

**ET-640: Introduction to Islamic Law
Hartford Seminary**

**Spring 2022
W 7:00 – 9:50 PM
77 Sherman, #206**

Instructor: Suheil Laher
Office: 76 Sherman Street, Room C
Office Hours: W 1:30pm – 4:00pm and Th 9:30am – 12:00pm
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Course Description

This course will provide a critical overview of the history and practice of Islamic law. We begin by examining the origins of Islamic law, the development of the classical schools of jurisprudence and the nature of pre-modern legal institutions, especially the courts and madrasa education. In following classes, we will explore the substance of classical Islamic law, especially in the areas of family, finance and international relations. Next, we will discuss the impact of colonialism and modernity on Islamic legal discourses and institutions and finish with a discussion of the way in which Islamic law is observed in contemporary America.

Course Objectives

- Understand the genesis and development of Islamic law
- Be able to list the major schools of Islamic law, including Sunni, Shi'i and other
- Distinguish between primary and secondary sources of law
- Understand the difference between issues that are explicitly detailed in the primary sources, and those that are open to interpretation, as well as those that are not addressed in the primary sources
- Understand the complex interaction of *ijtihad*, *fatwa* and *qada'* and ethics in Islamic law
- Analyze Quranic verses and hadiths through a legal lens, with a view to appreciating how deductions can be made from them
- Explain some of the contemporary debates among Muslims about Islamic law
- Develop a holistic view of the field of *fiqh*, useful to personal confidence and/or assisting in pastoral advice

Program Learning Outcomes

- To demonstrate foundational and critical knowledge of one's own religion]
- To demonstrate knowledge of the practices of one's own religious tradition and the capacity to appreciate the practices of other religious traditions

- To demonstrate knowledge and skills for dialogical and constructive engagement with diversity.
- To demonstrate the ability to relate theory and practice in the social contexts in which a religion's communities exist.

This course meets the following program requirements:

MAIRS: Beliefs and Practices

MAC: Elective

Assessment

Attendance & Participation	10%
Forum Discussions	20%
Weekly Quizzes	20%
In-Class Presentations (2)	20%
Research Project (or Final Paper)	30%

- **Attendance:** Class is held weekly in-person (but those who have signed up for the remote option will attend via Zoom). You must attend class regularly and promptly. More than two absences will reduce your grade in the course, unless there are extenuating circumstances.
- **Forum Discussions:** Each student will post TWO reflections per week, to the Online Forum for that week.
 - One of the weekly reflections should be 100-250 words long, and should show that the student has read and thought about the assigned readings(s) for that week. This is due **before each class**.
 - The other reflection should be 50-100 words and should be a response to another student's posts.

Please note that postings that are too long, or too short, or late, will lose points.

- **Weekly Quizzes:** will consist mostly of multiple choice and/or short-answer questions, and will be based on material covered in lecture
- **In-Class Presentations:** Each student will sign up for TWO in-class presentation (10 mins long). There are 2 presentations per lecture, and students are responsible for signing up on a first-come-first-serve basis. Each presentation is based on one of the Fatwa Readings for that week.

Rubric for Grading of Presentations:

Identification / explanation of the place, time and persons involved	10%
Identifying and presenting relevant Quranic verses and hadiths	25%
Identifying any other factors or sources that influenced the fatwa.	10%
Summary of other relevant information	25%

Timing (You will lose points if your presentation is less than 10mins, or more than 15mins)	10%
Visual Aesthetics	10%
Critical Analysis Analysis, or critique, or questions raised	10%

- **Research Project:** Student will select a topic in Islamic law (whether an old issue, or a contemporary issue) and research what different *madhahib* and *fuqaha'* have said about it. They will write an **1250-1500 word** report summarizing their findings, and their personal conclusions. A list of possible topics will be provided, but students are free to choose a topic not on the list, provided it is approved by the instructor. **DUE: End of semester**
 - Students have the option to write a research paper, instead of the above project. The paper topic should be approved by the professor. Length of paper: 10-15 pages (double-spaced)

Textbooks

Required Books

- Vikør, Knut S. *Between God and the sultan: A history of Islamic law*. Oxford University Press, USA, 2005.

Additional required readings will be made available to students.

