

Islamic Law

RELS 3543 section 001 (CRN 44681)

University of Oklahoma, College of Arts and Sciences

Fall 2021

Mondays and Wednesdays, 3:00-4:15 in Cate Center Two 102 (100% in-person)

Updated schedule and assignments at <https://canvas.ou.edu/courses/243279>

Instructor

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Office hours: Mondays 11:30-12:30 and Thursdays 4:30-5:30, or by appointment. I am usually free after class as well, and you are welcome to walk back to my office with me and talk.

Overview

This seminar will examine Islamic law at three levels, moving "backwards" from real life to rules on paper to the scriptural basis of the law:

1. Law in practice: how the law actually functions in the lives of North American Muslims today.
2. Classical legal rules: a medieval law manual with several layers of later commentary.
3. The sources of law: the Qur'an, the practice of the Prophet, and rules for interpreting them.

The course will touch on all the major topics of Islamic law, but we will pay special attention to issues of gender, which come up at all three levels and in many areas of the law.

Readings will be drawn mostly from primary texts. We will work very deliberately on the skill of reading primary texts attentively. During the first section of the course our "primary text" will be the lives of modern Muslims, which we will learn about from a secondary text written by a social scientist.

Our final reading will be a contemporary Muslim scholar's reflection on how Islamic law does and should move forward as the world changes.

The class will function as a seminar, in which we collectively build up a shared set of questions and ideas about Islamic law. We will work very self-consciously on the difficult art of contributing to a seminar discussion, and I will attempt to provide feedback to help you improve whatever skills you already have (or feel you don't have) in this area.

This course counts toward General Education requirement IV-WDC (Humanities, World Culture).

Textbooks

- Julie Macfarlane, *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. Oxford University Press, 2012. ISBN 978-0199753918
 - *We will start reading this textbook the second week of the semester, so please order it as soon as possible.*
- Ahmad ibn Naqib al-Misri, *Reliance of the Traveller*, translated by Nuh Ha Mim Keller, revised edition. Beltsville, Md.: Amana Publications, 1994. ISBN 978-0915957729
- David Vishanoff, *A Critical Introduction to Islamic Legal Theory* (free online at <https://waraqat.vishanoff.com>).
- Rumea Ahmed, *Sharia Compliant: A User's Guide to Hacking Islamic Law*. Stanford University Press, 2018. ISBN 9781503605701
- Additional readings will be provided as handouts and/or online.

Course Goals

1. To become familiar enough with the vocabulary and logic of Islamic law to understand something of what is going on in the dynamic conversations Muslims are having today about Islamic law, and perhaps even to enter into those conversations a little bit ourselves.
2. To develop listening knowledge—that is, to train and equip ourselves for the difficult art of listening to, conversing with, and getting to know religious people who do not share our assumptions, convictions, or ways of thinking.
3. To develop the skills and ethics of constructing knowledge collectively through discussion.

Requirements

Preparation and contribution (40%)

There are two main ways to demonstrate your preparation and contribute to this class:

1. By speaking up in class. Oral contributions in class are often the most helpful for the rest of us—but only if what you say is clear, concise, relevant to where we are or where we need to go in our conversation, and well grounded in the assigned readings. Don't talk just to fill silence! If you tend to speak up often, make a special effort to defer to those who speak less often, and please help me to notice students who have their hands up if I don't see them.
2. By submitting written comments in Canvas, as a response to the day's assignment/discussion post, at least one hour before class, in response to my questions about the assigned readings. These comments should be concise, should refer to specific parts of the readings, and should present just one idea in response to just one of the questions raised in the assignment.

If you are shy, or have trouble formulating ideas quickly enough to speak up, I suggest you start out with written comments; then, when you have found your voice in writing, start looking for opportunities to bring up your ideas in class.

You can choose how much you speak and how much you contribute online, but either way, aim to make a substantial contribution about once a week. Your grade for "preparation and contribution" will be based on the depth, insightfulness, clarity, and conciseness of your contributions, and especially on how well they reflect careful reading of the assigned texts. It will also be affected by little indications of preparation and engagement such as bringing the assigned texts to class, and by how well you help to maintain a focused intellectual atmosphere in the classroom. Your grade will not depend on having "the right interpretation" of the readings—we will often disagree, and we will all make plenty of mistakes trying to understand our texts, and that's fine.

Two papers, the second building on the first (15% and 30%)

The first paper (15%) will examine one case story from *Islamic Divorce in North America*, identify a few major issues that it raises in your mind about Islamic law, and then explain several contributing factors that seem to make the law say what it does or work as it does in real life.

The second paper (30%) will improve and expand your first paper, and explore what options Muslims might have for addressing the issues about the law that you raised.

Final exam (15%)

An essay exam describing your own intellectual process and development over the course of this term.

