

UCLA SCHOOL OF LAW
Spring 2016

ISLAMIC JURISPRUDENCE
LAW 549

COURSE SYLLABUS

Tuesday 3:20 – 5:20 pm
3 units
Office Hours: By appointment only
For an appointment, contact:
Authorized representative:

Dr. Khaled Abou El Fadl
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Grace Song: song@law.ucla.edu

COURSE DESCRIPTION:

This course introduces the field of Islamic law. Islamic law is one of the oldest and most significant legal systems in the contemporary age, and this course is designed to give students a firm grounding in its principles, concepts, and doctrines. We will study the history, theory, and the role of Islamic law in the contemporary age. No previous familiarity with the field is necessary, and there are no course prerequisites. All readings are in English.

The course will be divided into two main parts: the first will deal with Islamic law in the classical context, while the second will examine the role of Islamic law in the contemporary age. The first half of the course is oriented towards the historical legacy and theoretical framework of the Islamic legal tradition with a special emphasis on the development of the various schools of law. In the second half, we will study the challenges of modernity and Islamic law in the contemporary age, and will examine issues related to Islamic public international law, human rights, women and gender, and violence.

It is essential that you keep up with the reading in this course otherwise we will not be able to have meaningful discussions or understand each other in any effective way. I must note that the overwhelming balance of the information conveyed in class will come from lectures and discussions. I cannot possibly overemphasize the importance of coming to class, listening carefully, and actively engaging the doctrines. Excessive unexcused absences might result in denial of credit for the course.

The requirements for this class are as follows: read the assigned materials; attend class and participate in discussions; and take a final exercise. The final exercise is a take-home, open-book analytical exercise in which you will be asked to respond to one or more questions. Experience has shown that students who have kept up with in class lectures and discussions as well as the reading assignments are the ones who achieve the highest marks. However, students who have relied on one to the exclusion of the other do not do as well.

Important notice: In lieu of taking the final exercise, students may elect to write a research paper (20-30 pages long). Writing a paper will satisfy the law school's intensive writing requirement. If you choose to do a research paper, you need to write a short proposal with a list of possible sources, and show them to me for approval by March 22, 2016. You may send your paper proposal to my assistant Holly Robins (fadlra2@law.ucla.edu). If you do not obtain the instructor's approval for submitting a paper in writing, your paper will not be accepted or graded and you will have to do the final exercise. It is your obligation to keep record of the written approval and present it upon request. In the past students have come to my office and asked me for ideas for papers. **DO NOT DO THIS.** It is your responsibility as the student to develop and research a viable, focused paper topic. If you are not able to do so, then you should not write the paper and should instead plan only to take the final examination.

This should be an engaging, challenging, and fun course and let us all work to achieve these objectives.

GRADING:

Class participation: 20%
Final Exercise/Paper: 80%

COURSE BOOKS:

Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women* (Oneworld Publications, 2001)

Khaled Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists* (Harper San Francisco, 2005)

Khaled Abou El Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (Rowman & Littlefield, 2014)

Subhi Mahmassani, *Falsafat al-Tasbri' fi al-Islam: The Philosophy of Islamic Jurisprudence* (Kuala Lumpur: The Open Press, 2000)

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

COURSE SCHEDULE:

Week 1: Introduction: The Study of Islamic Jurisprudence

Abou El Fadl, *The Great Theft*, pp. 113-25

Abou El Fadl, "An Introduction to Shari'ah," *Reasoning with God*, pp. xxxi-lv

Mahmassani, pp. 3-12

Week 2: Emergence and Sources

Hallaq, pp. 7-56

Mahmassani, pp. 60-102

Week 3: The Foundations and Nature of Islamic Law

Abou El Fadl, *The Great Theft*, pp. 126-61

Abou El Fadl, *Speaking in God's Name*, pp. 96-133

Mahmassani, pp. 15-39

Weeks 4: The Theory of Islamic Law: Development of Jurisprudence

Mahmassani, pp. 103-45

Week 5: The Theory of Islamic Law (continued)

Abou El Fadl, *Speaking in God's Name*, pp. 9-69

Weeks 6 & 7: Islamic Law and Authority

Abou El Fadl, *Speaking in God's Name*, pp. 141-65

Abou El Fadl, *The Great Theft*, pp. 26-44

Abou El Fadl, *Speaking in God's Name*, pp. 170-208

Abou El Fadl, *Reasoning with God*, pp. 91-110

Weeks 8 & 9: Mechanics and Dynamics of Islamic Law

Mahmassani, pp. 147-207

Hallaq, pp. 57-82

Week 10: Modernity and Crisis

Abou El Fadl, *The Great Theft*, pp. 45-94, 162-79

Abou El Fadl, *Reasoning with God*, pp. 203-88

Hallaq, pp. 85-114

Week 11: Reform and Renewal

Abou El Fadl, *The Great Theft*, pp. 95-110

Hallaq, pp. 115-139

Week 12: Reform and Renewal (Continued)

Mahmassani, pp. 39-59

Abou El Fadl, *Reasoning with God*, pp. 291-358

Week 13: Contemporary Problems: The State, Democracy, and Human Rights

Abou El Fadl, *The Great Theft*, pp. 180-202

Hallaq, pp. 140-70

Week 14: Contemporary Problems: Women and Gender

Abou El Fadl, *The Great Theft*, pp. 250-74

Abou El Fadl, *Speaking in God's Name*, pp. 209-49, 272-96

Week 15: Contemporary Problems: Jihad and Terrorism

Abou El Fadl, *The Great Theft*, pp. 220-49