Philosophical and Legal Approaches to Islam

Fall 2011
Meeting Time: Tuesdays 4:55pm – 6:10pm
Place: TBA
Professor: Khalil Abdur-Rashid
Office Hours: By Appointment (email: khalilabdur@gmail.com)

Short Description

In this course, we will study legal and methodological approaches of Islam covering a time span beginning with the period of Quranic revelation up to the dawn of colonial modernity. Beginning with the historical development of Islamic law, we will examine the legal content of Islam and its methodology, paying special consideration to how the Islamic tradition is structured both legally and ethically. Students will become familiar with the history and major topics of Islamic law, the legal structure and content of Islamic Sunni jurisprudence, along with the main sources and general methods of Islamic legal discourse.

Requirements

(1.) Students will be expected to attend all class sessions, to be on-time, and to complete the assigned readings before each class session. Students may be called upon at random to comment about the readings. (20%)

(2.) Students will be required to make an in-class presentation of at least one of the assigned readings where they will discuss and identify the main points of the argument and pose their own questions or reflections about the content. The presentation may be done individually or in a group. The presentation(s) should be no more than 15 minutes (if done individually) or 45 minutes (if done in a group). The student(s) are also required read extra sources about the topic they are presenting on, and incorporate the source(s) into their presentation. (30%)

(3.) Students must also submit a “weekly response” to the readings that are due every week. These response papers are to be no longer than one page and are merely to comment on the readings. Personal opinions are certainly welcome and students should feel free to question and even criticize the readings. A mere summary of the reading will not count as a “response”. The exception to this is for the students that are presenting for the given week, in which case, the student(s) need only to work on their presentation. The responses are to be emailed to me every Monday night before midnight. (25%)
(4.) Students will be required to complete a final paper on any topic of Islam related to a legal or ethical question that is of interest to them. In this paper students will identify the legal or ethical problem at hand, present any arguments for or against the issue, and then present what the student feels might be a proposed Islamic ethical/legal answer to the question based upon what they have learned in the course and through extra readings. The topic must be a contemporary issue. Students should incorporate the course readings into their final paper. The paper should be between 8-10 pages in length and be submitted to me by midnight Saturday December 17th. (25%)

**Grading System**

Attendance and Promptness 20%; In-ClassPresentation and Participation 30%; Weekly Response 25%; Final Paper 25%

**Attendance**

Attendance is mandatory except in documented cases of illness or family emergency. Students who have more than one unexcused absence or who are consistently late to class will receive a drop in their attendance grade. Students are expected to notify the professor of any absence in advance as early as possible.

**Prerequisites**

There are no prerequisites for this course.

**Texts**

Most readings will be available electronically.

**Course Content**

**Introduction:** General Overview (September 6)

**Topic One:** Historical Background of Islam and Sources of Islamic Law (September 13 and 20)

- The Meccan Period
  - Jacob Lassner, *Islam in the Middle Ages*; 3-47, 235-270

- The Medinan Period
  - Micheal Lecker, *The Constitution of Medina*
  - Muhammad Hamidullah, *The First Written Constitution in the World*
  - Jacob Lassner, *Islam in the Middle Ages*; 47-78.
**Topic Two:** Rise of the Legal Schools (September 27, October 4, and 11)

- The Madhhab and the Colleges of Law (Madrasa)
  - Steven Judd, *Al-Awza’i and Sufyan al-Thawri*; 11-25.
  - Eyyup Said Kaya, *Continuity and Change in Islamic Law*; 26-40.
  - Daphna Ephrat, *Madhhab and Madrasa in Eleventh Century Baghdad*; 77-93.

- The Courts and the Legal Roles in Pre-modern Islamic Society
  - Joseph Schacht; *An Introduction to Islamic Law*; 48-69.
  - Wael Hallaq; *Introduction to Islamic Law*; 7-37 and 38-71.

**Topic Three:** Overview of the Law (October 18, 25, November 1, and 8)

- Ritual Worship
  - Wael Hallaq, *Sharia*; 225-238.

- Financial Obligations
  - Hallaq, *Sharia*; 239-270.

- Family Law
  - Wael Hallaq, *Sharia*; 271-295
  - Annelies Moores, *Debating Family Law*; 141-169.

- Offenses
  - Wael Hallaq, *Sharia*; 308-323.

**Topic Four:** Sharia Methodology (November 15, 22, and 29)

- Public Interest in Shari’a (*Maslaha*), Objectives of Islamic Law (*Maqasid*), and Human Rights in Sharia
  - Felicia Opwis, *Islamic Law and Legal Change*; 62-82.
  - Recep Şentürk, *Sociology of Rights: I am therefore I have Rights*

- Legal Maxims
  - Intisar Rabb, *Doubts Benefit, Legal Maxims in Islamic Law*
• Sharia-Oriented Policy
  o Wael Hallaq, *Introduction to Islamic Law*; 72-82.
  o Wael Hallaq, *Sharia*; 197-221.

**Topic Five:** Conclusion (December 6)

• What is Shari’a?
  o Wael Hallaq, *What is Shari’a?*