Attendance (crucial)

The work of this course consists in thinking and reaching conclusions together in class, not in learning information on your own. This is only possible with your consistent preparation, attendance, and participation. There is therefore--covid conditions permitting--a severe grade penalty for excessive absences. If you will not be able to attend regularly, please drop the course. You will be allowed to miss up to four classes without penalty, after the deadline for adding classes. Every absence beyond your first four will result in a reduction of your final course grade by one half of a letter grade. For example, if your course grade would have been a B, but you missed six classes (two more than allowed), you would be

down to a C. Please note that there is no limit to this penalty, so if you miss enough classes you will quickly drop down to an F in the course, regardless of your grades on papers and the exam. I fully expect that you will occasionally (i.e. up to four times) be unable to attend class for one reason or another, so it is not necessary to apologize or provide any excuse for your absences. On the other hand, if a serious ongoing personal or health situation will result in four or more absences during the term, please do talk to me about it early on, and I will be as supportive as I can. Please steward your allowed absences carefully so that you will be able to isolate if required by OU's covid protocol; if that protocol requires you to miss more than four classes, documentation should be obtained from the student affairs office via OU's [Healthy Together app](#). Absences that result from religious observances will not be counted, and exams or work falling on religious holidays may be rescheduled without penalty; please let me know in advance, as soon as you are able to determine that a holiday may conflict with class.

Please note that I will usually take attendance just before class begins, so if you arrive after class has begun, you will be irrevocably recorded as absent unless you check in with me after class, in which case I will record you as merely late. Please don't be embarrassed about doing this; I'm not offended by your lateness. Nevertheless, since arriving late can be distracting to other students, I may decide to count each lateness as a fraction of an absence if lateness becomes a recurring problem.

Final grade

The final course grade is calculated on a 4-point scale using the following formula: Final grade = ([Preparation and contribution x 0.40] + [First paper x 0.15] + [Second paper x 0.30] + [Final exam x 0.15]) - (Number of absences over four x 0.50)

Academic honesty (all or nothing)

In my estimation, any form of deceit, however "mild," warrants a final course grade of F (zero). Individual instances of suspected academic dishonesty will be referred to the appropriate University authorities, who will investigate and determine appropriate penalties (which may include grade penalties, extra classes, suspension, expulsion, and/or other penalties). In my estimation, academic dishonesty includes (but is not limited to) turning in writing not created by yourself solely for this class, plagiarism (reproducing or paraphrasing someone else's words or ideas--including other student's online posts--without citing them), failing to document sources as required in an assignment, helping other students to avoid doing their own reading or thinking or writing, selling a paper or exam essay or sharing it with someone who might use it instead of doing their own work, submitting answers or comments online without having studied the relevant materials for yourself, and even false excuses for absences or late or missed assignments. You have no need to invent excuses, because unmet requirements will affect only my evaluation of your work, they will not affect my respect for you as a person; false excuses therefore mean that you are attempting to falsify your grade, and in my estimation this warrants a course grade of F. See integrity.ou.edu for information on student rights and responsibilities with regards to academic misconduct.

Course evaluation (a moral requirement)

At the end of the term you will have the opportunity to answer the university-mandated online questions about this class at eval.ou.edu. This may seem like a meaningless exercise, but I actually care a great deal about the insights that students give me in these surveys about themselves, their learning experiences, and my own teaching. There is no way for me to formally require completion of these evaluations, and I never find out which students fill them out (unless they mention their names in their answers, which can help me understand their comments better). But I hope you will agree, when you see how much of myself I pour into this class over the course of the term, that you owe me ten minutes of your time and some honest answers about the class! I sincerely want and expect every student to fill out an evaluation. Thank you; my future students and I will all be grateful that you did.

General policies

- Assignments may or may not be accepted **late**, at the instructor's discretion. Unless arranged in advance, any such lateness will be penalized one letter grade for each interval between class periods (or any fraction thereof) that elapses after the scheduled date.

