

v.001 subject to revision

**Islamic Law**  
Autumn 2016  
Clark B. Lombardi  
M/W: 10:30-12:30  
[lombardi@uw.edu](mailto:lombardi@uw.edu)

Office: Gates Hall 319

Group Office Hours (in law school café): Monday 12:00 PM - 1:00 PM

In-Office Hours: by appointment

### **Course Description**

This course provides an introduction both to classical Islamic law and to a range of modern versions of Islamic law that guide the lives of contemporary Muslims. It explores how Muslims over the years have tried to understand God's ethical command and how they have built from their rich body of ethical speculations, bodies of state law that reflect Islamic values. After introducing the history and basic concepts of classical Islamic ethical speculation and law, the course examines how modernity caused some Muslims to question their traditional assumptions about ethical and legal reasoning. The course concludes with several case-studies of "Islamic law" in action today. Taken together, the different sections of the class highlight the constant evolution of Islamic legal thought over time and place and the diversity of contemporary interpretations of Islamic law. There will be a module on Islamic legal research. Students are encouraged to take next quarter's Seminar in Contemporary Muslim Legal Systems where we will focus on more case studies of Islamic law in action and students will be able to apply their new knowledge and research skills to write a research paper on a topic that interests them.

### **Background Reading**

One of the great attractions of this class is that it attracts a wide variety of students with different backgrounds and different interests. Some have superb training in the study of law, but little training in Islamic studies or area studies. For others it is the reverse. Students in the past have asked for recommendations for background reading to do in advance of the class—reading that might help them contextualize the readings that they will be doing.

**For those feel that they need some background on the history of Islam and with the broader evolution of Islamic culture and religion:** I have arranged for the bookstore to purchase a book by Jonathan A.C. Brown, *Misquoting Muhammad*. Brown is a superb American scholar of Islamic history who converted to Islam as a graduate student, and now runs Georgetown University's Center for Muslim-Christian Understanding. This book goes into a number of religious issues that we will NOT cover in this course and it provides more detail about many issues than you will need for our tests. However, it may be valuable to those who do not have deep familiarity with Islamic societies. It may be fascinating also for other students who want to engage with the reflections of an important scholar upon "religious" aspects of Islamic law and upon contemporary debates about controversial topics such as jihad and women's rights.

For those with the time and inclination, reading this book can help deepen your engagement both with the cultures that we are studying and with some of the required reading that we will do later in the course.

**Whether or not you read Brown, you SHOULD try to read Clark Lombardi, *State Law as Islamic Law in Modern Egypt: Chapters 1-6* (totaling about 120 pages) and easily readable in a 3 hour sitting.** These chapters focus on the question of how Muslims have over the years developed sophisticated systems of ethical speculation and how they have used their insights into morality to develop a religiously infused “law” that governs economic and political communities in a remarkably effective way. **All these chapters will be assigned in various later classes, and they cover a lot of material you will be tested on.** If some of the details in the reading seems hard, don’t worry. We will go over it in class discussion. Why do I suggest this so strongly? There are two advantages to reading the *State Law* chapters in one or two sittings before class starts: (1) Reading them at the outset will introduce you to major themes we will discuss in the class and will introduce them in the order that we will cover them; it will thus give you an overview of where we are going and will allow you, when we read the chapters in class, to have a sense of our class reading fits into the larger “story” of Islamic legal development from the Medieval to modern times. (2) Reading them now will save time later. As noted, these will all be assigned later—along with the other readings. Since you will have read the *State Law* chapters already, you will be able to reread them quickly when they are assigned over the quarter and will be able to focus on other readings.

### **Texts for the Class**

I have asked you to buy the Brown text because I am recommending more of it than can be copied for fair use. All other course readings are available on electronic reserve or through internet links listed on the syllabus. (My author’s contract permits copying my book to support my lectures.)