Recommended (Optional) Books

- Abū-Zahra, Muḥammad. *The Four Imams*. Dar Al-Taḳwa, 2005.
- Ahmad, Ahmad Atif. *Islamic Law: Cases, Authorities, and Worldview*. Bloomsbury, London, 2017.
- al-Dihlawi, Shah Wali-Allah. *Differences of Opinion in Fiqh*. tr. Muhammad `Abdul-Wahhab. TaHa Publishers, UK.
- Hallaq, Wael B. *Sharī'a: Theory, Practice, Transformations*. Cambridge, 2009.
- Kamali, Mohammad Hashim. *Principles of Islamic jurisprudence*. Cambridge: Islamic Texts Society, 1991.
- Rushd, Ibn, and Muhammad Abdul-Rauf. *The Distinguished Jurist's Primer: a Translation of Bidāyat al-Mujtahid*. 2 vols. Garnet & Ithaca Press, 1994.
- Weiss, Bernard G. *The spirit of Islamic law*. University of Georgia Press, 1998.

List of Fatwa Readings (for Presentations)

1. Contemporary Egypt: David Drennan, *Studying Fatwas*
2. Dogs: William Roff, An argument about how to argue, ILI
3. Personal Hygiene: Halevi, The Toilet Paper Fatwa, MTT
4. Fasting: Maria Curtis, On Fasting in Fes, SIIP'
5. Hajj: Carol Delaney, The Hajj: Its meaning for Turkish Muslims, SIIP
6. Statues: Ruud Peters, The Lions of Qasr al-Nil Bridge, ILI
7. Clothes: Halevi, Arabian Slippers, MTT

8. Enemy Territory: Halevi, Lottery Tickets, Luxury Hotels, and Christian Experts, MTT
9. European Goods: Halevi, Good Things Made Lawful, MTT
10. Technology (1): Halevi, The Qur'an in the Gramophone, MTT
11. Technology (2): Halevi, Telegraphs, Photographs, Railways, Law Codes, MTT
12. Paper Money: Halevi, Paper Money and Consummate Men, MTT
13. Music: Carin Berg, Where Heaven Meets Earth
14. Muslim Markets: Johan Fischer, Global Muslim Markets in London, SIIP
15. Water Rights: Camilo Gómez-Rivas and Camilo Gómez-Rivas, Law and the Islamization of Morocco under the Almoravids : The Fatwās of Ibn Rushd Al-Jadd to the Far Maghrib, p. 113-127
16. Family Law Courts: Rosen, Lawrence. "Studying the Muslim family law courts in Morocco." SIIP
17. Poisoning: Colin Imber, Why you should poison your husband (article)
18. Misyar Marriage: Khalid Sindawi, Temporary Marriage in Sunni and Shiite Islam: A Comparative Study, ch. 5
19. Gender Issues: Dervla S. Shannahan, Gender, sexuality and inclusivity in UK Mosques, SIIP
20. Hymenoplasty: L.L. Wynn, Hymenoplasty in Egypt, SIIP
21. Polygny: Ron Shahham, *Rethinking Islamic Legal Modernism : The Teaching of Yusuf Al-Qaradawi*, 108-124
22. Wife Converting to Islam: Ron Shahham, *Rethinking Islamic Legal Modernism : The Teaching of Yusuf Al-Qaradawi*, p. 125-144
23. Women's Leadership: Ron Shahham, *Rethinking Islamic Legal Modernism : The Teaching of Yusuf Al-Qaradawi*, 145-173
24. Non-Muslim Festivals: Muhammad Mudzhar, Muslim's Attendance at Christmas Celebrations, ILI
25. Excommunication: Usha Sanyal, Are Wahhabi's Kafirs? ILI
26. Jihad: Shmuel Bar, "The War of the Fatwas," *Warrant for Terror*, ch. 9
27. Miscellaneous (1): (Hajj, Jihad, Rituals, Murder): Camilo Gómez-Rivas and Camilo Gómez-Rivas, Law and the Islamization of Morocco under the Almoravids : The Fatwās of Ibn Rushd Al-Jadd to the Far Maghrib, p. 93-104
28. Miscellaneous (2): Rudolph Peters, "Muhammad Al-'Abbāsī Al-Mahdi (D. 1897), Grand Mufti of Egypt, and His Al-Fatāwā Al-Mahdiyya", *Islamic Law and Society*, 1:1 (1994), 66-82.
29. Miscellaneous (3): Kate Zebiri, *Shaltut and Islamic Modernism* (PhD thesis), p. 161-202.

MTT: Leor Halevi, *Modern Things on Trial: Islam's Global and Material Reformation in the Age of Rida, 1865–1935*. New York Chichester, West Sussex: Columbia, 2019.

ILI: Masud, Muhammad Khalid; Messick, Brinkley, and D. S. Powers. "Islamic Legal Interpretation." *Muftis and their Fatwas* (Cambridge: Harvard, 1996).

