



COLLEGE OF LIBERAL ARTS
AND SCIENCES

DEPARTMENT OF CLASSICAL AND MODERN LANGUAGES, LITERATURES AND CULTURES
NEAR EASTERN STUDIES

NE5220: Muslim Personal Law
Fall 2011: Room 263 Manoogian
T/Th. 1:25 PM – 2:50 PM

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427 Manoogian Hall
Office Hours: T/Th. 10:30am–11:30am
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Overview and Purpose:

This course will provide students of advanced Islamic, Near East, or Legal studies an opportunity to closely examine Islamic family law, with particular attention given to the status of women and children in the law. Areas will include: betrothal, marital contracts, forms of marital dissolution, laws of inheritance, and child custody.

We will begin with how the legal authority of the five Sunni schools of law and the latent *Jaafari*, or *usuli*, Twelver Shi'i school of law were formed, why they have endured until the present, and what purposes they serve in contemporary interpretations of Islamic personal law.

Although you will come away from this course with an understanding of the legal precedents established by the various schools of law, the primary purpose of this course is not to memorize these positions as though they comprise a stagnant religious dogma. This course will be taught using the legal theories of scholars such as Khaled Abou El Fadl, Fazlur Rahman, Muhammad Abduh and Ayatollahs Montazeri and Mottahari as the foundation upon which to approach Islamic personal status laws.

Islam continues to be defined by the culture and society in which it is practiced. Interpretations of Islamic law differ depending on the socio-political and cultural contexts in which the law is applied. Therefore, knowing the theory, methodologies and precedents that comprise Muslim personal law, we will conclude this course with the following question, "What purpose and function should Muslim personal law have, if any, in a contemporary secular society such as the United States?"

Required Texts:

Hallaq, Wael. An Introduction to Islamic Law. Cambridge University Press, UK: 2009.

Hasso, Frances. Consuming Desires: Family Crisis and the State in the Middle East. Stanford University Press, CA: 2010.

Osanloo, Arzoo. The Politics of Women's Rights in Iran. Princeton University Press, NJ: 2009.

Quraishi, Asifa and Frank Vogel, Eds. The Islamic Marriage Contract. Islamic Legal Studies Program, Harvard University Press, MA: 2009.

Tucker, Judith E. Women, Family, and Gender in Islamic Law. Cambridge University Press, UK: 2008.

** See last page of syllabus for list of recommended supplemental reading

Evaluation: A 5% grade deduction will be levied for each day an assignment is handed in past the due date.

1. Graduate Students

A. Examinations (30%):

- i. There will be a standard final exam (30%). See below schedule of lectures for exact date.

B. Assignments (60%)

i. **Research Paper (40%)**

A first complete draft of your paper is due October 20th worth 15% of your final paper grade. Your research subject should be concerned with a specific contemporary issue pertaining to Islamic family law. Your final draft should be **no less than 20 pages** double-spaced, using a standard 12 pt, times new roman font and one inch margins, and MLA referencing format.

ii. **Book Review (20%)**

You will be responsible for writing a proper book review (see blackboard for instructions) of either Osanloo's or Hasso's book (see the last weeks of the schedule of classes). Your book review should be between 7 – 10 pages (double-spaced, 12pt Times New Roman), and must incorporate current discussions, and theories on the subject. You must use at least two (2) outside sources in order to help you situate the text, author and their arguments within the appropriate discipline. Your book review **will be due the first day of the week** in which your book is required reading.

2. Undergraduate Students

A. Examinations (50%)

- i. There will be a take-home midterm worth 25% and an in-class final exam worth 25% of your final grade.

B. Assignments (40%)

i. **Term Paper (25%)**

A rough draft of your essay is due Nov. 3rd. If I do not receive a rough draft/outline, your paper grade will be reduced by 10%. The final draft of your paper will be due the last day of classes. Your essay should be **no less than 10 pages** double-spaced, using a standard 12 pt, times new roman font, one (1) inch margins, and MLA referencing format.

ii. **Chapter Review (15%)**

In the second week, each of you will be assigned a chapter from the required readings to summarize/review. Though no formal presentation will be required from you, I will expect that you will be able to initiate and complement the discussion of your particular chapter. Your summary/review should be **no less than 5 pages** double-spaced, using a standard 12 pt., times new roman font.