### **Grading**

The evaluation for this class will include the following components:

- A take-home final exam worth 70% of your grade.
- Class participation, worth 10% of your grade.
- A short and easy midterm quiz worth 10% of your grade. (It will cover some basic facts and concepts discussed in the first five classes. It is designed simply to make sure that you have these facts and concepts down before we go on to study how those facts and concepts shaped Islamic legal consciousness in the pre-modern period and how they have evolved in the modern era.
- A short thought paper worth 10% of your grade. A 2-3 page initial version will be due before the start of class 16. A final 3-5 page version will be due at the start of class 18. The paper is described in the syllabus below.

## Access and Accommodations

Your experience in this class is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but are not limited to: mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 011 Mary Gates Hall or 206-543-8924 or [uwdrs@uw.edu](mailto:uwdrs@uw.edu) or [disability.uw.edu](http://disability.uw.edu). DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

## Overview of Class Lectures

<b>Part I: The Origins of Islam and Islam’s Scriptures</b>		
Mon. Sept. 25	Class #1: Introduction	<p>(A) Introduction: What do people mean when they talk about “Islamic Law?”</p> <p>(B) Background to Islam and the ethical discourse of the early Muslim community: Muhammad &amp; the Qur’an</p> <p>(C) Overview of the course</p>
Wed. Sept. 27	Class #2: The scriptural sources of Islamic law and their ambiguities.	<p>(A) The Qur’an as a source of law.</p> <p>(B) Exercise: The Qur’an on Alcohol. What is prohibited?</p> <p>(C) Introduction to the <i>hadiths</i> (records of the Prophet’s words and deeds) &amp; the early debates about whether (and how) to use them as a source of law</p>
<b>Part II: Classical Islamic Legal Theory and Law</b>		
Mon. Oct. 3	Class #3: Rise of Classical Isl Law ( <i>Fiqh</i> )	<p>(A) The hadith ctd’</p> <ul style="list-style-type: none"> <li>• Exercise: <i>hadiths</i> on alcohol: what do they tell us?</li> </ul> <p>(B) Introduction to the “classical schools of law”</p>

		<p>(<i>madhhabs</i>) ; their theory of law and of interpretation (<i>usul al-fiqh</i>)</p> <ul style="list-style-type: none"> <li>• Exercise: Try to re-read a Medieval Commentary on legality of alcohol.</li> </ul>
Wed. Oct. 5	Class #4: The further evolution of the “classical schools of law”	<p>(A) The evolution of a hierarchy of scholars;</p> <p>(B) Precedential reasoning in later Isl legal interp.</p> <ul style="list-style-type: none"> <li>• Exercise #1 comparing a classical handbook and the commentary on the legality of alcohol</li> </ul> <p>(C) Did the rise of precedential reasoning “freeze” Islamic law and prevent its further evolution?</p> <ul style="list-style-type: none"> <li>• Exc #1: Reread the commentary. What level of scholar is it written for?</li> <li>• Exc. #2 Reflect on fatwa by a scholar using <i>taqlid</i> but questioning an established rule of his school.</li> </ul>
Mon. Oct. 10	Class #5: How was classical Islamic law ( <i>fiqh</i> ) integrated into pre-modern Muslim legal systems? What other types of law could be applied?	<p>(A) Intro to Law and Legal systems in pre-modern Muslim states: <i>shari`a</i>, <i>siyasa</i> and <i>siyasa shar`iyya</i></p> <p>(B) The division of courts into courts that resolved cases by <i>siyasa</i> and those that resolved cases by <i>fiqh</i>.</p> <p>(C) When cases were resolved by <i>fiqh</i>: how was labor divided between the judge (<i>qadi</i>) and “jurisconsult” (<i>mufti</i>).</p>
Wed. Oct 12	Class #6 Midterm Quiz and Review	<p>Part I: Short quiz on concepts and terms already covered.</p> <p>Part II: Review and maybe start of discussion of family law.</p>
Mon. Oct. 17	Class #7: Pre-modern Islamic family law: An area of law that governed by <i>fiqh</i> .	<p>(A) Medieval Islamic family law. (The rules of pre-modern Islamic family law according to Sunni scholars.</p> <p>(B) How Islamic judges found rules of decision in cases of family law and applied them to the facts of a case:</p>

