

Islamic Law
T&TH 11:00-12:30 (PAR 201)
Office Hours: Tuesdays 2-4; or by appointment
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Fall 2017

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%

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-

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: Some 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 Tuesdays before our class meeting. The response paper should be no more than two pages (3-4 paragraphs, double spaced, 12 times roman). The response paper should be uploaded to CANVAS to the **Assignment** section.

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 excuse 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 31: INTRODUCTIONS + SYLLABUS

WEEK 2:

September 5: THE ESSENCE OF LAW

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

September 7: “Who’s who in the Shari’a?” (Hallaq, *Islamic Law*)

WEEK 3: TRADITION AND CONTINUITY

September 12: “The Law: how is it found?” (Hallaq, *Islamic Law*)

September 14: “The legal schools” (Hallaq, *Islamic Law*)

WEEK 4: LEGAL EDUCATION

September 19: “Jurists, legal education and politics” (Hallaq, *Islamic Law*)

September 21: 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.

WEEK 5: RITUALS

September 26: Fasting: Ibn Naqib al-Misri, *Reliance of the Traveler*, 227-296.

September 28: Marriage (classical doctrine): Ibn Naqib al-Misri, *Reliance of the Traveler*, book M (506-553)

WEEK 6: ETIQUETTES OF MARRIAGE

October 3: Ibn Rushd on Marriage, *Distinguished Jurist’s Primer*.

October 5: Documentary “Strictly Soul Mates”

WEEK 7:

October 10: MIDTERM

October 12: “Shari’a’s society” (Hallaq, *Islamic Law*)

WEEK 8:

October 17: “Pre-modern governance: the Circle of Justice” (Hallaq, *Islamic Law*)

October: 19: “Colonizing the Muslim world and its Shari‘a” and “The law in the age of nation-states” (Hallaq, *Islamic Law*)

WEEK 9: JUSTICE AND COLONIZATION

October 24: The law in the age of nation-states (Hallaq, *Islamic Law*)

October 26: “State, ‘ulamā’ and Islamists” (Hallaq, *Islamic Law*)

WEEK 10: THE SHIFT TO STATE LAW

October 31: “Sharī‘a then and now: concluding notes” (Hallaq, *Islamic Law*)

November 2: FATWA ACTIVITY # 1 (Abortion)

WEEK 11: ISLAMIC BANKING AND FINANCE

November 7: 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 9: 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 12:

November 14: INTERNATIONAL LAW (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 16: Qur’an by Heart Documentary (Write a report)

* MESA Conference, Washington, DC

WEEK 13: INTERNATIONAL LAW

November 21: Continued Classical jihad theory

Peters (Jihad), chs.4-5

November 23: THANKSGIVING – No Class

WEEK 14: CONTEMPORARY ISLAM

November 28: Contemporary perspectives on the Jihad and *ḥudūd*

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

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

Ḥudūd

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 30: FAMILY LAW REFORM

Toward a Legal Methodology for Reform

Esposito, from ch.3 (93-111)

Esposito, ch.4 (127-163)

WEEK 15:

December 5: ISLAMIC LAW IN AMERICAN COURTS

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

Nothing to Fear, ACLU report on Sharī‘a Bills (Canvas)

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

December 7: Review

FINAL EXAM dates will be announced in class.