

**Module Title:** Fiqh: Nikāḥ & Ṭalāq

**Module Code:** FIQNKT

**Course Duration:** 17 Weeks

**Teaching Method:** 2 units/week

**Credits:** 5

### Overview:

This module will equip students with knowledge of the laws pertaining to *Nikāḥ* (Marriage), the final chapter of bilateral pronouncements (*al-'Uqūd: Kitāb al-Mu'āmalāt*), as well as all the laws in the next section of unilateral pronouncements (*al-Mu'āmalāt al-Iqā'āt*) according to the Ja'farī School. It will link the study of *fiqh* with the study of *uṣūl al-fiqh* by engaging in a critical analysis of the proofs and theories employed by the jurists. It will trace the textual evidences back to their original sources through linking the study of law with the study of *ḥadīth* methodology and *ḥadīth* criticism. Moreover, this module will provide the students with a study of the interpretation of the same laws within the four Sunni Schools of law.

### Syllabus:

To complete parts from Ayrwānī's *Durūs Tamhīdiyya fī al-Fiqh al-Istidlālī 'alā al-Madhhab al-Ja'farī*, Volume THREE (*al-'Uqūd wa-l Iqā'āt: Bilateral and Unilateral Pronouncements*) of the following chapters:

- Kitāb al-Nikāḥ (pp. 11-77)
- Kitāb al-Ṭalāq (pp. 77-123)

### Learning outcomes:

On completion of this module, the successful student will:

- Have acquired **advanced** knowledge of the rules pertaining to *Nikāḥ* and the unilateral pronouncements section (*al-Mu'āmalāt al-Iqā'āt*) of *fiqh* in the traditional Shi'i madhhab
- Have knowledge of how the rulings are derived from the different sources of law and jurisprudential procedures and principles
- Understand how the principles discussed in *uṣūl al-fiqh* are applied in *fiqh*
- Have acquired the confidence and skills to engage in a critical analysis of the evidence/proofs used by the jurists and tracing them back to their original sources.
- Have knowledge of the similarities and differences of the rulings of *Nikāḥ* and the unilateral pronouncements section (*al-Mu'āmalāt al-Iqā'āt*), between the Shi'i and the four Sunni Schools of law.
- Be able to link the study of law with the study of *ḥadīth* methodology and *ḥadīth* criticism

### **Assessment Weighting:**

100% Oral Exam

### **Learning Materials:**

#### Core Texts:

- Al-Ayrwānī, M. B. *Durūs Tamhīdiyya fī al-Fiqh al-Istidlālī ‘alā al-Madhab al-Ja’farī*, (Qum: Muassasat al-Fiqh, 2003).

#### Further Reading:

- Mughniya, M. J. *The Five Schools of Islamic Law: al-Hanafī, al-Hanbalī, al-Ja’farī, al-Mālikī, al-Shāfi’ī*, (Qum: Ansariyan Publications, 1995)