Wed. Oct. 19	Class #8: Criminal law in pre-modern Islamic societies: combining <i>fiqh</i> and <i>siyasa</i> .	(A) Reviewing <i>fiqh</i> , <i>siyasa</i> and <i>siyasa shar`iyya</i>  (B) How Islamic criminal law in a pre-modern state combined <i>fiqh</i> and <i>siyasa</i> .  (C) Reading a case involving the application of “Islamic” criminal statutes enacted by Sultan as <i>siyasa shar`iyya</i> .
<b>Part III. Evolution of Islamic Law in the Modern Age</b>		
Mon. Oct. 24	Class #9: Modernity & New Legal Reasoning	(A) What defines “Modernity”?  (B) The rising role of the modern state.  (C) Ramifications of the modern impulse to codify “Islamic law.” Can you codify <i>fiqh</i> ?
Wed. Oct. 26	Class #10: Modern Arab Islamic Legal Reasoning	(A) Contemporary Islamic Legal Theories in modern Egypt  (B) Competing proposals for how to derive “Islamic” laws to include in Egyptian codes.
Mon. Oct. 31	Class #11: Arab thought & Egypt`ctd	(A) Review of Egyptian modernism.  (B) Introduction to salafism.
Wed. Nov. 2	Class #12: Debates on constitutionalizing Islam in Egypt	Constitutionalizing Islamic law in the Arab world: Debates about how to interpret Article 2 of Egypt’s Constitution
Mon. Nov. 7	Class #13: Indonesia	(A) Introduction to Indonesia & Islam  (B) Traditionalism and modernism in Indonesia
Wed. Nov. 9	Class #14: Indonesia Ctd	(A) Recent debates about what version of Islamic family law to codify in Indonesia.
Mon. Nov. 14	Class #15: Iran	

### **Part IV. New Issues in Islamic Law**

Wed. Nov. 16	Class #16: Islamic Finance #1	Introduction to Islamic Finance
Mon. Nov. 21	Class #17: Islamic Finance #2	Islamic Finance 'ctd: Islamic Finance in Action
Mon. Nov. 28	Class #18: Thinking about Areas of Future Research: Researching Islamic Law	Researching Islamic Law  First draft of short "thought paper" due
Wed. Nov. 30	Class #19: The spread of Islamic Constitutions	(A) Islamic political theory as a constitutionalist theory  (B) Islam in contemporary constitutions  (C) What's "Islamic" about "Islamic State."
Mon. Dec. 5	Class #20: Whither Islamic Law?	Wrap-up: Whither Islamic Law?  Final draft of Short thought Paper


### **Part I: The Origins of Islam and Islam's Scriptures**

#### *Class #1:*

#### *What is "Islamic Law?"*

#### **A: Ambiguities in the Term "Islamic Law"**

##### *Required Reading:*

[Jonathan A.C. Brown, Misquoting Muhammad: The Challenge & Choices of Interpreting the Prophet's Legacy](#), (Oxford: Oneworld, 2014): 1-14 

#### **B: Birth of the Islamic Legal Tradition: Muhammad and the revelation of the Qur'an**

*Required Reading:*




[Michael Cook, Muhammad \(1983\), pp.12-24](#)  

**Class #2:**

***The Scriptural Sources of “Islamic Law” and their ambiguities***

**A. The Qur’an as a source of law and the questions it raises.**

*Required Reading:*

[Selections from the Qur’an](#)   

*Exercise #1:*

Does the Qur’an prohibit the drinking of alcohol?



