I. TOPIC AND OBJECTIVES

This course will provide an introduction to the field of Islamic law. This term refers to a huge and diverse corpus of legal materials, spanning centuries and wide swaths of the globe, and our encounter of it will necessarily be selective. During the first part of this course, the sources of Islamic law, the formation of Islamic jurisprudence, and the history of the development of Islamic law and legal institutions will be examined. In the second part of the course, we will sample several substantive areas: criminal law, family law, and commercial law. Then we will turn to some of the “hot button” issues in contemporary discussions in and about law in the Muslim world.

Throughout, we will strive to keep in mind several themes and questions. First, what is the place of law in Muslim societies, both historical and contemporary? How, in other words, does Islamic law play out in the contemporary lives of Muslims in a variety of settings? Second, is there anything distinctive about Islamic law, as compared to other “families” or schools of law? Is there any standard or measure by which we can judge whether a given practice, doctrine, or institution is “truly Islamic” or not? Third, how has Islamic law been understood – or misunderstood, as the case may be – by non-Muslims, particularly in the West? How do these perceptions play into contemporary relations between Muslim societies and the West? And finally, what, if anything, does Islamic law help us understand about our own law, or the very nature of law generally?

The majority of the course will focus on Sunni (sometimes called “orthodox”) Islamic law, although we will also address Shi’a Islamic law to a lesser extent.

No prior knowledge of Islam or Islamic law is assumed.

II. TEXT

The primary text for the course will be Knut S. Vikor, *Between God and the Sultan: A History of Islamic Law*. Supplementary readings will be posted to a class web site.

III. METHODOLOGY

The course will be conducted in the form of lecture/discussion. I will often start class with introductory remarks of up to half of our meeting time, while the remainder of the time will be given to general discussion involving all members of the course. Please come each day prepared to participate in informed and critical discussion of the topic and assigned readings.
We will also resort to exercises and other small group activities, as appropriate. Several films will be shown in class hours, and we will have one or more guest speakers. We will also visit a local mosque.

IV. COURSE REQUIREMENTS AND EVALUATION

There are two requirements for this course:

Attendance of and informed participation in each class meeting (10% of your grade)

Completion of the final take-home examination – to be distributed at the end of the last class, Tuesday, April 21, and returned to the Records Office by 3 pm the following day, Wednesday, April 22. You will answer two of five essay questions, with an overall limit of ten typed pages. (90% of your grade).

Please do not take this class if you expect to have any difficulty meeting these requirements.

V. CLASS SCHEDULE AND READINGS

Note: substitutions and/or additions to the reading list are possible, even likely, and some schedule adjustments may be necessary to accommodate guest speakers and for other reasons.

All required readings other than those from the Vikor text will be posted to the class web site. Unless otherwise indicated, all readings listed for a class meeting are required. Please consult the syllabus regularly to ascertain the reading requirements.

1. **Monday, January 12** – Introduction to the class: Islam and Islamic law
   Knut Vikor, *Between God and the Sultan*, Chapters 1 and 2

2. **Wednesday, January 14** – Primary sources of Islamic law: the Koran and Sunna
   Knut Vikor, *Between God and the Sultan*, Chapter 3

**Monday, January 19** - Martin Luther King Day – **NO CLASS**

3. **Wednesday, January 21** - Primary sources of Islamic law: the Koran and Sunna continued
   No additional readings

4. **Monday, January 26** – Secondary Sources: Qiyas and Ijma’
   Knut Vikor, *Between God and the Sultan*, Chapters 4 and 5

5. **Wednesday, January 28** – Development of the classical schools of jurisprudence
   Knut Vikor, *Between God and the Sultan*, Chapter 6

6. **Monday, February 2** – Legal institutions and procedures; Debate exercise
   Knut Vikor, *Between God and the Sultan*, Chapter 8
   Guest speaker: Lena Salaymeh
   Additional short readings TBA