3. All Students

A. Attendance (10%)

Attendance, involvement, and participation in the discussions showing personal initiative and that you are keeping up with the readings will also be evaluated. Only **two excused** absences are acceptable; any absences beyond this will have a negative impact on your final grade. ***To encourage timely attendance, I request that you DO NOT enter class after 1:40 pm.***

Policy on Academic Misconduct:

1. Academic misconduct is any activity that tends to compromise the academic integrity of the institution or subvert the educational process. Misconduct may take the form of cheating (for example by using unauthorized materials, including the work of fellow students), plagiarism (using words or ideas of others as one's own), fabrication (falsification or invention of information or citations), and other activities, including the sale or purchase of part or all of a test or paper. For further information including other instances of each of these kinds of misconduct, please consult <http://www.otl.wayne.edu/pdf/AIB07Print.pdf>.
2. All forms of academic misconduct are prohibited at Wayne State University, as outlined in the Student Code of Conduct (see <http://www.doso.wayne.edu/codeofconduct.pdf>). The relevant information is found in Article 10.1. It is the responsibility of all members of the Wayne State academic community to be familiar with that document.
3. The Department presumes the existence of an Honor System at all times. A signature or name on exams and assignments implies that the work is of that person alone.
4. Sanctions for those found guilty include, but are not limited to, failure on the exam or paper, failure in the class, suspension from the University, and expulsion.
5. To protect themselves from accusations of misconduct, students should take careful notes with clear annotation as to the source of the materials being used, use quotation marks to differentiate direct quotes from paraphrases, cite all sources, and consult as needed with their instructors, as well as librarians, the WSU Writing Center staff, and staff in the Academic Success Center.

For more information on avoiding plagiarism and employing proper citation styles, see the WSU Library's "Citation Style Guides" webpage:
<http://www.lib.wayne.edu/resources/guides/reftools/guide.php?id=2>.

Recommendations for Success:

- ⇒ *Primarily*, success in this course depends on reading the assigned sections of the text(s) *prior* to attending the lectures. Many of the names of people and places will be unfamiliar and/or strange, so reviewing these names and familiarizing yourself with the general topic under discussion will make for a more comprehensible lecture.
- ⇒ Make it a habit to **log on to Blackboard** on a regular basis. From time to time I will post announcements or supplementary documents.
- ⇒ If you have a documented disability that requires accommodations, you will need to register with Student Disability Services for coordination of your academic accommodations. The Student Disability Services (SDS) office is located at 1600 David Adamany Undergraduate Library in the Student Academic Success Services department. SDS telephone number is 313-577-1851 or 313-577-3365 (TDD only). Once you have your accommodations in place, I will be glad to meet with you privately during my office hours to discuss your special needs. Student Disability Services' mission is to assist the university in creating an accessible community where students with disabilities have an equal opportunity to fully participate in their educational experience at Wayne State University.

Final Grade Scale:

Your final letter grade will be determined according to the following percentage scale:

100-95=A	79-76=C+
94-90=A-	75-73=C
89-86=B+	72-70=C-
85-83=B	69-65=D+
82-80=B-	64-60=D
	59-0=F

Schedule of Topics and Readings:

Week 1: Sep. 1

Topic: Introduction to the course/Pre-Modern formation of Islamic Law
Reading: Hallaq – Intro; Chs. 1 & 2

Week 2: Sept. 6, 8

Topic: Pre-modern Shari'a
Reading: Hallaq – Chs. 3 - 6

Undergrads: Assign Chapter Reviews

Week 3: Sept. 13, 15

Topic: Colonialism, Nationalism and Shari'a
Reading: Hallaq – Chs. 7 – 10
*Amanat – "From *Ijtihad* to *wilayat-i faqih*: The evolution of the Shiite legal authority to political power." [Blackboard]

Week 4: Sept. 20, 22

Topic: Women and Gender in Family Law
Reading: Tucker – Introduction
Quraishi/Vogel: Part One