**B. Early debates about whether the Prophet’s Life is a Model for Correct Behavior and Arguments about whether the Ḥadīth can serve as another “Scriptural” Source of Law.**

*Required Reading:*

[D. Brown, Rethinking Tradition in Modern Isl. Thought \(Cambridge U. Press, 1999\)](#)  

[Selections from Ṣāḥīḥ Abū Muslim on wine and wine-drinking](#)  

*Recommended Reading:*

[Jonathan A.C. Brown, Misquoting Muhammad, 15-46](#)   (This is a more detailed discussion of points that are made by Daniel Brown. If you have time, I recommend it.)

*Exercise #2:*

Are the hadiths from Abū Muslim authentic accounts of the Prophets words and deeds? How do you know? If so, what do they add to our knowledge about the legality of alcohol?

**Part II: Classical Islamic Legal Theory and Law**

**Class #3:**

**The Birth of the Classical Islamic Legal Tradition**

*A. The rise of the classical “schools” of law & the evolution of their theory about how humans could best approach scripture to understand God’s law (usul al-fiqh);*

*Required Reading:*

[Lombardi, \*State Law as Islamic Law in Modern Egypt\* \(2006\), Ch. 1](#) 


[Lombardi, \*State Law as Islamic Law in Modern Egypt\* \(2006\), Ch. 2](#) 

*Optional Reading:*

[A.C. Brown, \*Misquoting Muhammad\*, 46-113](#) 

*B. A closer look at ijihad and an exploration of why different groups of scholars, each using this method, would sometimes reach different conclusions about God's law.*

*Required Reading:*

[Muhammad ibn Ahmad Ibn Rushd \(aka. "Averroes"\) \*Bidayat al-Mujtahid\* trans by Imran Ahsan Khan Nyazee as \*The Distinguished Jurist's Primer\* \(1994\), vol. I pp. 571-77](#)  [Note this is a challenging text, but it provides you with a good opportunity to see how classical scholars reasoned. As you read it, bear in mind that it was written by a famous Maliki scholar. When he refers to "the Kufans" or "the people of Kufa he is referring to members of the Hanafi school. When he says "we" he means "members of the Maliki school"]

*In-Class Exercises:*

- If we did not get to finish Exercise 2 from Class #3, do that here.
- Can you understand what classical scholars agreed on when it came to alcohol and what they disagreed about? Why did they agree? Why did they disagree?

***Class #4:***

***Maturation of the Classical Tradition***

*A. The theoretical and practical challenges posed by the existence of conflicting, mutually "orthodox" interpretations of God's law and the rise of taqlid.*

- The triumph of 4 legal schools of thought—each based on teachings of a different early scholar.
- Gradual acceptance of idea that among all scholars must embrace one of these "schools" and interpret Islamic law according to its doctrines;
- The decision to place the scholars of each "school" into a hierarchy.
- How scholars in a particular school used scripture and the precedents of their school to develop law & how precedential reasoning led schools to develop different interpretations. of God's law.
- Why each school (and scholar's) interp. of law was said to be "orthodox."



*Required Reading:*

[Excerpts from Mohammad Fadel, “The Social Logic of Taqlid and the Rise of the Mukhtassar”, 3 Isl. Law and Society \(1996\) 193-233, \(On class website !\[\]\(c8d96c8885d3000a912c2582004aed63\_img.jpg\) !\[\]\(3ad821e3ca7dd4cb7003e9c8d982e254\_img.jpg\)\)\[2\]](#)

B. A look at some actual texts produced by Islamic scholars in the age of taqlid.

*Required Reading:*

[Excerpt from a handbook \(\*mukhtassar\*\) from the Shafi'i school of law explaining the basic rules about when one can drink wine !\[\]\(c3d993ca47bfe2a953c700506ce31fa0\_img.jpg\) !\[\]\(c468cde8f04e2e2a6ba3c2a373e05c45\_img.jpg\)](#)

[Re-read last class's reading from Ibn Rushd \(See how it is designed to help advanced students understand why the Shafi'i school embraces the rules found in the mukhtassar!\) !\[\]\(d66ff64371a51729ac8c1cdaa685ba6f\_img.jpg\) !\[\]\(0f31ebba7abcd47777e178db26f29705\_img.jpg\)](#)