7. **Wednesday, February 4** – Legal institutions and procedures continued
   Knut Vikor, *Between God and the Sultan*, Chapter 9
   Daphna Efrat, “Madhhab and Madrasa in Eleventh-Century Baghdad”

8. **Monday, February 9** - Film – Justice in Agadez
   Knut Vikor, *Between God and the Sultan*, Chapter 10

9. **Wednesday, February 11** – Legal institutions and procedures in the Ottoman era
   Knut Vikor, *Between God and the Sultan*, Chapter 11
   Beshara Doumani, “Adjudicating Family: The Islamic Court and Disputes Between Kin in Greater Syria, 1700-1860”

**Monday, February 16** – Presidents’ Day – NO CLASS

10. **Wednesday, February 18** - Colonialism, Orientalism, and Legal Reform
    Knut Vikor, *Between God and the Sultan*, Chapters 12 and 13
    Wael Hallaq, “The Quest for Origins or Doctrine? Islamic Legal Studies as Colonialist Discourse”

11. **Monday, February 23** – Colonialism, Orientalism, and Legal Reform, Criminal Law

12. **Wednesday, February 26** – Criminal Law
    Knut Vikor, *Between God and the Sultan*, Chapter 14

13. **Monday, March 2** – Gender and Family Law
    Knut Vikor, *Between God and the Sultan*, Chapter 15
    Film: Divorce, Iranian Style

14. **Wednesday, March 5** – Gender and Family Law
    Ziba Mir-Hosseini, “The Construction of Gender in Islamic Legal Thought and Strategies for Reform.”
    Mark Cammack, “Islam and Nationalism in Indonesia: Forging an Indonesian Madhhab”

**SPRING BREAK**
15. **Monday, March 16** – Commercial Law  
Knut Vikor, *Between God and the Sultan*, Chapter 16  
Guest speaker: Arshad Ahmed, Esq.

16. **Wednesday, March 18** – Commercial Law continued  
Haider Ala Hamoudi, “Baghdad Booksellers, Basra Carpet Merchants, and the Laws of God and Man”

17. **Monday, March 23** – Democracy and Constitutionalism  
Khaled Abou el Fadl, “Islam and the Challenge of Democracy”

18. **Wednesday, March 25** – Democracy and Constitutionalism: Iraq  

19. **Monday, March 30** – Human Rights: Negotiating an Islamic Declaration of Human Rights Exercise  
Universal Declaration of Human Rights  
Abdullahi An-Naim, *Human Rights in the Muslim World: Socio-political Conditions and Scriptural Imperatives*

20. **Wednesday, April 1** – Human Rights Exercise continued

21. **Monday, April 6** – War and Rebellion: the Example of Hamas  
John Esposito, *Unholy War*, pp. 26-70  
Hamas Charter  
Yitzhak Reiter, “‘All of Palestine is Holy Muslim Waqf Land:’ A Myth and its Roots”

22. **Wednesday, April 8** – War and Rebellion: Suicide bombing  
Kuala Lumpur Declaration on International Terrorism

23. **Monday, April 13** – Muslims and Islamic Law in non-Muslim societies  
Visit to the Islamic Center of San Francisco (to be confirmed)  
Ihsan Yilmaz, “Inter-Madhhab Surfing, Neo-Ijtihad, and Faith-Based Movement Leaders”  
Lindsey E. Blenkhorn, “Islamic Marriage Contracts in American Courts: Interpreting Mahr Agreements as Prenuptials and Their Effect on Muslim Women” 76 S. Cal. L. Rev. (2002-03)

24. **Wednesday, April 15** – Muslims and Islamic Law in non-Muslim societies  
Freeman v. Dept. of Highway Safety and Motor Vehicles, 924 So.2d 48 (Fla. App 2006)
25. Monday, April 20 – TBA

25. Tuesday, April 21 – PLEASE NOTE SPECIAL ONE HOUR TUESDAY CLASS
   - Conclusions
   No readings