

The University of Texas at Austin
Department of Middle Eastern Studies
Term: Spring 2023
Time: T&TH 9:30-11:00
Office Hours: Tuesdays 2:00-3:00PM; or by appointment

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ISLAMIC LAW
ISL 340/MES 342/ RS 358K/ WGS 340

This course will serve as a survey of central aspects of Islamic law from its origins to modern times. It introduces students to several classical Islamic legal texts in translation and devotes special attention to topics in Muslim devotional, family, and criminal law. We conclude with an investigation of the modern topics of personal status laws and the relevance of Islamic law today in the American context. Some knowledge of Islam is expected of students enrolling in this class, although there are no specific course requirements.

PREREQUISITES

None

GLOBAL CULTURES FLAG

This course carries the Global Cultures flag. Global Cultures courses are designed to increase your familiarity with cultural groups outside the United States. You should therefore expect a substantial portion of your grade to come from assignments covering the practices, beliefs, and histories of at least one non-U.S. cultural group, past or present.

LEARNING GOALS

After completing this course successfully, students should be able to:

- Outline the central themes within Islamic legal thought and history
- Identify key jurists, legal schools, and judges who contributed to Islamic legal thought
- Demonstrate an awareness of the great variety of Islamic legal reasoning and its practical expressions through mapping out its historical development, contentions, and stakeholders.
- Articulate the basic sources, tensions, transformation of Islamic legal thought and practice.
- List five key challenges in contemporary Muslim legal thought that animate current debates and contentions.

REQUIRED TEXTBOOK

Wael Hallaq, *An Introduction to Islamic Law*, Cambridge University Press (2009)

SUPPLEMENTAL READINGS: All additional required readings will be available on CANVAS.

RECOMMENDED READINGS:

Crime and Punishment in Islamic Law, Rudolph Peters
Distinguished Jurist's Primer, Ibn Rushd (in translation)
Islamic Law and Finance, Frank Vogel and Samuel Hayes
Islam and Colonialism, Rudolph Peters

ONE-TIME-ONLY TRIGGER WARNING:

Over the course of the semester, you will be encountering several topics that you may find challenging or difficult. I will encourage you to carefully look at the themes and subjects of the textbook to seek potential accommodation according to UT policy or determine whether this course is suitable for you.

DOCUMENTARY FILMS:

Muhammad: Legacy of a Prophet (Unity Productions Foundation)

Koran by Heart (HBO documentary)

GRADING:

Class Attendance	10%
(2) Quizzes, 10% each	20%
(5) Journal Entries, 2% each	10%
Midterm Test	30%
Final Test	30%

GRADING SCHEME

Total %	Letter Grade	Total %	Letter Grade
94–100	A	72-75.9	C
90–93.9	A-	69-71.9	C-
87–89.9	B+	66-68.9	D+
84–86.9	B	63-65.9	D
80–83.9	B-	60-62.9	D-
76–79.9	C+	<60	F

Note: Students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities, 512-471-6259, <http://www.utexas.edu/diversity/ddce/ssd/>

ATTENDANCE POLICY: Attendance is required. Students will be expected to ask informed questions, and to respect each other, the professor, teaching assistant and guest lecturers. Students are encouraged to visit their professor during his office hours for informal conversation and/or help with the course. Tardiness and unexcused absences will result in lowering your grade (2 points for each unexcused absences). Each student will have two unexcused absences.

QUIZZES: will usually be on *Thursdays*. These quizzes will be based on both class notes and readings. A failure to stay on top of course readings will result in poor grades. I will offer make-up quizzes and tests only for extenuating circumstances, at my discretion, if the reason is compelling and documented according to UT policy.

JOURNALS: Over the course of the semester, you must write *5 journal entries* (each entry is 2% of the overall 10% assigned to Journals). The entries are based on the readings assigned on the due date. Please upload your journal to canvas. Entries must be submitted by 11:59 PM on the due dates given in the syllabus. Late entries will be marked *2 points* down for *each* late submission.