SIIP: *Studying Islam in Practice*. Routledge, 2013. 3

CLASS OUTLINE

NOTE:

- 1) Readings from **Weiss** are **optional, unless otherwise specified**
- 2) *Fatwa Readings* will be specified or linked on the Canvas site
- 3) *Some of the readings below might be specified as optional*

CLASS	DATE	TOPIC & READINGS (INCLUDING OPTIONAL READINGS)
1	01/19	<p>Introduction: What is Law? What is Islamic Law?</p> <ul style="list-style-type: none"> • Vikor, ch. 1 • Weiss, ch. 2
2	01/26	<p>Early History</p> <ul style="list-style-type: none"> • Dihlawi, ch. 1-4 • (Hallaq, ch. 1) • Fatwa Reading #1, #2
3	02/02	<p>Primary Sources of the Law</p> <ul style="list-style-type: none"> • Vikor, ch. 3 • Fatwa Reading #3, #4 <p>OPTIONAL:</p> <ul style="list-style-type: none"> • Weiss, ch. 5 • Jonathan Brown, <i>Misquoting Muhammad</i>, (London: Oneworld, 2014), p. 83-109 • HASAN, AHMAD. "THE QUR'ĀN: THE PRIMARY SOURCE OF 'FIQH.'" <i>Islamic Studies</i>, vol. 38, no. 4, 1999, pp. 475–502. • HASAN, AHMAD. "'Sunnah' as a Source of 'Fiqh.'" <i>Islamic Studies</i>, vol. 39, no. 1, 2000, pp. 3–53.
4	02/09	<p>Secondary Sources of the Law</p> <ul style="list-style-type: none"> • Vikor, ch. 4, 5 • Fatwa Reading #5, #6 • Weiss, ch. 4 <p>OPTIONAL:</p> <ul style="list-style-type: none"> • HASAN, AHMAD. "THE CLASSICAL DEFINITION OF IJMĀ': THE NATURE OF CONSENSUS." <i>Islamic Studies</i>, vol. 14, no. 4, 1975, pp. 261–270 • Ahmad Hasan, <i>The Principle of Qiyas in Islamic Law</i>, <i>Islamic Studies</i>, vol.15 No. 3 (Autumn 1976), p.201-209 • Othman, Mohammad Zain bin Haji, Muhammad Zain bin Haji Othman, and Muḥammad Baḳḥīt al-Muṭīī. "'Urf as a Source of Islamic Law." <i>Islamic Studies</i> 20.4 (1981): 343-355.
5	02/16	<p>The "Old" Sunni Schools</p> <ul style="list-style-type: none"> • Dihlawi, ch. 5-6 • Fatwa Reading #7, #8 • Weiss, ch. 3 • Makdisi, <i>The Rise of Colleges</i>, "Rise of Schools of Law" pp. 1-34 and "Islam and the Christian West," pp. 224-280.

CLASS	DATE	TOPIC & READINGS (INCLUDING OPTIONAL READINGS)
6	02/23	<p>The “New” Sunni Schools</p> <ul style="list-style-type: none"> • Vikor, ch.6 • Fatwa Reading #9, #10 • Sheibani, Mariam, Amir Toft, and Ahmed El Shamsy. "The Classical Period." <i>The Oxford Handbook of Islamic Law</i> (2018): 403.
7	03/02	<p>Non-Sunni Schools</p> <ul style="list-style-type: none"> • Vikor, ch. 7 • Fatwa Reading #11, #12 • Ayman Shabana, “Legal Schools” in <i>Encyclopedia of Islam and the Muslim World</i> • "Zaydi" <i>World Heritage Encyclopedia</i> http://www.gutenberg.us/articles/eng/Zaydi • "Ja`fari Jurisprudence" <i>World Heritage Encyclopedia</i> http://www.gutenberg.us/articles/Ja%27fari_jurisprudence • "Ibadi" <i>World Heritage Encyclopedia</i> http://www.gutenberg.us/articles/Ibadi • Qutbuddin, Tahera. "The Da'udi Bohra Tayyibis: Ideology, Literature, Learning and Social Practice." <i>A Modern History of the Ismailis: Continuity and Change in a Muslim Community</i> (2011), 331-338 only
8	03/09	<p>Content of the Law: Worship and Commerce</p> <ul style="list-style-type: none"> • Vikor, ch. 16 • Fatwa Reading #13, #14 • Hallaq, ch. 6, 7 • Qadri, Shahzad Q. "Islamic Banking-An Introduction." <i>Bus. L. Today</i> 17 (2007): 59.
9	03/16	<p>Content of the Law: Family and Community</p> <ul style="list-style-type: none"> • Vikor, ch. 14, 15 • Fatwa Reading #15, #16 • Hallaq, ch. 10, 11 • Hallaq, “Women” <i>Introduction to Islamic Law</i> (New York: Cambridge UP, 2009), pp. 64-71. • Esposito, John L., and Dalia Mogahed. <i>Who speaks for Islam?: What a billion Muslims really think</i>. Simon and Schuster, 2007, ch. 4 (99-113) • Al-Hibri, Azizah Y. and Hadia Mubarak. "Marriage and Divorce." In <i>The Oxford Encyclopedia of the Islamic World</i>. <i>Oxford Islamic Studies Online</i>. 30-Jul-2015. <http://www.oxfordislamicstudies.com/article/opr/t236/e0507>
10	03/23	<p>Ijtihad, Taqlid and Fatwa</p> <ul style="list-style-type: none"> • Vikor, ch. 8 • Fatwa Reading #17, #18 • Weiss, ch. 6 • Muhammad Khalid Masud, Brinkley Messick, David Powers, <i>Muftis, Fatwas, and Islamic Legal Interpretation</i>, 3-32. • William R. Roff, “An Argument about How to Argue,” <i>Islamic Legal Interpretation: Muftis and their Fatwas</i> (1996): 223-229.