Undergrads: Finalize Term Paper Topics - Sept. 22

Week 5: Sep. 27, 29

Topic: Woman as wife and man as husband
Reading: Tucker – Ch. 2

Week 6: Oct. 4, 6

Topic: Woman and man as divorced
Reading: Tucker – Ch. 3

Week 7: Oct. 11, 13

Topic: Woman and man as legal subjects
Reading: Tucker – Ch. 4

Undergrads: Take home Midterm exam – Due Oct. 20

Week 8: Oct. 18, 20

Topic: Marriage contracts in history
Reading: Quraishi/Vogel: Part Two

Grads: First complete draft due Oct. 20

Week 9: Oct. 25, 27

Topic: Case Studies of modern practices and reform

Reading: Quraishi/Vogel – Part Three

Week 10: Nov. 1, 3

Topic: *Case Studies of modern practices and reform*

Reading: Quraishi/Vogel – Part Three (cont'd)

Undergrads: Rough drafts due Nov. 3

Week 11: Nov. 8, 10

Topic: *Muslim marriage contracts in the West*

Reading: Quraishi/Vogel – Part Four

Week 12: Nov. 15, 17

Topic: *State, Family law and power in the Middle East*

Reading: Hasso: Consuming Desires

GradS: Book Review due Nov. 15

Week 13: Nov. 22

Topic: *State, Family law and power in the Middle East (cont'd)*

Reading: Hasso: Consuming Desires

No Class Nov. 24 - Happy Thanksgiving!

Week 14: Nov. 29, Dec. 1

Topic: *"Rights talk" in Iran*

Reading: Osanloo: The Politics of Women's Rights in Iran

GradS: Book Review due Nov. 29

Week 15: Dec. 6, 8

Topic: *Gendered Space & Conclusion*

Reading: Tucker – Ch's 5 & 6

Grad & Undergrad Papers Due – Dec. 8

Final Exam: Thursday, December 15; 1:20pm – 3:50pm

Final Grades will be posted on pipeline by December 18

This is a contractual agreement and commitment by you, the student, therefore binding you to its terms. The professor, however, reserves the right to change the terms of this agreement if deemed necessary after viewing student output and achievement.

****Recommended Supplemental Reading:**

- Abou El Fadl, Khaled. Speaking in God's Name: Islamic Law, Authority and Women. Oneworld Publications, Oxford: 2001.
- Ali, Kecia. Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith and Jurisprudence. Oneworld Publications, UK: 2006.
- Amanat, Abbas and Frank Griffel, Eds. Sharia: Islamic law in the contemporary context. Stanford University Press, Stanford, CA: 2007.
- Aswad, Barbara and Barbara Bilge, Eds. Family and Gender Among American Muslims. Temple University Press, Philadelphia: 1996.
- Barazangi, Nimat. Woman's identity and the Qur'an: a new reading. University Press of Florida, FA: 2004.
- Charrad, Mounira. States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco. University of California Press, CA: 2001.
- Haeri, Shahla. Law of Desire: Temporary Marriage in Shi'i Iran. Syracuse University Press, NY: 1989.
- Hassan, Sharifah Zaleha Syed and Sven Cederroth. Managing Marital Disputes in Malaysia: Islamic Mediators and Conflict Resolution in Syariah Courts. Curzon Press, UK: 1997.
- Kholoussy, Hanan. For Better, For Worse: The Marriage Crisis that Made Modern Egypt. Stanford University Press, CA: 2010.
- Mernissi, Fatima. The Veil and the Male Elite: A feminist interpretation of women's rights in Islam. Addison-Wesley Publications, CO.: 1991.
- Rapoport, Yossef. Marriage, Money and Divorce in Medieval Islamic Society. Cambridge University Press, MA: 2005.
- Shah, Niaz . Women, the Koran and International Human Rights Law. Leiden, Boston: 2006.
- Shatzmiller, Maya. Her Day in Court: Women's Property Rights in Fifteenth-Century Granada. Harvard University Press, MA: 2007.
- Spectorsky, Susan (tr). Chapters on marriage and divorce: responses of ibn hanbal and ibn Rahwayh. University of Texas Press, Austin: 1993.
- Stowasser, Barbara F. Women in the Qur'an, Traditions, and Interpretation. Oxford University Press, USA: 1996.
- Wadud, Amina. Qur'an and Woman. Oxford University Press, NY: 1999.