An Introduction to Islamic Law

LAWS 6518
Tue,Thu 9:00 AM - 10:15 AM WOLF 207

Hamid M. Khan
Adjunct Professor, University of Colorado Law School
McKenna Long & Aldridge LLP
hkhan@mckennalong.com
Hamid.Khan@colorado.edu

INTRODUCTION

Islamic law, also known as Shariah, is one of the oldest systems of law of the contemporary age. With over 1.5 billion adherents, Islamic law is part of the laws of nearly 60 nations and plays a vital role in the conduct of all Muslims.

This course introduces students to the Islamic Law by giving them a firm grounding in the principles, concepts and terminology. We begin by examining the Formative Era of Islamic Law, through its sources and methodologies. Next, we examine the Established Era of the Schools of Law including the differences between Sunni and Shiite Islamic Law. Finally, we examine several substantive areas of Islamic law, including human rights, terrorism, political Islam, women’s rights and rights of religious minorities, criminal law, and finance law and pay special attention to the growing role of fundamentalism in these areas of law. We conclude by examining the relevance of Islam and Islamic Law in today’s world.

No previous familiarity with the field is necessary and there are no course prerequisites.

GRADING

The final grade will be calculated as follows:

<table>
<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attendance &amp; Class Participation</td>
<td>20%</td>
</tr>
<tr>
<td>Final Exam</td>
<td>80%</td>
</tr>
</tbody>
</table>

The foregoing class is governed by the Law School’s Honor Code which is predicated on the premise that the study and teaching of law in an academic setting is an integral part of the legal profession. Students and Faculty engaged in that activity, therefore, do so as members of the legal profession, and they recognize the need to maintain a high level of professional competence and integrity in their work.
REQUIRED TEXTS

THE QUR’AN, M. A. S. Abdel Haleem (Trans.)(2008) - [This translation only.]
Wael B. Hallaq, A HISTORY OF ISLAMIC LEGAL THEORIES: AN INTRODUCTION TO SUNNI USUL AL-FIQH (1999)

&
Reading Packet of Selected Readings.

SCHEDULE

You are responsible for all readings absent a clear indication to the contrary. This means being ready to demonstrate familiarity with their main points and discuss them critically, raise questions about them and respond to questions. The foregoing syllabus is aspirational in nature and there may alterations or deviations from time to time.

I. The Formative Era: The Classical Sources and Their Interpretation

Week 1: Introduction; the Life of the Prophet and the Origins of Islam

Aslan, NO GOD BUT GOD, pp. xiii-170.


Hallaq, A HISTORY OF ISLAMIC LEGAL THEORIES, pp. 1-35.

Week 2: The Classic Sources of Law, Part I: The Qur’an

Aslan, NO GOD BUT GOD, pp. xiii-170.


THE QUR’AN: Suras 5, 70-114.


Hallaq, A HISTORY OF ISLAMIC LEGAL THEORIES, pp. 36-82.
Week 3: The Classic Sources of Law, Part II: The Hadith and Sunnah

*Excerpts from Sahih Bukhari and Sahih Muslim* - (TBD)
[Noted Compilations of the Prophetic Tradition]

Weiss, *The Spirit of Islamic Law*, pp. 66-87

Hallaq, *A History of Islamic Legal Theories*, pp. 36-82.

Week 4: The Source-Intonated Constructs: The Doctrines of Qiyas and Ijma


*The Qur’an* (TBD).

II. The Era of Establishment: The Rise and Fall of the Schools of Law and the Schism Over Interpretation

Week 5: The Rise of the Schools of Law


Rudolph Peters, “What Does it Mean to Be an Official Madhab”? Hanafism and the Ottoman Empire, in Bearman, et al., *The Islamic School of Law*, pp. 147-158.


Week 6: The Fall of the Schools of Law and the Failure of Interpretation

Weiss, *The Spirit of Islamic Law*, pp. 113-144.


III:  The Modern Era and Islamic Fundamentalism

Week 7-8:  Revivalism Reformism and Its Impact on Islamic Law

The Qur’an (TBD).

Hallaq, A History Of Islamic Legal Theories, pp. 207-254.

Aslan, No God But God, pp. 220-266.


Antony Black, The History Of Islamic Political Thought: From The Prophet To The Present, pp. 18-30; 39-48.


Week 9:  Examining Modern State Systems of Islamic Law


Mottahadeh, Wilayat al-Faqih, in Esposito, ed. Oxford Encyclopedia Of The Modern Islamic World

Arjomand, The Turban For The Crown: The Islamic Revolution In Iran, pp. 147-173.

Ayoytallah Ruohallah Khomeini, Islam And Revolution, pp. 55-81, 136-141, 147-149.


IV:  The Post Modern Debate

Week 10: Women’s Rights and International Law


El Fadl, THE GREAT THEFT, pp. 250-274


Week 11: The Law of War, Jihad and Fundamentalism


Week 12: Islamic Criminal & Finance Law


Mills, Paul S, & Presley, John, R., ISLAMIC FINANCE THEORY AND PRACTICE, (1999), pp. 1-33; 73-100; (101-111 optional).

Week 13 & 14: The Relevance of Islam and Islamic Law Today

Lisa Miller, American Dreamers (NEWSWEEK, JULY 30, 2007), pp. 24-33


Excerpts from John L. Esposito and Dalia Mogahed, WHO SPEAKS FOR ISLAM?: WHAT A BILLION MUSLIMS REALLY THINK, (2008) (TBD)

FINAL EXAM: TBD

DN:32144698.1