CLASS	DATE	TOPIC & READINGS (INCLUDING OPTIONAL READINGS)
11	03/30	<p>Courts and Judges</p> <ul style="list-style-type: none"> • Viktor, ch. 9, 10 • Fatwa Reading #19, #20 • Weiss, ch. 8 • Fadel, Mohammad. "Two women, one man: knowledge, power, and gender in medieval sunni legal thought." <i>International Journal of Middle East Studies</i> 29.2 (1997): 185-204.
12	04/06	<p>Spirit of the Law</p> <ul style="list-style-type: none"> • Weiss, ch. 7 (REQUIRED) • Fatwa Reading #21, #22 • Recep Senturk. "'I Am Therefore I Have Rights': Human Rights in Islam between Universalistic and Communalistic Perspectives." • Padela, Aasim I. "Islamic medical ethics: a primer." <i>Bioethics</i> 21.3 (2007): 169-178. • Senturk, Recep. "Minority Rights in Islam: From Dhimmi to Citizen." <i>SIGNIFICANT ISSUES SERIES-CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES</i> 27.5 (2005): 67. • Haifaa, Jawad. <i>The Rights of Women in Islam: An Authentic Approach</i>. Chapter 3: Women and Marriage in Islam, pp. 30-40.
	04/13	<p style="text-align: center;">SEMINARY CLOSED - NO CLASS</p> <p>Fatwa Reading #23, #24, #25</p>
13	04/20	<p>Islamic Law in Modernity (I)</p> <ul style="list-style-type: none"> • Viktor, ch. 11-12 • Fatwa Reading #26, #27 • Brown, Jonathan AC. "Is Islam easy to understand or not?: Salafis, the democratization of interpretation and the need for the ulema." <i>Journal of Islamic Studies</i> 26.2 (2015): 117-144. • Nafi, Basheer M. "The Rise of Islamic Reformist Thought and its Challenge to Traditional Islam." <i>Islamic Thought in the Twentieth Century</i> (2004): 28-60. • Hallaq, Wael. <i>The impossible state: Islam, politics, and modernity's moral predicament</i>. Columbia University Press, 2012, pp. ix-xiv.
14	04/27	<p>Islamic Law in Modernity (II)</p> <ul style="list-style-type: none"> • Viktor, ch. 14 • Fatwa Reading #28, #29 • Jackson, Sherman A. "Islamic Law, Muslims and American Politics." <i>Islamic Law and Society</i> 22.3 (2015): 253-291. • Karim Lahham, "Muhammad Shahrur's Cargo Cult: A Meditation on His Underlying Conceptual Framework." • Ibn Hazm on Women's Prayer in the Mosque, article at https://theropeofallahblog.wordpress.com/2015/03/15/ibn-hazm-on-womens-prayer-inthe-mosque/ • Mubarak, Hadia. "Indicators of Female Empowerment: Women's Space and

CLASS	DATE	TOPIC & READINGS (INCLUDING OPTIONAL READINGS)
		<p>Status in American Mosque." <i>Mosque in Morgantown</i>. 1 June 2009. http://www.themosqueinmorgantown.com/forum/2009/06/01/mubarak/Woodlock.</p> <ul style="list-style-type: none"> • Brown, Jonathan AC, and Misquoting Muhammad. <i>The challenges and choices of interpreting the Prophet's legacy</i>. London: Oneworld Publications, 2014. ch. 4 (114-160) • Quraishi, Asifa. "What if Shari'a Weren't the Enemy: Rethinking International Women's Rights Advocacy on Islamic Law." <i>Columbia Journal of Gender and Law</i> 22.1 (2011): 173-249.