synergies between the religion and existing legal frameworks such as

²⁸ Caterina FROIO, “Race, Religion, or Culture? Framing Islam between Racism and Neo-Racism in the Online Network of the French Far Right”, in *Perspectives on Politics*, Vol. 16, Issue 3, 2018, pp. 696 - 709.

²⁹ Ibrahim Canan, “Islam as the Religion of Peace and Tolerance”, in *Terror and Suicide Attacks: An Islamic Perspective*, eds. Ergün Çapan, The Light, Inc, & Isik Yayınlar, 2004.

³⁰ Iftikhar AHMAD, “Religion and Labor: Perspective in Islam”, in *Working USA: The Journal of Labor and Society*, 2011.

³¹ Iman HASHIM, “Reconciling Islam and Feminism”, in *Gender & Development*, vol. VII, n. 1, 1999.

³² Erhun Kula, ‘Islam and Environmental Conservation’ (2001) 28 *Environmental Conservation* 1; Andrew Chan and Md Saidul Islam, ‘State, Religion, and Environmentalism: Fostering Social Cohesion and Environmental Protection in Singapore’ (2015) 1 *Environmental Sociology* 177.

³³ Erin E Stiles, ‘Contemporary Expressions of Social Justice in Islam’ [2012] *The Wiley-Blackwell Companion to Religion and Social Justice* 153.

³⁴ Jody C BAUMGARTNER, Peter L. FRANCA & Jonathan S. MORRIS, “A Clash of Civilizations? The Influence of Religion on Public Opinion of U.S. Foreign Policy in the Middle East”, in *Political Research Quarterly*, Vol. 61, Issue 2, 2008.

³⁵ Sheikh Wahbeh al-Zuhili, “Islam and International law”, in *International Review of the Red Cross*, Vol. 87, n. 858, 2005, pp. 269 – 283.

³⁶ Marcel A. BOISARD, “On the Probable Influence of Islam on Western Public and International Law”, in *International Journal of Middle East Studies*, Vol. 11, Issue 4, 1980, pp. 429 – 450.

international humanitarian law.³⁷ Under this context, new, innovative ideas and concepts, which may be beneficial to the law, have been introduced thanks to an on-going dialogue with religion³⁸. In other cases, the principles and dogma of religion have clashed with liberal and secular states. This is especially the case when discussing Sharia law,³⁹ women's rights under the religion,⁴⁰ and immigration from developing and Global South countries and specific groups,⁴¹ during post-colonial era.⁴² This has resulted in numerous research and debate addressing these topics,⁴³ as many have noticed the increasing occurrence of concerns in many places and several governments globally.⁴⁴ The concept of justice is being debated in this context.⁴⁵ For instance, among many other suggestions, some have recommended the use of legislation to integrate religious communities in the West⁴⁶ and the regulation of religion through domestic legislation such as in the American system⁴⁷ or in English law.⁴⁸

Federico Lorenzo Ramaioli in "Juridical Perspectives Between Islam and the West - A Tale of Two Worlds" addresses all the abovementioned issues, considering them from a juridical perspective in the West. Ramaioli initially provides an overview of relations between Islam and the West explaining various notions and concepts such as *shari'a*. The book then delves into complex ideas: in this case, sovereignty and universalism after Westphalia. These terms, among others such as *ummah*, *dawla*, and transnationalism are discussed in detail. The author then goes deeper in his analysis, providing a historical appraisal of the law during the period of the caliphate, discussing authority, personification of power, as well as external and internal legitimacy. The book then examines the topic of *Shari'a* in the West and in Islam. Based on all that, the author calls for a dialogue between different legal orders to bridge existing gaps for a more peaceful and prosperous society.

³⁷ James COCKAYNE, "Islam and International Humanitarian Law: From a Clash to a Conversation between Civilizations", in *International Review of the Red Cross*, Vol. 84, n. 847, 2002.

³⁸ On mental health see Georgios A. TZEFERAKOS & Athanasios I. DOUZENIS, "Islam, Mental Health and Law: A General Overview", in *Annals of General Psychiatry*, Vol. 16, 2017. For an example on environmental protection: Sayed Sikandar Shah HANEEF, "Principles of Environmental Law in Islam", in *Arab Law Quarterly*, Vol. 17, 2002, pp. 241 - 254.