*Optional Reading:*

Further Reading [Challenging but interesting reading for students who want to know more about classical Islamic Legal Reasoning during the age of taqlid]

[A fatwa by classical shafi'i scholar al-Nawawi on wine-drinking and why he thinks the rule adopted in the past by his school should be changed !\[\]\(17413706fd4997a1a4bdf85c6864eee1\_img.jpg\)](#)

[Excerpt available on course website from Najam Haider, “Contesting Intoxication” Islamic Law and Society. Vol 20 \(2013\) !\[\]\(faf942dc3e59ce8eb64b4ac481eca7e0\_img.jpg\) !\[\]\(f6b0299e0b5e4340e509b71914970da0\_img.jpg\)](#)

**Class #5:**

**Beyond Ethics: Creating an “Islamic” State Law**

A. *Classical Conceptions of the Islamic State: In a world where there were multiple “orthodox” interpretations of God’s law and each Muslim was supposed to choose for herself which interpretation to follow. How then, can a state legitimately create and enforce uniform law?*

B. The theory of *siyasa shar`iyya*: Why *fiqh* and *siyasa shar`iyya* can be conceptualized as different types of “Islamic law”.

*Required Reading:*

[Clark Lombardi, \*State Law\*, Chapter 3 \(pp. 47-58\) !\[\]\(4f6bf54ae7e4144a72d78316053e412d\_img.jpg\) !\[\]\(1be454ab98bc856a53cc962da77a541d\_img.jpg\)](#)

*Recommended Reading:*

[Baber Johansen, “Signs as Evidence” \*Islamic Law & Society\*, vol. 9, pp. 168-93 \(from Website\) \[This is a difficult, but interesting reading about early theorists of \*siyasa shar`iyya\* and how one used the concept to justify torture—a state practice prohibited under the rules of classical \*fiqh\*.\] !\[\]\(56549452e01ca28bdf2500ced9653143\_img.jpg\) !\[\]\(235f8f87c36d896db1ddff2848125c86\_img.jpg\)](#)

## Class #6:

### Midterm Quiz; Review & Introduction to Family Law

#### *Required Reading:*

[Syasa Shaiyya](#)  

The Midterm Quiz: is designed to make sure that you have digested the vocabulary and concepts found in the readings for classes 1-5. or discussed in classes 1-5. We do this because the readings for later classes will continue to use that vocabulary and draw upon those concepts. You need to get them down now so that those later readings will make sense.

[Words to know for midterm](#)  

## Class #7:

### Islamic Family Law and its application 1000-1800



A. Introduction to classical Islamic family law (fiqh).

#### *Required Reading:*

[Vikor: 299-321](#)  

B. Applying fiqh: a case study of courts resolving “family law” disputes in pre-modern states:

#### *Required Reading:*

[David S. Powers, “Four Cases Relating to Women and Divorce in al-Andalus and the Maghrib, 1100-1050” Muhammad K. Masud, Rudolph Peters & David S. Powers, eds., \*Dispensing Justice in Islam\* \(2006\), pp. 384-409](#)  

## Class #8: Criminal Law in Muslim States and its application 1000-1800

A. Intro to classical Islamic criminal law (fiqh): classical rules and the scholar’s implicit recognition that rulers might (through siyasa shar`iyya) modify or supplement these rules.

#### *Required Reading:*

[Wael Hallaq: Shari`a: Theory, Practice Transformations \(2009\), 308-323](#)  

B. Criminal law & interplay between fiqh and siyasa shar`iyya: A case from the Ottoman Empire

*Required Reading:*

[Leslie S. Pierce, "A New Judge for Aintab: The Shifting Legal Environment of a 16th Century Court", in Muhammad K. Masud, Rudolph Peters & David S. Powers, eds., Dispensing Justice in Islam \(2006\), pp. 71-93](#)  

