Questions regarding Islamic law (Shari’a) are being raised in many parts of the world today. Yet, it is not always clear how this law is to be identified, legislated or applied. This course will aim to introduce the concepts and practices of Islamic law in a historical perspective, with emphasis on modes of articulation to political power and authority. It will focus on the transformations of law in the modern period and in relation to the rise of the modern nation state and its unified legal system. This involves questions of codification, state legislation and the introduction of European models and codes. Examples will be drawn mainly from the Middle East region, and will consider the place of law in Islamic politics and ideology, and on legislation and legal practice in Egypt, Iran and Saudi Arabia.

This course will follow the text: *Law and Power in the Islamic World*, Sami Zubaida.

**Week 1:** Historical overview of Islam as religion, culture and law

*Sami Zubaida, *Islam, the People and the State*, London 1993, Chapter 6

**Week 2:** The Shari’a, basic concepts, sources and their evolution


*Noel Coulson, *Conflicts and Tensions in Islamic Jurisprudence*, Chicago: University of Chicago Press 1969, especially Chapter 1, 3-19

**Week 3:** Concepts of government, authority and sovereignty and religious legitimacy, Sunni and Shi’i

*SZ, *Law*, Chapter 3


**Week 4:** Legal and judicial institutions and their evolution; schools of law; Shari’a courts; Muftis

*SZ, *Law* Chapter 2

Coulson, Chapter 4, 58-76
• Week 5: The formation of the modern state and the ‘etatization’ of law; the Shari’a within unified state law
  *SZ, Law, Chapter 4
  Coulson, Chapter

• Week 6: Hybrid legal systems of the modern Middle Eastern states; European law codes and attempts to incorporate the Shari’a; example of Egypt
  *SZ, Law, Chapters 4 and 5
  Messick, Calligraphic, Chapters 3 (54-72) and 12 (231-250)

• Week 7: The Saudi legal system: attempts to preserve the Shari’a as jurist’s law: tensions with modern political and economic exigencies
  SZ, Law, Chapter 4

• Week 8: The call for the application of the Shari’a: Islamic political advocacy and its mutations
  *SZ, Law, Introduction and Conclusion
  Olivier Roy, The Failure of Political Islam, Harvard UP 1994, Chapters 3 and 5
  Gilles Kepel, Jihad: The Trail of Political Islam, I.B. Tauris 2002, Chapter 4, 81-105
  Emanuel Sivan, Radical Islam: Medieval Theology and Modern Politics, Yale 1996

• Week 9: Iran: Shi’ite institutions, law and reforms
  *SZ, Law, Chapter 6
  Roy Mottahedeh, The Mantle of the Prophet: Religion and Politics in Iran, London 1986, Chapter 6, 186-247
  Yann Richard, Shi’ite Islam, Oxford 1986, Chapter 4, 77-109

• Week 10: The Iranian Revolution of 1979, the Islamic Republic and the law
  *SZ, Law, Chapter 6
Sami Zubaida, *Islam, the People and the State*, London 1993, Chapter 1


Olivier Roy, *Failure*, Chapter 10, 168-182

- Week 11: Family and personal status law: mutations and reforms
  SZ, Law, Chapters 5 and 6
  Nikki Keddie and Beth Baron, eds., *Women in Middle Eastern History*, Yale University Press 1991

- Week 12: the question of human rights, civil liberties and Islamic law

- Week 13: Iraq and Islamic law: politics and piety
  Content and reading will depend on unfolding of events

- Week 14: Conclusion