³⁹ Jamila HUSSEIN, *Islam: Its Law and Society*, The Federation Press, 2011.

⁴⁰ Azizah AL-HIBRI, "Islam, Law and Custom: Redefining Muslim Women's Rights", in *American University Journal of International Law and Policy*, Vol. 12, Issue 1, 1997, pp. 1 - 44.

⁴¹ Neil GOTANDA, "The Racialization of Islam in American Law", in *The Annals of the American Academy of Political and Social Science*, Vol. 637, Issue 1, 2011 pp. 184 - 195.

⁴² Iza HUSSIN, "The Pursuit of the Perak Regalia: Islam, Law, and the Politics of Authority in the Colonial State", in *Law & Social Inquiry*, Vol. 32, Issue 3, 2007, pp 759 - 788.

⁴³ Majid KHADDURI, *War and Peace in the Law of Islam*, Johns Hopkins Press, 1955, pp. 321.

⁴⁴ Michael HUMPHREY, "Culturalising the Subject: Islam, Law and Moral Panic in the West", in *Australian Journal of Social Issues*, Vol. 42, Issue 1, 2007, pp. 9 - 25.

⁴⁵ Ahmed E. SOUAIAIA, *Contesting Justice: Women, Islam, Law, and Society*, State University of New York Press, 2008, pp. 195.

⁴⁶ Christian JOPPKE, "Europe and Islam: Alarmists, Victimists, and Integration by Law", in *West European Politics*, Vol. 37, Issue 6, 2014, pp. 1314 - 1335.

⁴⁷ Kathleen M. MOORE, "Visible through the Veil: The Regulation of Islam in American Law", in *Sociology of Religion*, Vol. 68, Issue 3, 2007, pp. 237-251.

⁴⁸ Robin GRIFFITH-JONES, eds. *Islam and English Law: Rights, Responsibilities and the Place of Shari'a*, Cambridge University Press, Cambridge, 2013, pp. 331.

Moving to the more detailed analysis of this book, it is relevant to highlight that this book compares in detail the encounters between different juridical systems. Ramaioli draws on comparative legal theory with a particular focus on how ideas are spread and disseminated across the globe. This is even more pronounced in the mature phase of globalization. While the COVID-19 pandemic halted the international movement of people, the world is just as connected as before, at least concerning the encounter of law and diverging worldviews. Legal transplant, a central and much discussed and criticized notion in comparative law, has gained a new impetus since the decolonization period and in the more mature phase of economic globalization. The suggestive metaphor, originally developed by Alan Watson, to analyze the ‘pre’ eminence of Roman law in shaping European civilization and their legal systems, tends to interpret the juridical phenomenon as a Western led universalization attempt. The increasing importance of non-state actors⁴⁹ in shaping and guiding legal developments, as well as the more pronounced intervention of global governance institutions, helped in considering the prominence that the law has gained latterly, as a plausible solution to address global challenges such as poverty, environmental degradation, and human rights.⁵⁰ Most of the time, models of laws and regulations have been imposed on Global South countries with little regard to complexities at the local level or to the fact that law is only one of the coexisting forces shaping the social fabric of a country. Ramaioli follows a different path, and, rather than focusing on the, often violent, imposition of legal institutions, he is interested in how to open a dialogue between those “two worlds” with their complementary juridical systems. This exercise, carried out with rigor and solid methodology, allows readers, both from the West and East, to increase their understanding of the commonalities and differences between the two worlds. Ramaioli’s book is centered around the need to ‘avoid universalizing Western notions and constructs’, and it focuses on grounding the construct of law in the social and cultural sphere. The book does not describe law as in the books or legal positivist institutions but deals with how knowledge, ideas, and discourse are shaped in a dynamic and constant manner. The book, while, strictly speaking, a title on comparative law, is much broader in its aims and goals, crossing disciplinary boundaries and highlighting the importance of establishing categories of understanding that go beyond the mere dichotomy of good versus bad. Rather than the analysis of specific legal institutions or principle of laws, Ramaioli is attentive at framing a more nuanced and philosophically oriented understanding of the theoretical underpinnings behind the legal encounter between Islam and the West. The two legal traditions are put into relation, and key notions framing the historical developments of core ideas are discussed in specific detail. The interpretative category used to do so is the concept of ‘legal category’. Legal categories act in the book as the

⁴⁹ On the role of private corporations, see: Angelica Bonfanti (ed), *Business and Human Rights in Europe: International Law Challenges* (Routledge 2019); For an analysis of how Non-State actors are shaping and influencing the multilateral order, see Lukasz Gruszczynski and others, *The Crisis of Multilateral Legal Order: Causes, Dynamics and Implications* (Taylor & Francis 2022).