### **Part III. Evolution of Islamic Law in the Modern Age**

#### **Class 9:**



##### **Modernity & Codification**

A. Modernity and challenges it posed to traditional approaches to Islamic law.

*Required Reading:*

[Lombardi, \*State Law\*, Chapter 4](#)  

*Optional Reading:*

[Brown, \*Misquoting Muhammad\*, 69-113; \[provides more detail than we can engage with in this class about modernity & its impact on Islam. . . but very rich and interesting.\]](#)  

B. Codification of fiqh: Why rulers in Muslim states did it.

*Required Reading:*

[Report of the Commission Drafting the Mecelle: 367-373](#)  

*Optional Reading:*

[The Mecelle: Art. 1449-1457 \[Section on "Agency"\]](#)  

#### **Class #10:**

##### **Modernist methods of Islamic legal interpretation #1: The Arab World**

A. Islamic modernism in Egypt: Modernist challenges to classical assumptions about scripture; competing modernisms; competing ideas about appropriate modern analysis.

*Required Reading:*

[Clark Lombardi \*State Law as Islamic Law in Modern Egypt\*, Chapter 5](#) 

[Clark Lombardi \*State Law as Islamic Law in Modern Egypt\*, Chapter 6](#) 

*Recommended Reading:*

[Jonathan A.C. Brown: Misquoting Muhammad; 114-21; 130-41](#)  

**Class #11:**

**Contest between traditionalists & modernists in 20<sup>th</sup> C. Egypt**

A. How modernist thought informs the thinking of contemporary Egyptian Islamists.

*Required Reading:*

[Sayyid Qutb, \*Social Justice in Islam\* \(Hardie tr.; rev. tr. by Algar\) \(2000\) & TBD](#)  

**Class # 12:**

**A Case Study of Debates between Egyptian Traditionalists and Modernists:  
Contest over how to interpret a constitutional provision requiring that all state law respect  
“the principles of the Islamic Shari`a”**

*Required Reading:*

On the enactment of a constitutional provision requiring that no Egyptian law violate Islamic norms and the debates about how courts should interpret it:

Clark B. Lombardi & Nathan Brown, “Do Constitutional Clauses requiring Adherence to Shari`a Threaten Human Rights: How Egypt’s Supreme Constitutional Court Reconciles Islamic Law with the Liberal Rule of Law” 21 Am. U. Int’l L Rev. 379 available online at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=910426](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=910426) (Links to an external site.)<sup>[3]</sup>

*Required Reading:*

7B: TBD

**Class #13:**


**Islamic Law in Indonesia #1: Introduction**

*Required Reading:*

Background the spread and institutionalization of Islam in Indonesia:

[Excerpts from Mark Cammack and R. Michael Feener, \*The Islamic Legal System in Indonesia\*, 21 Pacific Rim J. of Law and Policy 13 \(2012\)](#)  

On the diversity of modernist thought in Indonesia (Think about how the various thinkers might relate to different thinkers in modern Egypt.)


On the evolution of modernist thought in Indonesia: Michael Feener, “Muslim Legal Thought in Indonesia: Introduction and Overview” in Michael Feener and Mark Cammack eds., *Islamic Law in Contemporary Indonesia: Ideas and Institutions*, (Cambridge, MA: 2007) 13-26 

#### **Class #14:**

### **Islamic Law in Indonesia #2: Contest Between Traditionalism and Modernism in Contemporary Indonesia**

#### *Required Reading:*

On Debates in the 1980s and 90s about whether to codify traditionalist or modernist interpretations of Islamic Law in the Indonesian Family Law Code:

Siti Musdah Mulia and Mark Cammack, “Towards a Just Marriage Law: Empowering Indonesian Women through a Counter Legal Draft of the Indonesian Compilation of Islamic Law” in *Islamic Law in Contemporary Indonesia*, R. Michael Feener and Mark Cammack eds. (Cambridge, MA: Harvard Univ. Press, 2007) 128-145 

#### **Class #15:**

### **Iran**

#### *Required Reading:*


TBD

## **Part IV. New Issues in Islamic Law**

#### **Class #16:**

### **Contemporary Trends: Islamic Finance Part 1**

#### *Required Reading:*

Mohammad Fadel, “Riba, Efficiency, and Prudential Regulation: Preliminary Thoughts,” *Wisconsin International Law Journal* , forthcoming, available online at [http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=787797](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=787797) (Links to an external site.)