- Daily assignments cannot be **made up**; please do not ask. If you miss one, just forget it and do the next one so that you keep pace with the class.
- No **extra-credit** work will be assigned or accepted; please do not ask. To benefit from this class, you need to do the work as it is assigned, not do other work later.
- In order to help alleviate the stress of "**dead week**" or "pre-finals week," I have designed the schedule so that all the papers are completed well before the last week of classes. For specific provisions of OU's official pre-finals week policy see <https://apps.hr.ou.edu/FacultyHandbook#4.10>.
- **Mental Health Support Services:** If you are experiencing any mental health issues that are impacting your academic performance, counseling is available at the University Counseling Center (UCC). The Center is located on the second floor of the Goddard Health Center, at 620 Elm Rm. 201, Norman, OK 73019. To schedule an appointment call (405) 325-2911. For more information please visit <http://www.ou.edu/ucc>.
- Any student who has a **disability** that may prevent him or her from fully demonstrating his or her abilities should contact me personally as soon as possible; I will be glad to make accommodations to help you and the whole class participate and learn more effectively. If you are unsure whether you should request some kind of accommodation, or what kind of accommodation might be most helpful for you, consult the staff at the [Disability Resource Center](#) who will be able to help figure out what is best and whether you should formally register with the Center (730 College Avenue, 325-3852, TDD 325-4173, drc@ou.edu).
- Title IX Resources and Reporting Requirement: For any concerns regarding **gender-based discrimination, sexual harassment, sexual assault, dating/domestic violence, or stalking**, the University offers a variety of resources. To learn more or to report an incident, please contact the Sexual Misconduct Office at 405/325-2215 (8 to 5, M-F) or smo@ou.edu. Incidents can also be reported confidentially to OU Advocates at 405/615-0013 (phones are answered 24 hours a day, 7 days a week). Also, please be advised that professors are required to report instances of sexual harassment, sexual assault, or discrimination to the Sexual Misconduct Office. Inquiries regarding non-discrimination policies can be directed to University Equal Opportunity Officer and Title IX Coordinator at 405/325-3546 or smo@ou.edu. For more information, visit <http://www.ou.edu/eoo.html>.
- Adjustments for **Pregnancy/Childbirth** Related Issues: Should you need modifications or adjustments to your course requirements because of documented pregnancy-related or childbirth-related issues, please contact me or the Disability Resource Center at 405/325-3852 as soon as possible. Also, see <http://www.ou.edu/eoo/faqs/pregnancy-faqs.html> for answers to commonly asked questions.
- **Emergency Protocol:** During an emergency, there are official university procedures that will maximize your safety. Severe Weather: If you receive an OU Alert to seek refuge or hear a tornado siren that signals severe weather 1. LOOK for severe weather refuge location maps located inside most OU buildings near the entrances 2. SEEK refuge inside a building. Do not leave one building to seek shelter in another building that you deem safer. If outside, get into the nearest building. 3. GO to the building's severe weather refuge location. If you do not know where that is, go to the lowest level possible and seek refuge in an innermost room. Avoid outside doors and windows. 4. GET IN, GET DOWN, COVER UP. 5. WAIT for official notice to resume normal activities.
- **Armed Subject/Campus Intruder:** If you receive an OU Alert to shelter-in-place due to an active shooter or armed intruder situation or you hear what you perceive to be gunshots: 1. GET OUT: If you believe you can get out of the area WITHOUT encountering the armed individual, move quickly towards the nearest building exit, move away from the building, and call 911. 2. HIDE OUT: If you cannot flee, move to an area that can be locked or barricaded, turn off lights, silence devices, spread out, and formulate a plan of attack if the shooter enters the room. 3. TAKE OUT: As a last resort fight to defend yourself. For more information, visit <http://www.ou.edu/emergencypreparedness.html>.
- **Fire Alarm/General Emergency:** If you receive an OU Alert that there is danger inside or near the building, or the fire alarm inside the building activates: 1. LEAVE the building. Do not use the elevators. 2. KNOW at least two building exits 3. ASSIST those that may need help 4. PROCEED to the emergency assembly area 5 ONCE safely outside, NOTIFY first responders of anyone that may still be inside building due to mobility issues. 6. WAIT for official notice before attempting to re-enter the building.

Tentative schedule (kept up to date in Canvas)

A) Introduction

M 8/23 - Introduction (1) Self-introductions

W 8/25 - Introduction (2) Intellectual agendas

B) Islamic law in practice today: Divorce in North America

M 8/30 - Law in Practice (1) Marriage

W 9/1 - Law in Practice (2) Dynamics of marriage

F 9/3 is the last day to drop a class with no record of grade

M 9/6 - NO CLASS - Labor Day

W 9/8 - Law in Practice (3) Divorce

M 9/13 - Law in Practice (4) Sharia in North America

W 9/15 - no class? - work on first paper

M 9/20 - no class? - FIRST PAPER (15%) DUE

C) A classical law manual: Ibn Naqib's Reliance of the Traveller

W 9/22 - Classical Law (1) Introduction

M 9/27 - Classical Law (2) Purity

W 9/29 - Classical Law (3) Prayer

M 10/4 - Classical Law (4) Other acts of worship

W 10/6 - Classical Law (5) Trade

M 10/11 - Classical Law (6) Inheritance

W 10/13 - Classical Law (7) Marriage

M 10/18 - Classical Law (8) Divorce

W 10/20 - Classical Law (9) Justice

D) The sources of law: Juwayni's Leaflet on Legal Theory

M 10/25 - Sources (1) The Qur'an

W 10/27 - Sources (2) Hadith

M 11/1 - Sources (3) What it means to know the law

W 11/3 - Sources (4) The language of revelation

M 11/8 - Sources (5) - Legal reasoning

W 11/10 - Sources (6) Who is right?

F 11/12 is the last day to drop a class with an automatic grade of W

M 11/15 - work on second paper, film in class

W 11/17 - SECOND PAPER (30%) DUE before class, film in class

M 11/22 - NO CLASS

Thanksgiving break

E) A contemporary proposal: Rumea Ahmed on hacking Islamic law

M 11/29 - Contemporary Proposal (1) Islamic law and Sharia

W 12/1 - Contemporary Proposal (2) Diversity and change

M 12/6 - Contemporary Proposal (3) - The mechanics of hacking

W 12/8 - Contemporary Proposal (4) - Hacking by ordinary people in the real world

Thursday 12/16 4:30-6:30 - Final Exam (15%)