

Islamic Law  
M & W 10:00-11:30 (PAR 1)  
Office Hours: Tuesday 12-2; or by appointment  
Office: CAL 407  
TA: Agaate Antson  
Office Hours (HRH 3.102): Monday 11:30 – 1:00Pm

Samy Ayoub  
sayoub@austin.utexas.edu  
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**ISLAMIC LAW**  
**ISL 340/MES 342**

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.

**REQUIRED TEXTBOOK**

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

All additional required readings will be available on CANVAS.

**SUPPLEMENTARY 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  
*Jihad in Classical and Modern Islam*, Rudolph Peters

**GRADING**

Required Assignments

Response Papers	30%
Midterm Test	20%
Class participation	20%
Final Exam	30%

## **COURSE OBJECTIVES**

Upon completing this course you should be better equipped than before to:

Sketch an outline of Islamic legal history

Articulate the basic sources, tensions, transformation of Islamic legal thought and practice

Demonstrate an awareness of the great variety of Islamic legal reasoning and its practical expressions

## **ATTENDANCE AND PARTICIPATION**

**PARTICIPATION:** Students will be expected to attend the class regularly, to ask informed questions, and to respect each other, the professor, and guest lecturers. Students will also participate in periodic discussions. If these discussions are to be successful, students will need to have carefully read the assigned texts. A large portion of the participation grade will be determined by the extent to which the student's participation in these discussions demonstrates his or her engagement with and understanding of the assigned texts. Students can increase their participation grade by visiting their professor in his office for informal conversation or help with/about the course.

**ATTENDANCE POLICY:** I take attendance in class. If you are absent frequently enough that I (and others) notice, your participation grade will suffer (unless those absences are caused by hospitalization or some other traumatic personal or family event). Mild illnesses and/or fatigue in general do not constitute an excusable reason for absence, so you should do what you can to avoid them, as classroom discussions are crucial to your grade. You are to read the assigned readings beforehand and be ready for classroom discussion.

**PRESENTATIONS:** students will give presentations, 10-15 minutes long, on topics relevant to the week's readings. These presentations will continue on throughout the remainder of the course. After registration is finalized, the topics will be assigned by the professor and will consist of historical figures, places, and social movements central to the study of Islamic law. The purpose of this exercise is twofold:

- a) To develop research skills relevant to the study of Islam.
- b) To build communication skills and effective public speaking.

With these goals in mind, presentations should aim to concisely elucidate for the rest of the class the broader significance of each given topic. Group presentations are welcome, yet each member of the group is expected to participate equally in the presentation. Students are strongly encouraged to work together in the preparation of material.

**RESPONSE PAPERS:** A weekly response paper is due on Mondays before our class meeting. The response paper should be one page (2 paragraphs, double spaced, 12 times roman). The response paper should be uploaded to CANVAS.

## **CLASSROOM RULES**

The use of laptops, headphones, cell phones, or any electronic gadgets is not permitted in classroom. Any gadget that is considered distracting will not be permitted in class.

No food in classroom (drinks should have a lid or a cap on).

## **MAKE UP WORK**

Make up shall be given to those who provide an official excuse approved according to the academic policy of the University.

## **EXAMINATIONS**

There will be two exams in this course: midterm and final. These exams will include multiple-choice questions, short answers, and one essay. A make up for these exams will only be considered with a valid excused according to the university policy.

## **STUDENT CODE OF ACADEMIC INTEGRITY**

Students are encouraged to share intellectual views and discuss freely the principles and applications of course materials. However, graded work/exercises must be the product of independent effort unless otherwise instructed.