⁵⁰ On the reforms of global governance institutions see, John N Clarke and Geoffrey R Edwards (eds), *Global Governance in the Twenty-First Century* (Palgrave Macmillan UK 2004) <<http://link.springer.com/10.1057/9780230518698>> accessed 26 June 2023; For an assessment of how to bridge differences in the international community see: Oliver P Richmond, *Maintaining Order, Making Peace* (Palgrave Macmillan UK 2002) <<http://link.springer.com/10.1057/9780230289048>> accessed 26 June 2023.

foundational stone for analysis, able to shed light on the complexities of comparing and assessing the ramifications of our reality, especially when relations between law, power, and space is in question. In reading the law as cultural multiplicity and in describing how individuals solve the intricacy of the juridical order, Ramaioli pays particular attention to context and to communities where encounters between diverging, and often not even comparable, legal systems take place. Watson's legal transplant and the René David's categories are clear examples that laws and policies in Global South countries were often labelled as non-juridical and in some cases as anti-juridical. In the famous "*Traité élémentaire de droit civile compare*" by René David, a mere couple of pages were dedicated to East Asia and it was pointed out the lack of 'law' to justify the brevity and scarcity of analysis. Such an approach can also be found in a wide range of initiatives and schemes carried out under the guise of global governance institutions⁵¹ such as the World Bank, the International Monetary Fund, and private international development organizations. Legal reforms in Global South countries' judicial, political, and economic systems were carried out with the aid of the West. Priorities were to promote 'rule of law', market liberalization, and human rights and other alleged universal values of the international community.⁵² With the rise of recently industrialized economies such as India, China, and Brazil, and the success of these countries in lifting people out of poverty, new models that consider local and community concerns along with global necessities and standards are being spread at the international level.⁵³ "*Juridical Perspectives Between Islam and the West - A Tale of Two Worlds*" fits within this framework and offers a much needed perspective on how to be reflexive and attentive to local contexts in the work of legal scholars. Ramaioli, after explaining their methodological approach, begins by reviewing basic notions on *sharī'a*, opening their analysis with the territorial dimensions of power in the two worlds. The modern state and the binding of political power to a well-defined, precise territory inhabited by a specific national population is not only the founding myth of statehood but also enabled the West to uphold and structure the international community. Some resemblance of this model is often imposed as a method of forcing change with violence on other territories and populations. Westphalian statehood is only one of the possible ways to approach relations between people, power, and space, and it is not even the longest lived. Empires, as forms of political organization, lasted much longer and, in several cases, have proven to be more accommodating and flexible to differences and in the integration of different individuals. *Ummah* as described in the *Qur'ān* is one of the different possible ways to define state-society relations and is characterized by the idea of a political community aligned with *sharī'a*: "a normative dimension

⁵¹ Antonio Segura Serrano, *The Reform of International Economic Governance* (Routledge 2016) <<https://www.taylorfrancis.com/books/9781315553603>> accessed 16 July 2023.

⁵² For an analysis of how resilient global politics institutions could boost human rights protection, see: Kurt Mills and David Jason Karp (eds), *Human Rights Protection in Global Politics* (Palgrave Macmillan UK 2015) <<http://link.springer.com/10.1057/9781137463173>> accessed 26 June 2023.

⁵³ For an assessment of this model in the context of China see on WTO and non-trade concerns, Paolo Davide Farah, 'Trade and Progress: The Case of China' (2016) 30 *Columbia Journal of Asian Law* 51; Paolo Farah and Elena Cima (eds), *China's Influence on Non-Trade Concerns in International Economic Law* (Routledge 2016); on State-Owned enterprises as a model of industrial policy and its increasing relevance in the international context, see: Paolo Davide Farah and Davide Giacomo Zoppolato, 'Public Ownership and the WTO In a Post-Covid-19 Era: From Trade Disputes To a "Social" Function' (2022) 125 *West Virginia Law Review*, pp. 644 – 688.

