



The Hebrew University of Jerusalem

Syllabus

INTRODUCTION TO ISLAMIC LAW - 38140

Last update 09-10-2013

HU Credits: 4

Degree/Cycle: 1st degree (Bachelor)

Responsible Department: Islamic and Middle Eastern Studies

Academic year: 2

Semester: Yearly

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Prof. Ron Shaham

Coordinator Email: ron.shaham@mail.huji.ac.il

Coordinator Office Hours: Tuesday 12-13

Teaching Staff:

Prof Ron Shaham

Course/Module description:

The first part of the course deals with the crystallization of Islamic law as a jurists' law in the middle ages. The second part analyzes the development of Islamic law in the modern period, especially its interaction with state law.

Course/Module aims:

The aim of the course is to familiarize the students with the historical development of Islamic law, its principles and the dilemmas it faces in the modern period

Learning outcomes - On successful completion of this module, students should be able to:

- To describe the history of Islamic law
- To remember the operational patterns of Islamic law
- To discuss the challenges that Islamic law faces in the modern period
- To interpret primary sources (translated from Arabic to Hebrew or English) of Islamic law
- To explain themes related to Islamic law in an integrative way

Attendance requirements(%):

85

Teaching arrangement and method of instruction: lecture & exercise

Course/Module Content:

1. Origins of Islamic law
2. Legal material in the Quran and its interpretation
3. The ulama and the sources of jurisprudence
4. Legal school, muftis and the legal literature
5. Ijtihad vs. taqlid
6. The court and the judge (qadi)
7. State and law
8. Ottoman law
9. The mid-19th century: coexistence between traditional and modern law
10. The late 19th century: codification and its impact
11. New interpretive trends of the Quran and Sunna
12. Legal modernism
13. Family law reforms

14. *The legal system of Saudi Arabia*
15. *The reintroduction of Islamic law in Iran*
16. *Pressures for application of Islamic law in Egypt*
17. *Islamic law in Israel*
18. *Muslim minority jurisprudence*
19. *The waqf institution*
20. *Waqf reform in the modern period*
21. *Conclusion: thoughts about the future of Islamic law*

Required Reading:

Joseph Schacht, *Introduction to Islamic Law* (Oxford: Clarendon Press, 1964), pp. 6-9

Wael Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005), 8-19

N.J. Coulson, *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964), 9-20

נחמיה לבציון, דפנה אפרת ודניאלה טלמון-הלר, האסלאם: מבוא להיסטוריה של הדת (תל אביב: האוניברסיטה הפתוחה, 1998), כרך ב'^{apostrophe}, יחידה 4 [התפתחות המשפט האסלאמי], ע"ע 16-13 לבציון, אפרת וטלמון-הלר, ע"ע 21 - 31, 35-38.

לבציון, אפרת וטלמון-הלר, ע"ע 42-32.

Schacht, pp. 69-75.

ואאל ב. חלאק, "האם נסגרו שערי האג'א?^{apostrophe}, ג'אמעה כרך ח (תשס"ב), ע"ע 168-118 [502175 שמורים אלקטרוניים]

Knut Vikor, *Between God and the Sultan. A History of Islamic Law* (London: Hurst, 2005), pp. 168-184 [BP 144 V 54 2005; 553672].

לבציון, אפרת וטלמון-הלר, ע"ע 16-19, 45-53.

Vikor, 206-221.

Nathan Brown, *The Rule of Law in the Arab World* (Cambridge: Cambridge University Press, 1997), pp. 23-40 [JQ 3876 B76; 1027998; 1 copy RR].

Wael B. Hallaq, *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 401-20 [BP 144 H344 S5 2009; 1472865].

Wael B. Hallaq, *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 527-30 [BP 144 H344 S5 2009; 1472865]

Daniel Brown, *Rethinking Tradition in Modern Islamic Thought* (Cambridge: Cambridge University Press, 1996), 32-37 [BP 136.4 B76; 416506]

אהרן ליש, "תרומת המודרניסטים לחילון המשפט המוסלמי", המזרח החדש, כרך כ"ו (תשל"ז/1976), ע"ע 1 - 14 [5 X].

John L. Esposito (with Natana J. DeLong-Bas, *Women in Muslim Family Law*, 2nd Edition (Syracuse: Syracuse University Press, 2001), 12-46 [BP 158.1 E8 2001; 553374]

רון שחם, המשפחה המוסלמית במצרים 1900-1955: המשכיות ותמורה: מחקר המבוסס על הסג'א (רשומות) של בתי הדין השרעיים. עבודת ד"ר, האוניברסיטה העברית בירושלים (ספטמבר 1991), ע"ע 1-7, 53-54, 61-63, 82-86, 122-125, 140-145, 171-176, 192-193, 217-220 [BP 158.1 S52 [340090]

מוחמד אל-עטאונה, "שריעה ופוליטיקה בערב הסעודית: סיאסה שרעיה כמכניזם לייצוב השלטון והחברה", ג'אס;מאעה כרך ח (תשס"ב), ע"ע 54-83.
 Sami Zubaida, *Law and Power in the Islamic World* (London & New York: I.B. Tauris, 2003), 182-219
 ישראל אלטמן, "מעמד השריעה ותחיקה אסלאמית במצרים בתקופת סאדאת", סקירות, מכון שילוח לחקר המזה"ת ואפריקה, אונ'ת"א (תל אביב, 1980).
 אהרן ליש, "השיפוט הדתי של המוסלמים בישראל", המזרח החדש י"ג (תשכ"ג), ע"ע 19-39 [X 5].
 Shammai Fishman, "Fiqh al-Aqalliyat: A Legal Theory for Muslim Minorities," Hudson Institute, Center on Islam, Democracy, and the Future of the Muslim World, Research Monographs on the Muslim World, Series no. 1, Paper no. 2, pp. 1-18 [BP 174 F58 F5 2006; 1390776; also RR]
 יצחק רייטר, הווקף בירושלים 1948-1990 (ירושלים: מכון ירושלים לחקר ישראל, 1991), 5-14 [RR BP 158 W3 R433; 334154]. 3 1 RR
 "Wakf (section 5. In the Modern Middle East and North Africa)," EI2
 אהרן ליש, הווקף המוסלמי בישראל, "המזרח החדש ט"ו (תשכ"ה/1965), 38-56 [X5]
 Wael Hallaq, "Can the shari'a be restored?" in *Islamic Law and the Challenge of Modernity*, eds. Yvonne Y. Haddad & Barbara F. Stowasser (Walnut Creek Ca.: Altamira Press, 2004), pp. 21-53
 Noah Feldman, "Why Shariah?" *New York Times Magazine* (16 March, 2008), in: http://www.nytimes.com/2008/03/16/magazine/16Shariah-t.html?_r=&1&scp=&2&sq=&noah+Feldman&st=&nyt&oref=&slogin

Additional Reading Material:

Course/Module evaluation:

End of year written/oral examination 80 %
 Presentation 0 %
 Participation in Tutorials 20 %
 Project work 0 %
 Assignments 0 %
 Reports 0 %
 Research project 0 %
 Quizzes 0 %
 Other 0 %

Additional information: