**Ali Rod Khadem**

**Berkeley Law: Introduction to Islamic Law**

2 classroom credits - Monday and Tuesday 3:35-6:05 PM; January 27 – February 25, 2014

Office Hours: TBA

This course provides an introduction to Islamic law (fiqh/shari’ah) and Islamic legal theory (usul al-fiqh). A central aim is to provide students with sufficient background in the classical law so as to appreciate the radical transformations that Islamic law underwent in the modern era. In doing so, the course considers the historical development of Islamic law as well as the institutional structures in which it formed. Attention will be given to the sources of Islamic law, the emergence of differing “schools” of law, and, finally, the fundamental changes that occurred during the transition to modernity, when nation states emerged throughout the Muslim world. Various domains of the positive law will be considered, including ritual, family law, commercial law (including Islamic finance), and the laws governing international relations, conflict, and rebellion. Comparisons and contrasts will be made, as appropriate, to the parallel concepts and phenomena within Roman and Anglo-American law. The above will be presented as follows:

Session 1 (January 27): Course Overview and Structure; Historical Background

Session 2 (January 28): Early Islamic Law; Ijtihad, Taqlid, and the formation of the legal “schools”

Session 3 (February 3):  The Human Person as a legal construct

Session 4 (February 4): Contract Law: the Exchange of Goods

Session 5 (February 10): Contract Law: Marriage

Session 6 (February 11): Property

Session 7 (February 18): Penal Law and Siyasa Shar’iyya; Categories, punishments, institutions, procedure and proof

Session 8 (February 24): Political and religious relations between Muslim and Non-Muslim political authorities: War, Trade, and Co-existence

Session 9 (February 25): Overview of Modern Transformations of Islamic Law

**Students’ tasks**

Students are expected:

1. to closely follow the assigned readings for each session (note: not all readings are required readings);
2. to prepare an oral contribution on one of the main aspects of the lecture course. This oral contribution will be given on each of the class sessions;
3. to prepare a paper on a topic within the range of the class materials. Paper topics should be determined in consultation with the instructor, and should be completed by March 15.

**Possible replacement class**:

The Instructor may need to travel on March 18, in which case a make-up class shall be scheduled in consultation with the students.

**Readings:**

See separate handout (note: not all readings listed in handout are required readings).