**Class #17:**

**Contemporary Trends: Islamic Finance #2**

**(Evolution of a modern Islamic finance industry.)**

*Required Reading:*

[Clifford Chance, "Introduction to Islamic Finance"](#)  

[Kilian Bälz, "A Murabaha transaction in an English Court," Islamic Law and Society, vol. 11 \(2004\) pp. 117-134](#)  

**Class #18:**

**Thinking about Areas of Future research: Researching Islamic law**

*Required Reading:*

None

*Written Exercise: Thought Paper (due by 9:00 A.M. the day of class):*

Reflect upon the many issues we have touched upon. Think of a topic that interests you, and a research question that you might find it rewarding to explore. Imagine that you are actually going to write a 25-30 page paper on this topic, so make sure it is not too broad or too narrow. Then, write a few paragraphs setting out the research project that you would like to explore, and proposing a preliminary proposal for how to research the question that interests you. Be aware as you do this that depending on what question interests you, you may need to look at very different types of source. If you are interested in Islamic legal theory, one set of sources may be appropriate (some primary sources and some secondary sources.) If you are interested in "Islamic law in action" you will need to look at very different types of source. Your selection of sources will also be shaped by whether you are looking at the pre-modern or modern period and, possibly, by the region(s) that interest you.

*In-class exercise:*

As the reference librarians discuss where to find sources, think in particular about how you would find the sources you need to write the research project you proposed.

**Class #19**

**Contemporary Trends: Drafting "Islamic Constitutions"**

On the challenge of designing a system of "Islamic review" in newly Islamizing countries, with a focus on the challenge of satisfying multiple constituencies:

*Required Reading:*

Clark B. Lombardi, “Designing Islamic Constitutions: Past Trends and Options for a Democratic future: at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2258089](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2258089) (Links to an external site.)

*Optional Reading:*

Muhammad Qasim Zaman, “Religious Discourse and the Public Sphere in contemporary Pakistan” online at <http://remmm.revues.org/5343?&id=5343&file=1> (Links to an external site.) [An interesting piece on the resistance by traditionalists to Pakistani constitutional court decisions that adopt a liberal modernist interpretation of Islamic law analogous to the one adopted by the Egyptian Supreme Constitutional Court].

**Class #20:**

**Whither Islamic Law?**

*Required Reading:*

None

*Hand in updated version of thought paper:*

Update the thought paper you wrote for class #16, incorporating what you learned in the session on researching Islamic law. Thus, you should not only describe the research project that you might one day like to undertake—if you could ever find the time. You should explain the questions you would try to answer, what sorts of text you would look in order to answer the research questions and also explain how you would go about finding the sorts of texts that you need. The thought paper should be 3- pages long double spaced.

*[Please note: you do NOT need to actually identify specific texts that you would look at, only the TYPES of materials that you would need in order to answer the question and the types of library or internet search that you would do in order to find appropriate materials (i.e. “I would look in Database [X] for materials [Y])]*

[1] For those interested in further reading of *The Qur’an*: you might look at a complete translation of *The Qur’an* and some of the following secondary sources: (a) Michael Cook, *The Koran, A Short Introduction* (An overview of the Qur’an and Muslim views of it. (b) Bruce Lawrence, *The Qur'an; a biography* (2006)

[2] Full article available at JSTOR:  
<http://links.jstor.org/sici?sici=09289380%281996%293%3A2%3C193%3ATSLOTA%3E2.0.CO%3B2-6> (Links to an external site.)

[3] For a full translation of a court case from Egypt's Supreme Constitutional Court interpreting Islamic law: see [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=910443](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=910443) (Links to an external site.)