

# Islamic Law (W) – Fall 2023

## Prof. Hina Azam

Cross-listings: MES 342 (40569), MEL 321 (40959), RS 358 (42884), WGS 340 (45704)

**Class Day/Time:** *omitted for privacy*

**Class Location:** *omitted for privacy*

\*\*\* Virtual class link on designated dates: <https://utexas.zoom.us/j/95317752599>

### **Instructor contact information and office hours:**

Email for course matters: use Canvas email

Email for non-course matters: [hina.azam@austin.utexas.edu](mailto:hina.azam@austin.utexas.edu)

Office Hours and Location: Tue/Thu 2:00-3:00, or by appointment, at

<https://utexas.zoom.us/my/hinaazam>

**TA contact information and office hours:** *omitted for privacy*

## **Course Description**

From the beginnings of Islam in the 7th century until today, observant Muslims have sought to live their lives in accordance with Islamic moral law, or *sharīʿa*. This upper-division reading- and discussion-based course is designed to give students a foundation in the substantive doctrines of the *sharīʿa*, which comprises not only what we normally think of as law, but also ethics and etiquette. Specific topics include the following: ritual worship, family law, criminal law, contract law, warfare, and rules of evidence and procedure. The course will cover history of Islamic law, legal theory, substantive law, and modern trends. This course will assume a basic working knowledge of Islam and though all readings are in English, key Arabic terms will be taught. As a writing flag course, grading will emphasize academic writing.

## **Readings**

### **Required Textbooks at the Co-Op:**

- *The Origins and Evolution of Islamic Law*, by Wael Hallaq
- *Sharīʿa*, by Wael Hallaq

### **Additional readings on Canvas**

- various chapters
- [Writing Guides](#)

## **Course Requirements**

1 Initial writing exercise	2%
5 papers, 14% each	70%
Attendance	14%
Preparedness & participation	14%

**\*\* There is no final exam for this course.**

## Attendance

- I will take attendance at the beginning of class. If you arrive late, it is your responsibility to come to me after class and inform me of your presence that day. I will mark you as 'present/tardy' on those days. Repeated or significant tardiness may also adversely affect your grade.
- You are permitted *two absences* without detriment to your grade. Anything beyond that may adversely affect your course grade. For extenuating circumstances, a note and/or prior permission is requested, and may mitigate the effect of an absence from class.
- You are also permitted *two virtual attendances* during the semester. To attend class virtually, you must notify me via email (using Canvas) by 9 am on the morning of class. Attendance should be at the zoom link listed at the top of this syllabus.

## Papers

### Technical Requirements

- Papers should be 1200-1600 words in length, and 1.5- or 2-spaced. This applies to both initial submissions and revisions. If your paper falls out of this range, your grade may be reduced.
- Papers must be submitted electronically, as Word files, by 11:59 pm on their due dates. Late submissions may be subject to a grade reduction of roughly 5% per day late.

### Content Requirements

Each paper must contain **two components**:

-- **Part 1) EITHER summary**, wherein you explain the author's main points, **OR analysis**, in which you explore a certain theme within the readings. The objective of summary is *accurate representation*; the benefit of summary is *confirming comprehension*. The objective of analysis is *exploration*; the benefit of analysis is *the opportunity for constructive engagement*.

All students must initially choose the summary option, and may only move on to the analysis option – if they so choose – after obtaining permission. Part I will comprise the bulk of your essay.

-- **Part 2) Thematic Question**, through which you demonstrate your ability to think beyond the text to broader or deeper concerns that emerge from the readings. Your question should not be just one sentence, but rather a paragraph, in which you collect your ideas to set up your question, and then express the question itself. Do not provide a definitive answer to your question; if you already know/are certain of the answer, then it is not a suitable question. You may, however, explore possible answers to your question.

- These two components must be separated into their own sections of the paper, and sections must be labeled (e.g. "Summary" (or "Analysis") and "Thematic Question").
- Make sure you provide support as needed in your papers. Please use parenthetical citations, providing only page number if you are drawing on one work, or author/page number if you are drawing on more than one work. Limit use of direct quotes in the body of your paper.
- Each assignment must have a proper heading, including your name, assignment number, date of submission, and readings addressed.
- Only assignments submitted on their due dates are guaranteed to receive full credit. Late submissions will be marked down at my discretion by up to 10 points (approximately one letter grade) per day. Always submit work, even if it is late, because an 'F' is better than a zero.

