

Course Title: Introduction to Islamic Law
Instructor: Abdi Sheikhosman
E-mail address: shei0038@umn.edu
Class: Thursdays 3:30-6:30 at Room: 55

Course description:

Islamic law is one of the oldest systems of law in the contemporary age. It has evoked a lot of interest both academically as well as in the present global political arena. There are over 1.4 billion Muslims today worldwide, over 20% of the world's population. There are 35 nations with population over 50% Muslim, and there are another 21 nations that have significant Muslim populations. There are 19 nations that have declared Islam in their respective constitutions. Many Muslims who live in Western countries attempt to live by Sharia rules in so far as possible; this has created a niche for lawyers experienced in Islamic Dispute Resolution and able to offer trusts and other arrangements that follow Sharia rules of succession. Financial organizations have also developed Islamic Financial Packages that substitute equity for interest.

This course introduces the students to the Islamic Law. The origins of Islamic law, its sources, and the major schools of jurisprudence will be discussed. The course will then explore several substantive areas of Islamic law, including: criminal law, constitutional law, international law, commercial law, banking law and insurance, marriage, divorce, and child custody areas. It is designed to give students a firm grounding in the principles, concepts and terminology of Islamic law. The course will examine cases where the American courts have applied the Islamic law as a foreign law. The Islamic legal traditions and concepts regarding human rights, terrorism, political Islam, women's rights and rights of minorities will also be discussed. No previous familiarity with the field is necessary and there are no course prerequisites.

Examination and assessment pattern

The final grade will be calculated as follows:

- 1) Attendance & Class participation 35%
- 2) Draft & Presentation of Research Paper 15%
- 3) Final Research Paper 50%

Note: Below is the syllabus for the seminar, Introduction to Islamic Law. The syllabus is subject to change and will be updated from time to time. I will do my best to notify you of any change(s) ahead of time. Additional materials will also be distributed throughout the semester.

Finally, I can be reached at: shei0038@umn.edu and will be more than happy to answer any questions that you have.

Class 1 -Sep -10 – Islamic Law

Nature, origin and historical development of Islamic law. Primary and secondary sources of Islamic Law. The Quran, the Sunnah , Ijm'a (Consensus) and Qiyas (Reasoning by analogy) etc.

Reading: Khadduri, Majid. *War and Peace in the Law of Islam*, Johns Hopkins University Press 1955. P 1-34, **(Attached)**

Class 2- Sep-17- the major schools of Islamic jurisprudence & the major Islamic Sects

Reading: : Khadduri, Majid. *War and Peace in the Law of Islam*, Johns Hopkins University Press 1955. P 34-41, **(Attached)** Salah Eldin Abdel-Wahab, *An introduction to Islamic Jurisprudence* , Al Azhar, Cairo, P 46-60 **(Attached)**

Class-3-Sep 24- Islamic Family Law

Overview of Marriage, dowry, agreements, polygamous marriages, divorce, child custody, adoption and fostering, family property law, abortion and use of medical technology.

Reading: To be posted

Class-4-Oct-1- Islamic Criminal Law

The classifications of crimes, punishments and penalties (Qisas crimes, Hudud offenses and Ta'azir), the various application of Islamic criminal law in modern Muslim world.

Reading: Lippman, Mathew, McConville, Sean & Yerushalmi, Mordechai. *Islamic Criminal Law and Procedure, and Introduction*. Preager publishers, NY 1988. P 37-130. **(To be e-mailed)**

Class-5- Oct 8- Islamic Criminal Law

Conclusion.

Reading: Lippman, Mathew, McConville, Sean & Yerushalmi, Mordechai. *Islamic Criminal Law and Procedure, and Introduction*. Preager publishers, NY 1988. P 37-130. **(To be e-mailed)**

Presentation Topic Due!

Class-6-Oct -15-Islamic law and Finance

Principles, Islamic economic order, Riba (usury), property law, contract law, financing structures and Islamic financial institutions, the financial system based on Islamic ethics.

Reading: Mills, Paul S, & Presley, John, R. *Islamic Finance Theory and Practice*. Macmillan Press 1999. P.1-33. **(To be e-mailed)**

Class-7- Oct-22 Islamic Constitutional Law

Political Islam. The concept of state government and authority. Separation of state and religion. The separation of powers in Islamic legal system. Modern Islamic Political Movements in the Muslim world.

Reading: To be posted

Class -8-Oct-29- Islamic International Law

Islamic theory of International Relations and international institutions.

Reading: To be posted

Class-9- Nov-5-Islamic International Law

Jihad or War in Islamic law. Terrorism and Islam. Humanitarian laws in Islam.

Reading: Khadduri, Majid. *War and Peace in the Law of Islam*, Johns Hopkins University Press 1955. **(To be e-mailed)**

Class-10-Nov 12- Presentations

Final paper topic due!

Class – 11- Nove-19 Islamic Law and Human Rights

The concept of human rights in Islamic law, rights of women and minorities under Islamic law.

Reading: Baderin, Mashood A. *International Human Rights and Islamic Law*, Oxford University Press, 2003. **(To be e-mailed)**

Class-12-Dec -3-Islamic Law and Human Rights.

The Islamic concept of human rights in light of international human rights standards.

Reading: Mayer, Ann Elizabeth. *Islam and Human Rights, Tradition and Politics*. Westview Press, Inc., 1995. **(To be e-mailed)**

Dec -13- Final Paper Due!