In each entry, you must do the following:

- Summary of the reading’s key issues and arguments
- Relate this reading to other conversations in class or approaches discussed in the reading
- Offer your own reflections upon the reading
- Entries should be 250-300 words in length
- Style: Font: Times New Roman, 11pt; Margins: 1 inch; Line Spacing: Double
- Each journal entry will be assigned *5 points*, equally distributed between the categories in the rubric below:

Deadlines for Journal Entries

- Journal Entry # 1 — January 19, 2023 @ 11:59 PM
- Journal Entry # 2 — February 2, 2023 @ 11:59 PM
- Journal Entry # 3 — February 16, 2023 @ 11:59 PM
- Journal Entry # 4 — March 2, 2023 @ 11:59 PM
- Journal Entry # 5 — April 6, 2023 @ 11:59 PM

* **EXTRA CREDIT:** HBO Documentary, [Koran By Heart](#) (March 30, 2023) [3 points]

Write a 3-page short report on this HBO documentary. The report should address three issues: (1) the overall lessons of the documentary; (2) major contentions or issues that are discussed or raised; (3) your reflections, questions, and take on the documentary.

Rubric for Journals:

	A-B range (8-6)	C-D range (5-4)	F range (3-0)
Content (3 points)	Journal entry focuses on the important information in the reading. It details key issues and arguments of the readings	Journal entry provides a general idea about the reading but it does not address the arguments or the issue of the reading. It offers some summary of the readings	Journal entry does not engage with the reading and offers no relevant information
Reflection (3 points)	Journal entry offers a reflection on, and personalization of, the theories, concepts, and/or strategies presented in the reading materials to date. Viewpoints and interpretations are insightful and supported.	Journal entry offers a minimal reflection on, and personalization of, the theories, concepts, and/or strategies presented in the course materials to date. Viewpoints and interpretations are unsupported or supported with flawed arguments	Journal entry offers no reflection on, or personalization of, the theories, concepts, and/or strategies presented in the course materials to date. Viewpoints and interpretations are missing, inappropriate, and/or unsupported.
Grammar, Mechanics, Spelling, and Sentence Structure (2 points)	Journal is polished; maximum of <i>one</i> grammar or spelling error	Journal is adequate; maximum of <i>three</i> grammar or spelling errors.	Inadequate discussion; more than <i>five</i> spelling or grammar errors.

MID-TERM TEST – The format of this test will consist of identifications (terms and passages), a map section, and short essays. This exam will be a take-home exam administered via Canvas on **Thursday, March 9, 2023**. The exam must be completed during class session.

FINAL TEST – The final test is accumulative. It will be on the last day of classes **Thursday, April 20, 2023**.

COURSE WEBSITES

In this class I use Canvas – a Web-based course management system with password-protected access at <http://canvas.utexas.edu>– to distribute course materials, to communicate and collaborate online, etc. You can find support in using Canvas at the ITS Help Desk at (512) 475- 9400, Monday through Friday, 8 a.m. to 6 p.m., so plan accordingly.

SCHEDULE OF CLASSES

WEEK 1:

January 10: Syllabus + Course Information

January 12: THE ESSENCE OF LAW

- Alan Watson, *The Essence of Law* (Edinburgh University Press, 1977), 28-47.

WEEK 2: WHAT IS ISLAMIC LAW?

January 17: “Who’s who in the Shari‘a?” (Hallaq, *Islamic Law*)

January 19: “The Law: how is it found?” (Hallaq, *Islamic Law*)

*** Journal Entry # 1**

WEEK 3: LEGAL EDUCATION

January 24: “The legal schools” (Hallaq, *Islamic Law*)

January 26: “Jurists, legal education and politics” (Hallaq, *Islamic Law*)

WEEK 4: RITUALS

January 31: Purity: Ibn Naqib al-Misri, *Reliance of the Traveler*, book E, Purification (pp. 49-100), read carefully sections 4, 7, 8, 10, 13, and 14.

February 2: Fasting: Ibn Naqib al-Misri, *Reliance of the Traveler*, 227-296.

*** Journal Entries # 2**

WEEK 5: ETIQUETTES OF MARRIAGE

February 7: Marriage (classical doctrine): Ibn Naqib al-Misri, *Reliance of the Traveler*, book M (506-553)

February 9: Ibn Rushd on Marriage, *Distinguished Jurist’s Primer*.