## Writing Quality

As this is a writing-intensive course, the quality of your papers will form a substantial portion of your course grade. Assessment will be based on two aspects of your papers, these being substance and style. These are defined as follows:

### **Substance**

- accuracy: accurate representation of facts and of authors' ideas
- analysis: conceptual richness, depth of critique
- cogency: narrative structure and logical coherence

### **Style**

- mechanics: spelling, grammar and syntax
- diction: appropriateness and variety of word choice
- conventions: adherence to conventions of academic prose, such as tone, structure and supporting one's claims through citations

### **Paper Grading**

- Letter grades for papers are earned as follows:
  - An "A" paper is one that is of the highest quality at the level of both substance and style.
  - A "B" paper is one that is strong in one aspect (content or style) but mediocre in the other.
  - A "C" paper is one that is mediocre in both aspects.
  - "D" and "F" paper are those that are poor in both content and style, to varying degrees.
- In order to receive an 'A' on a writing assignment, a paper must be mechanically sound. Without mechanical soundness, a paper can attain no higher than a 'B'.
- I encourage you to take advantage of the Undergraduate Writing Center. They will help you identify problems in your writing and will also help you find solutions for those problems. They also hold workshops on various topics.

### **Revisions**

- The objective in a writing course is to improve one's writing based on feedback and instruction. Therefore, you will have the opportunity to revise your papers after in-class workshops, except for the last paper.
- In order to be eligible to submit a paper *revision*, you must have submitted your *original* paper within *one week* of the due date.
- The same penalty for lateness will apply to your revision as to your original paper. For example, if you submit your original paper one day late and then submit your revision one day later, your grade will be reduced by a 2-day penalty.

### **Preparedness and Participation**

Your class participation is critical to your course grade. Your class participation grade will be determined by the following:

- Be *prepared* for class by completing the readings beforehand.
- *Bring your textbook to class*. This is a discussion-based course and you are expected to be able to refer to the readings as needed.
- Demonstrate your preparedness in class by *participating* in discussion – by offering observations, asking and answering questions, and engaging the readings and others.

### **Electronics Policy:**

*Electronic devices are not permitted during class except at times expressly designated by the instructor (such as during writing workshops) or when attending class virtually.*

## Course Grading Rubric

Average	Letter	Average	Letter
93-100	A	73-76	C
90-92	A-	70-72	C-
87-89	B+	67-69	D+
83-86	B	63-66	D
80-82	B-	60-62	D-
77-79	C+	59 and below	F

Note: Final course grades will be rounded to the nearest point, eg:  
89.2 = 89 = B+ ; 89.7 = 90 = A- ; 89.5 = 90 = A-

## Classroom and Communication Policies

You are responsible for any announcements made in class, sent out via email, or made on Canvas. This includes announcements made during any portion of class for which you are absent, or email messages that you fail to receive. It is your responsibility to provide me a valid email address and to check it regularly. I will assume all Registrar-held email addresses are valid unless you tell me otherwise.

- All course-related email communications must be **via Canvas email**. You may use my regular UT email address for non-course-related communication (eg recommendation letters, referrals, personal interest questions, etc).
- You are expected to *check Canvas and your email regularly*, and to be up-to-date on all course announcements, syllabus modifications, and alterations to classroom format or location. Any modifications to classroom format or location will be announced by 9 am on class day or earlier.
- Students should address me (and all faculty) by title, such as Dr. Azam or Prof. Azam.
- Textbooks must be brought to class on the days they are discussed.

**Student with disabilities** may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities (SSD), 512-471-6259, <http://www.utexas.edu/diversity/ddce/ssd/> . If you have SSD accommodations, please arrange to meet with me as soon as possible after the start of the semester or after acquiring such accommodations. Accommodations are not applicable retroactively.

## Scholastic Responsibility, Academic Integrity, and Plagiarism

The writing you do in this course must be your own. Passing off the work of others as your own can be either plagiarism or collusion. Both are scholastic offenses that will not be tolerated. *Plagiarism* is defined by UT as “the appropriation, buying, receiving as a gift, or obtaining by any means another’s work and the submission of it as one’s own academic work offered for credit.” “Another” here refers both to human and artificial intelligence, such as ChatGPT: any entity *other than you* is “another,” and any submission of *other-composed work* as your own constitutes plagiarism. *Collusion* is “unauthorized collaboration with another person in preparing academic assignments.” This includes unauthorized collaboration both with those in the course and those outside the course, such as friends, family, or contract writers. Plagiarism is

taken very seriously at UT and is subject to academic disciplinary action, including failure of the course. To learn more about what plagiarism is and how to avoid it, see the [Avoiding Plagiarism tutorial](#) developed by the UT Libraries in partnership with the Writing Flag program and Student Judicial Services. For a detailed explanation of both plagiarism and collusion, and on the difference between honest and dishonest use of sources, see [Plagiarism & Collusion](#) at the Department of Rhetoric and Writing.