## **SCHEDULE OF CLASSES**

### **WEEK 1:**

**August 24: INTRODUCTIONS + SYLLABUS**

### **WEEK 2:**

**August 29: THE ESSENCE OF LAW**

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

**August 31: “Who’s who in the Shari‘a?”** (Hallaq, *Islamic Law*)

### WEEK 3:

#### **September 5: LABOR DAY**

**September 7:** “The Law: how is it found?” (Hallaq, *Islamic Law*)

### WEEK 4: LEGAL EDUCATION

**September 12:** “The legal schools” (Hallaq, *Islamic Law*)

**September 14:** “Jurists, legal education and politics” (Hallaq, *Islamic Law*)

### WEEK 5: RITUALS

**September 19: 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.

**September 21: Fasting:** Ibn Naqib al-Misri, *Reliance of the Traveler*, 227-296.

### WEEK 6: ETIQUETTES OF MARRIAGE

**September 26: Marriage (classical doctrine):** Ibn Naqib al-Misri, *Reliance of the Traveler*, book M (506-553)

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

**September 29:** Documentary “Strictly Soul Mates”

### WEEK 7:

#### **October 3: MIDTERM**

**October: 5:** “Shari‘a’s society” (Hallaq, *Islamic Law*)

### WEEK 8: JUSTICE AND COLONIZATION

**October 10:** “Pre-modern governance: the Circle of Justice” (Hallaq, *Islamic Law*)

**October 12:** “Colonizing the Muslim world and its Shari‘a” and “The law in the age of nation-states” (Hallaq, *Islamic Law*)

### WEEK 9: THE SHIFT TO STATE LAW

**October 17:** The law in the age of nation-states (Hallaq, *Islamic Law*)

**October 19:** “State, ‘ulamā’ and Islamists” (Hallaq, *Islamic Law*)

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

**WEEK 10: CRIMINAL LAW** (*hudūd* and *jināyāt*)

**October 24:** Classical doctrine: Peters (Crime and Punishment), start ch.2 (6-38)

**October 26:** Peters (Crime and Punishment), complete ch.2 (38-66)

**WEEK 11: FATWA ACTIVITY # 1**

**October 24: Abortion**

**October 26: Qur’an by Heart Documentary (Write a report)**

\*ASLH Conference

**WEEK 12: ISLAMIC BANKING AND FINANCE**

**October 31:** Bilal Khan & Emir Aly Crowne-Mohammed, The Value of Islamic Banking in the Current Financial Crisis, 29 Rev. Banking & Fin. L. 441 (2010).

Vogel & Hayes (Islamic Law and Finance ), ch.3 (53-69, Contract and Commerce)

**November 2:** Principles of Riba, Gharar, and Mal/Milk/‘Ayn/Manfa‘a

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

Contracts: ‘Aqd/Shart, various types of contracts

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

**WEEK 13: INTERNATIONAL LAW**

**November 7: Classical jihad theory**

Peters (Islam and Colonialism), ch.2 (9-37)

Ayoub S. Territorial jurisprudence, *ikhtilaf al-darayn*: Political boundaries & legal jurisdiction, Contemporary Islamic Studies 2012:2 <http://dx.doi.org/10.5339/cis.2012.2>

**November 9:** Peters (Jihad), chs.4-5

**WEEK 14: CONTEMPORARY ISLAM**

**November 14:** Contemporary perspectives on the Jihad and *hudūd*

Muhammad Shaltut on jihad, Peters (Jihad), ch.7 (59-101)

Peters (Jihad), ch.8 (103-148)

Hudūd

[http://theamericanmuslim.org/tam.php/features/articles/tariq\\_ramadan\\_calls\\_for\\_a\\_moratorium\\_on\\_corporal\\_punishment](http://theamericanmuslim.org/tam.php/features/articles/tariq_ramadan_calls_for_a_moratorium_on_corporal_punishment)

<http://www.islamopediaonline.org/fatwa/tariq-ramadan-calls-moratorium-stonings-and-execution>

**November 16: MESA Conference – No Class**

**WEEK 15: FAMILY LAW REFORM**

**November: 21:** Toward a Legal Methodology for Reform

Esposito, from ch.3 (93-111)

Esposito, ch.4 (127-163)

**November: 23: THANKSGIVING – No Class**

**WEEK 16: ISLAMIC LAW IN AMERICAN COURTS**

**November 28:**

David F. Forte, “Islamic Law in American Courts”, *Suffolk Transnational Law Journal*, 7 (1983), 1–33.

**November 30:** Sharī‘a Bills: Reading the US Oklahoma Appellate Court Ruling on the ban of sharī‘a

Case: The Oklahoma File (Awad v. Ziriya et al., 29 Nov. 2010, Vickie Mikes Lagrange chief district judge, Federal District Court in Western Oklahoma)

**WEEK 17:**

**December 5: Review**

FINAL EXAM dates will be announced in class.