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“Is Sharia recognized in Denmark? Recent developments in politics of regulation of Islamic and religious communities in Denmark

Bakgrund/Frågeställning

Following recent scholarly discussions on what kinds of religious law, sharia in particular, are accepted and recognized by state and the secular legal order, this paper examines and discusses if and how sharia – understood as Islamic law, ethics and practice – may be considered legally recognized in Denmark. The question has both scholarly, legal and political implications, as well as a long history and relevance for similar international discussions.

The Danish context of recognition of religious communities is introduced, with some historical remarks, but this paper takes a practical and empirical point of view in recent Danish legislation of recognition of religious communities and examines the specific articles of association and supporting documents that form the basis of legal recognition. The paper introduces a short conceptual and theoretical discussion of what legal recognition implies and how to understand legal recognition as the mutual establishment of legal facts. The paper tests the question of legal recognition looking at empirical case evidence, key aspects and analysis of Islamic religious law in recognized Islamic religious communities in Denmark. Legal recognition has important but limited implication, which should not be overstated, but the paper does argue that sharia is recognized as part of the material basis of the recognition regime in Denmark.

This line of questions in this chapter is guided by the hypothesis of the ‘Producing Sharia in Context’ research project, namely that Islamic law, norms, ethics and practice are to a surprising and significant degree negotiated and co-produced in context. Funded by the Danish Independent Research Council grant no 0163-00070, see more on <https://www.sharia.ku.dk>.

Metod och Resultat

Konklusion