WEEK 6:

February 14: “Shari‘a’s society” (Hallaq, *Islamic Law*)

February 16: “Pre-modern governance: the Circle of Justice” (Hallaq, *Islamic Law*)

*** Journal Entries # 3**

WEEK 7: JUSTICE AND COLONIZATION

February 21: “Colonizing the Muslim world and its Shari‘a” (Hallaq, *Islamic Law*)

February 23: “The law in the age of nation-states” (Hallaq, *Islamic Law*)

WEEK 8: THE SHIFT TO STATE LAW

February 28: The law in the age of nation-states (Hallaq, *Islamic Law*)

March 2: “State, ‘ulamā’ and Islamists” (Hallaq, *Islamic Law*)

*** Journal Entries # 4**

WEEK 9:

March 7: “Sharī‘a then and now: concluding notes” (Hallaq, *Islamic Law*)

March 9: **MIDTERM EXAM**

SPRING BREAK
MARCH 13 – 18

WEEK 10:

March 21: Case Studies (Injuries)

March 23: FATWA ACTIVITY (ABORTION)

WEEK 11:

March 28: EXTRA CREDIT: HBO Documentary, [Koran By Heart](#)

March 30: Class Discussion

WEEK 12: ISLAMIC BANKING AND FINANCE

April 4: Vogel & Hayes (Islamic Law and Finance), ch.5 (97-128, Contract)

April 6: Vogel & Hayes (Islamic Law and Finance), ch.4 (71-95, Usury, Risk and Property)

*** Journal Entries # 5**

WEEK 13: INTERNATIONAL LAW: WAR AND PEACE

April 11: Peters (Islam and Colonialism), ch.2 (9-37);

April 13: Peters (Jihad), chs.4-5

WEEK 14:

April 18: Review

April 20: FINAL EXAM



COURSE POLICIES

Use of Class Materials:

The materials used in this class are copyright protected works. Any unauthorized copying of the class materials is a violation of federal law and may result in disciplinary actions being taken against the student. Additionally, the sharing of class materials without the specific, express approval of the instructor may be a violation of the University's Student Honor Code and an act of academic dishonesty, which could result in further disciplinary action. Such violations include, among other things, uploading class materials to websites for the purpose of sharing those materials with other current or future students.

University Policy on Religious Holidays:

A student who misses classes or other required assignment for the observance of a religious holy day should inform the instructor as far in advance of the absence as possible (at least **fourteen days** in advance), so that arrangements can be made to complete an assignment within a reasonable time after the absence.

Extension Policy:

Extensions on papers will only be granted for documented, exigent circumstances.

Accessible Education:

The University of Texas at Austin provides, upon request, appropriate academic accommodations for qualified students with disabilities. You will need to provide documentation to the Dean of Student's Office so that the most appropriate accommodations can be determined. Specialized services are available on campus through Services for Students with Disabilities (SSB 4.104, 512-471-6259). Any student who requires special accommodations must obtain a letter that documents the disability from the Services for Students with Disabilities area of the Division of Diversity and Community Engagement (512-471-6259 voice or 512-471-4641 TTY for users who are deaf or hard of hearing). Present the letter to the professor at the beginning of the semester so that needed accommodations can be discussed. The student should remind the professor of any testing accommodations no later than five business days before an exam. For more information, visit <http://www.utexas.edu/diversity/ddce/ssd/>

Policy on Scholastic Dishonesty:

“The core values of The University of Texas at Austin are learning, discovery, freedom, leadership, individual opportunity, and responsibility. Each member of the university is expected to uphold these values through integrity, honesty, trust, fairness, and respect toward peers and community” (University Honor Code). “As a student of The University of Texas at Austin, I shall abide by the core values of the University and uphold academic integrity” (New Student Honor Code). Students who violate University rules on scholastic dishonesty of plagiarism are subject to disciplinary penalties, including the possibility of failure in the course and/or dismissal from the University. Since such dishonesty harms the individual, all students, and the integrity of the University,

policies on scholastic dishonesty will be strictly enforced. For further information please visit the Student Judicial Services Web site: <http://deanofstudents.utexas.edu/sjs>.

E-mail and this Course:

Email is recognized as an official mode of university correspondence; therefore, you are responsible for reading your email for university and course-related information and announcements. You are responsible for keeping the university informed about changes to your e-mail address. You should check your e-mail regularly and frequently to stay current with university-related communications, some of which may be time-critical. University policy suggests that students should check e-mail at a minimum of twice per week. You can find UT Austin's policies and instructions for updating your e-mail address at www.utexas.edu/its/policies/emailnotify.php.

Drop Dates:

Please consult the registrar's website for important information on drop dates.

Resources for Life and Learning at UT Austin:

The University of Texas has numerous resources for students to provide assistance and support for your learning. They include:

- Sanger Learning and Career Center: <http://lifelearning.utexas.edu/>
- Undergraduate Writing Center: <http://uwc.utexas.edu/>
- Counseling & Mental Health Center: <http://cmhc.utexas.edu/>