that defines the belonging to this communitarian idea, which ideally overcomes national borders and geographical boundaries”. Both notions are deeply political, but their founding elements could both be traced to submission to a particular political authority, described in detail in Chapter II. The two evocative figures of Leviathan and the *Kalīfah*, seen as powerful symbolic values and used simultaneously to legitimize and personify supreme authority. Ramaioli combines historical remarks with an analysis of the social and economic development that took place in the two worlds in order to address how the West and Islam entered in diverging paths on how to legitimize political authority, the former ‘based on a shared narrative whose core is the idea of institution-persona *ficta*’ while the latter ‘’is grounded in the shared narrative of universalism, whose basis is to be found in the consensus of the community, rooted in a religious belief’. Chapter 4 progresses to analysis of the role of human reason in the juridical sphere that is, for Ramaioli, what really opened the apparently incompatible path amongst the two worlds: Islam is more contemplative and reflexive whereas the West is more creative-oriented. Human reason and the necessary question on the source of law affects what we intend and shapes discourse on the nature of the law, leading to the analysis in Chapter 5 of the separation between religion and the law and why, once the law is created, enforcement is needed. Repression in the West, and the biopolitical state could not be as easily equated with the more all-encompassing nature of *sharī‘a*, as it is not limited to earthly punishment and control but extending to the afterlife or the return from it. Chapter 6 highlights, with a comparative legal and historically grounded perspectives, the encounter between the two worlds and the forceful imposition of the West’s idea of modernity on Arab states. Constitutional momentum and the idea of ‘having’ a constitution transplanted by the West demonstrates how flexibility and dynamic interactions between the two worlds took place in the past and are set to be relevant for the foreseeable future. Constitutionalism and the mutual, constantly fluctuating influence between the two worlds are described in more detail by Ramaioli in the book “*Shari‘a and The Constitution in Contemporary Legal Models - Two Worlds in Dialogue*”.

Ramaioli’s “*Juridical Perspectives Between Islam and the West - A Tale of Two Worlds*” is an important addition to the gLAWcal Palgrave Book Series on ‘Global Issues’. gLAWcal - Global Law Initiatives for Sustainable Development is an independent non-profit research organization and think tank (<http://www.glawcal.org.uk/>) that attempts to shed new light on Global Issues and Non-Trade Concerns through research, policy analysis, and advocacy. Non-Trade Concerns include good and global governance, human rights, right to water, rights to food, social, economic and cultural rights, labor rights, access to knowledge, public health, social welfare, consumer interests and animal welfare, climate change, energy, environmental protection and sustainable development, product safety, food safety, and security. All of these values are directly affected by the global expansion of world trade and should be upheld to balance the excesses of globalization.

The gLAWcal Palgrave book series on “Global Issues” explores many relevant matters and provides insights into the complex interaction of human and natural systems; modes of cooperation and conflict; and the ways and degrees to which human values can be reconciled and more effectively enacted. The concentration throughout is on an integration of existing disciplines toward the clarification of political possibility as well as impending crises. The rapid pace of

globalizing dynamics has brought in its wake a proliferation of crises, governance challenges and large-scale stresses, unprecedented in their range, seriousness and urgency. These emerging conditions and relations are variously global in their range, inclusiveness and impacts; and many of them are outpacing our legal, political and ethical systems of deliberation and control. Climate change, the ravages of contagious diseases and financial turmoil are all cases in point. Similarly, the transformative implications of new scientific and technological developments, from Big Data to gene editing, are already upon us. Ramaioli's book fits within the broader discussion on how to relate and engage in dialogue with divergent worldviews and transnational issues that go beyond state borders with the goal of countering the sustainability and governance crises we are facing. More dialogue and increasing encounters between seemingly unbridgeable divides and assumptions on what the law is, as well as how we understand law and society relations, are of timely importance. In a world characterized by increasing violence, conflict, and hostility, Ramaioli's suggestion to open a dialogue amongst diverging worldviews instead of merely imposing a particular set of values is not only relevant but timely and sorely needed. Only with an increased understanding of diverging assumptions and philosophies is it possible to work together to counteract challenges that are truly global in scope, impossible to solve by mere single state actors.

Professor Paolo Davide Farah
Editor-in-Chief for the gLAWcal Book Series "Global Issues" published by
Palgrave MacMillan (New York/London).
West Virginia University, USA and gLAWcal – Global Law Initiatives for
Sustainable Development, UK