Students who violate University rules on academic dishonesty 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 academic dishonesty will be strictly enforced. For further information, please visit the Student Conduct and Academic Integrity website at: <http://deanofstudents.utexas.edu/conduct>.

Sharing of course materials online or with anyone outside of the class is prohibited unless you have my explicit, written permission. This includes but is not limited to lecture hand-outs, videos, assessments (quizzes, exams, papers, projects, homework assignments), in-class materials, review sheets, and the link. Unauthorized sharing of materials is a violation of the University's Student Honor Code and an act of academic dishonesty. Any materials found online that are associated with you, or any suspected unauthorized using or sharing of such materials, will be reported to Student Conduct and Academic Integrity in the Office of the Dean of Students.

## Class Schedule

### DATES TO REMEMBER:

First day of class	Monday 8/21
Labor Day holiday	Monday 9/4
Thanksgiving holiday / Fall Break	Monday 11/20 – Friday 11/24
Last day of class	Monday 12/4

## **UNIT I                      Legal History (judiciary and jurisprudence)**

### WEEK 1

**#1) Mon 8/21                      Course Introduction; Concept of *sharia*** (“the way” = law, ethics, and etiquette); *sharia* vs *fiqh* (jurisprudence); *fiqh* among the *ulum*; *usul* (theory) vs *furu’* (positive law)

Prof. Azam’s writing feedback guide

**#2) Wed 8/23                      Beginnings of Islamic Law                      \*\*\*by Zoom\*\*\***  
Hallaq, *Origins*, ch.1 (pre-Islamic NE, Muḥammad, and Qur’anic Law)

**#3) Fri 8/25                      Beginnings of Islamic Law, contd                      \*\*\*by Zoom\*\*\***  
Hallaq, *Origins*, ch.2 (Emergence of a Legal Ethic)  
Initial Writing Exercise due Sunday 8/27

### WEEK 2

**#4) Mon 8/28                      Reading Workshop: Identifying Topics, Themes, & Theses**  
“High School to College Writing”

**#5) Wed 8/30                      Roles and Functions**  
Hallaq, *Origins*, ch.3 (Early Judges, Legal Specialists, and Religious Authority)

**#6) Fri 9/1                      Early Courts**  
Hallaq, *Origins*, ch.4 (Judiciary Coming of Age)

### WEEK 3

Mon 9/4                      \*\*\* Labor Day Holiday (NO CLASS)\*\*\*

**#7) Wed 9/6                      Prophetic Authority – Sunna and Hadiths**  
Hallaq, *Origins*, ch.5 (Prophetic Authority and Emergence of Hadiths)

**#8) Fri 9/8                      Schools of Law -- Madhhabs**  
Hallaq, *Origins*, ch.7 (Formation of Legal Schools – madhhabs)

## **UNIT II                      Legal Theory (*Uṣūl al-Fiqh*)**

### WEEK 4

**#9) Mon 9/11                      Writing Lab for Unit 1 Paper**

Unit I Paper due tonight on readings for classes #2-8  
“Introductions & Conclusions”, “Thesis Statements”, “Paragraphing”

#10) Wed 9/13           **Formation of Islamic Legal Theory, part A**  
Hallaq, *Sharia*, ch.1, 27-51

#11) Fri 9/15           **Formation of Islamic Legal Theory, part B**  
Hallaq, *Sharī'a*, ch.1, 51-71

#### WEEK 5

#12) Mon 9/18           **Writing Workshop 1 – for Unit I Paper**  
“Sentence Structure”, “Fragments and Run-ons”, “Commas”

#13) Wed 9/20           **Material Sources and their Interpretation**  
Hallaq, *Sharī'a*, ch.2, 72-97

#14) Fri 9/22           **Methodological Sources; Shi'i Legal Theory**  
Hallaq, *Sharī'a*, ch.2, 98-124

### **UNIT III     Legal Topics (*Furū' al-Fiqh*)**

#### WEEK 6

#15) Mon 9/25           **Writing Lab for Unit 1 Paper Revision**  
“How to Edit Your Own Essay”, “Flows and Transitions”, “Direct Quotations”  
Unit 1 Paper Revision due tonight

