

Module Title: Introduction to Islamic Law & Legal Theories

Module Code: FIQINT

Course Duration: 17 Weeks

Teaching Method: 2 unit/week

Credits: 10

Aims:

This module consists of two parts; the first part will deal with the subject matter of *fiqh* together with the historical background of the origins and development of *fiqh*, Islamic legal theory, and the main legal schools in both the Sunni and Shiite traditions. This module will also provide students with extensive knowledge of the main stages in the development of legal theories and the socio-political and cultural climate in which they originated and evolved. The second part of this module will consist of *fiqh* reading, in which students are required to read a classical Arabic work with an instructor, in order to grasp the rich range of legal terminology and ideas.

Syllabus:

- Definition and rationale of Islamic law
- The relationship between *‘ilm al-uṣūl* (Islamic legal theory) and *fiqh* (Islamic law)
- History and development of Islamic law, focusing on the socio-political and cultural climate in which legal theories and the schools of law originated and evolved
- The debate, conflict and difference in methodology and approach between the *Uṣūlī/ Ahl al-Fiqh* (legal pragmatists) and the *Akhbarī/ Ahl al-Ḥadīth* (partisans of tradition) within both the Sunni and Shi‘i schools of thought
- The major schools of Islamic Legal theory in the Hijaz and Basra regions before and during the pre-modern and medieval periods
- Contemporary movements in the Islamic legal systems

Learning outcomes:

On completion of this module, the successful student will be able to:

1. Represent an overview of the main topics of *fiqh*
2. Explain the historical origin and evolution of different schools of Islamic law
3. Show a general understanding of the main terms of Islamic law

Assessment Weighting:

- 100% Exam

Learning Materials:

Core texts:

- Islamic Law Pack By AMI
- Coulson, N. J. (1964), *A History of Islamic Law*, Edinburgh: University Press
- Vikør, K. S. (2005), *Between God and the Sultan: A History of Islamic Law*, Oxford: Oxford University Press
- Mutahhari, M. (2002), *Understanding Islamic Sciences*. London: ICAS Press
- Modarressi, H. (1984), *Rationalism and Traditionalism in Shī'ī Jurisprudence: A Preliminary Survey*, *Studia Islamica*, 59, pp. 141-158
- *Al-Tabṣira* For Reading

Further Reading:

- Hallaq, Wael B., (2004), *The Origins and Evolution of Islamic Law*, Cambridge: Cambridge University Press
- Hallaq, W. B., (2009), *Sharī'a: Theory, Practice, Transformations*, Cambridge: Cambridge University Press
- Hallaq, W. B., (2009), *An Introduction to Islamic Law*, Cambridge: Cambridge University Press
- Hallaq, W. B., (1997), *A History of Islamic Legal Theories: An Introduction to Sunnī Uṣūl Al-Fiqh*, Cambridge: Cambridge University Press
- Modarressi Tabataba'i, H., (1984), *An Introduction to Shī'ī Law: A Bibliographical Study*, London: Ithaca Press
- Schacht, J., (1982), *An Introduction to Islamic Law*, Oxford: Oxford University Press
- Schacht, J., (1950), *The Origins of Muhammadan Jurisprudence*, Oxford: Clarendon Press
- A'zamī, M. M., & Schacht, J., (1985), *On Schacht's Origins of Muhammadan Jurisprudence*, Riyadh, Saudi Arabia, King Saud University