

Legal and Ethical Approaches to Islam

UPADM-GP 251/252

Fall 2016

Meeting Time: Tuesdays 4:55pm – 7:25pm

Professor: R. David Coolidge

Office Hours: By appointment (email: rdcl3@nyu.edu)

Course Description

In this course, we will study “shari’ah,” the primary legal and ethical tradition of Islam. First, we will briefly cover the historical development of shari’ah. Then we will turn to the contemporary era, and examine the articulation of shari’ah in regard to a variety of concrete issues. It is hoped that by the end of the course, the student will have a greater appreciation for the complexity of shari’ah, and its continued relevance in today’s legal and ethical debates both nationally and internationally.

There are no prerequisites for this course.

Requirements

- (1.) Students will be expected to **attend** all class sessions, to be **on-time, participate**, and to **complete the assigned readings** before each class session. **(24 points)**
- (3.) Students must also submit **3 “reflection papers”** before the final class on December 13th. These reflection papers are meant to capture your thoughts and questions about the readings and classroom discussion. Personal opinions are encouraged and students should feel free to question and even criticize the readings. You decide what you want to write about and when you want to do them. You can only turn in one paper a week, but you can do them all in the course of three consecutive weeks if you prefer. The topic addressed in each paper has to be different than in the other two papers. A mere summary of the reading will *not* count as a “reflection.” Each reflection should be at minimum 1 page long (single spaced), but there is no maximum length. This is meant to provide you a space to freely express yourself in writing. You will receive a full grade by turning them in, and demonstrating engagement with the ideas under discussion. **(26 points)**
- (3.) For those students taking the 4-credit version of the class, they will have to **lead the in-class debate** on Oct. 25th and Nov. 8th. One group will prepare a side “for” the issue, and another group will prepare a “side” against the issue. After the initial presentation of both sides (“opening arguments”), the rest of the class will join in the discussion. **(20 points)**
- (4.) Students taking the 4-credit version will complete a **final paper** on any topic related to the course that is of interest to them. The topic should be discussed with and approved by the

instructor in advance. Students writing the paper will also present their preliminary findings during the last class on December 13th, where we will collectively discuss the issues at stake. Students taking the 2-credit version of the class have to attend the final class, but do not have to do a presentation. Students should incorporate the course readings into their final paper when applicable, and additional research will be required. The paper must be 10-15 pages in length (1.5 spacing) and be submitted to me over email by 11:59pm on Tuesday, December 20th. (30%)

Grading

Those students taking the 2-credit version of the class will be graded on a scale of 50 points (24 for coming to class, and 26 for writing the three reflection papers). Those students taking the 4-credit version of the class will be graded on a scale of 100 points (the 50 already mentioned, plus 20 for the in-class debate and 30 for the final research paper).

Attendance

Attendance is mandatory except in documented cases of illness or family emergency. Any students with an unexcused absence or who are consistently late to class will receive a drop in their attendance grade (app. 1/4th of the final grade for those taking the 4-credit, and app. 1/2 of the final grade for those taking the 2-credit!) Students are expected to notify the professor of any absence in advance as early as possible.

Texts

The following texts are required for the class, and should be available at the NYU Bookstore:

Brown, Jonathan A. C.; *Muhammad: A Very Short Introduction* (Oxford: 2011)

Hallaq, Wael; *An Introduction to Islamic Law* (Cambridge: 2009)

All other readings will be made available online or distributed in class

COURSE CONTENT

Class 1 (Tuesday, Sept. 6th)

Introduction (General Overview of the Religion of Islam and Contemporary Law/Ethics)

Read after class: "Legal Systems" by Bernard Rudden: https://www.law.cornell.edu/wex/legal_systems

Class 2 (Sept. 13th)

Muhammad: The Framework for Everything

Read after class: Brown; *Muhammad: A Very Short Introduction*, pp. xiii-63

Class 3 (Sept. 20th)

Muhammad: Memory and Debate

Read after class: Brown; *Muhammad*, pp. 64-127

Class 4 (Sept. 27th)

Pre-Colonial Islamic Legal History

Read after class: Hallaq; *An Introduction to Islamic Law*, pp. 1-82

Class 5 (Oct. 4th)

Colonial and Postcolonial Islamic Legal History

Read after class: Hallaq; *An Introduction to Islamic Law*, pp. 85-170

Class 6 (Oct. 11th)

Government and Islam, part 1

Read after class: Khomeini; *Islamic Government*, all (.pdf)

Class 7 (Oct. 18th)

Government and Islam, part 2

Read after class: Online resources regarding “qisas” in preparation for in-class debate

Class 8 (Oct. 25th)

Focus on Qisas (Debate)

Read after class: Qaradawi; *The Lawful and Prohibited in Islam*, selections (.pdf)

Class 8 (Nov. 1st)

Common Rules for Daily Life

Read after class: Online resources regarding sex and marriage for in-class debate

Class 9 (Nov. 8th)

Focus on Sex and Marriage (Debate)

Read after class: Badawi; *The Concise Presentation of the Fiqh*, selections (.pdf) and al-Mudarrisi, selections online <http://pdfsr.com/pdf/the-laws-of-islam-1>

Class 10 (Nov. 15th)

Common Rules for Worship

Read after class: Ayatollah Sistani's rules of war against ISIS: <http://www.sistani.org/english/archive/25036/> and Shaykh Bin Bayyah's counter-ISIS treatise: <http://binbayyah.net/english/2014/09/24/fatwa-response-to-isis/> and Shaykh Hamza Yusuf's anti-ISIS sermon: <https://www.youtube.com/watch?v=hJo4B-yaxfk>

*****NO CLASS on Nov. 22nd – Thanksgiving Break*****

Class 11 (Nov. 29th)

Terrorism and War

Read after class: pages from the writings of Dr. Khaled Abou El Fadl (to be distributed in class)

Class 12 (Dec. 6th)

What is the Future of the Shari'ah?

Class 13 (Dec. 13th)

Presentation of Final Paper Ideas and Final Discussion

*****Final Paper Due Tuesday December 20th by 11:59pm*****