#16) Wed 9/27           **Structure of Legal Works; Evidence & Procedure**  
Hallaq, *Sharī'a*, Appendix A (Contents of Substantive/*Furu'* Works) and ch.12 (Evidence & Procedure)

#17) Fri 9/29           **Rules of Worship**  
Hallaq, *Sharī'a*, ch.6 (Pillars of Religion)

#### WEEK 7

#18) Mon 10/2           **Writing Lab for Unit II Paper**  
“Verb Choice”, “Subject-Verb Agreement”, “Verb Tense and Aspect”  
Unit II Paper due tonight on readings for classes #9-14

#19) Wed 10/4           **Contracts**  
Hallaq, *Sharī'a*, ch.7 (Contracts and Obligations)

#20) Fri 10/6           **Family Law and Gender**  
Hallaq, *Sharī'a*, ch.8 (Family Law)

#### WEEK 8

#21) Mon 10/9           **Writing Workshop 2 for Unit II Paper**  
“Verbs of Attribution”, “Clarity”, “Wordiness”

#22) Wed 10/11      **Family Law and Gender continued**  
Esposito, *Women in Muslim Family Law*, ch.2 (Classical Family Law)

#23) Fri 10/13      **Property Law**  
Hallaq, *Shari'a*, ch.9 (Property)

#### WEEK 9

#24) Mon 10/16      **Writing Lab for Unit II Paper Revision**  
“Colons and Semicolons”, “Passive Voice”, “Apostrophes”  
Unit II Paper Revision due tonight

#25) Wed 10/18      **Criminal Law**  
Hallaq, *Shari'a*, ch.10 (Offenses)

#26) Fri 10/20      **Warfare (Jihad)**  
Peters, *Islam & Colonialism*, ch.2 (Classical Jihad Doctrine)

### **UNIT IV      Islamic Law in Modernity**

#### WEEK 10

#27) Mon 10/23      **Writing Lab for Unit III Paper**  
“Transition Words”, “Phrasal Verbs”  
Unit III Paper due tonight on readings for classes #16-26

#28) Wed 10/25      **The Challenges of Modernity**  
Hallaq, *Shari'a*, ch.13 (Conceptual Framework)

#29) Fri 10/27      **The Modern Middle East**  
Hallaq, *Shari'a*, start ch.15 (MENA in the 19<sup>th</sup>-20<sup>th</sup> Centuries), 396-420

#### WEEK 11

#30) Mon 10/30      **Writing Workshop 3 for Unit III Paper: class paper excerpts**

#31) Wed 11/1      **The Modern Middle East, contd**  
Hallaq, *Shari'a*, end ch.15 (MENA in the 19<sup>th</sup>-20<sup>th</sup> Centuries), 421-442

#32) Fri 11/3      **Islamic Law in the Modern Middle East**  
Hallaq, *Shari'a*, start ch.16 (Modernizing the Law), 443-473

#### WEEK 12

#33) Mon 11/6      **Writing Lab for Unit III Paper Revision**  
Unit III Paper Revision due tonight

#34) Wed 11/8      **Islamic Law in the Modern Middle East, contd**  
Hallaq, *Shari'a*, end ch.16 (Modernizing the Law), 473-499



#35) Fri 11/10           **Modern Theories of Islamic Law**  
Hallaq, *Shari'a*, start ch.17 (In Search of a Modern Legal Methodology), 500-519

**WEEK 13**

#36) Mon 11/13           **Modern Theories of Islamic Law**  
Hallaq, *Shari'a*, start ch.17 (In Search of a Modern Legal Methodology), 519-542

#37) Wed 11/15           **Writing Lab for Unit IV Paper**  
Unit IV Paper due tonight on readings for classes #28-36

#38) Fri 11/17           **Jihad Doctrine in Modernity**  
Peters, *Jihad*, ch.8 (Modern Jihad Doctrine)

Mon 11/20 – Fri 11/24           **\*\*\* Thanksgiving Holiday / Fall Break \*\*\***

**WEEK 14**

#39) Mon 11/27           **Writing Workshop 4 for Unit IV Paper**  
Unit IV Paper Revision due tonight

#40) Wed 11/29           **Family Law in Modernity**  
Esposito, *Women in Muslim Family Law*, from ch.3 (Overview of Reforms – 93-111; and  
Methodologies of Reform – 119-126)

#41) Fri 12/1           **Case Study (TBD)**  
TBD

**WEEK 15**

#42) Mon 12/4           **Final Class Discussion & Course Evaluations**  
Final Paper due on Sat 12/9