

Islamic Law and Stability Operations

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Diversity in Islam and Islamic Law

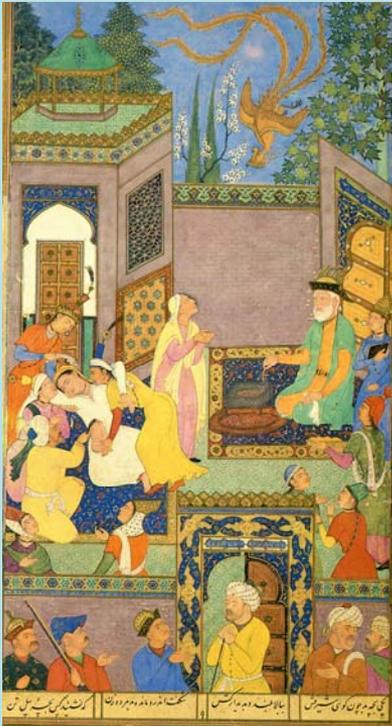
Islamic Law as Jurists' Law

Schools (Madhhabs) and Scholars (Ulama and Mujtahids)

Sunnis and Shi'as

Custom and Geography: Desert Islam,
Coastal Islam, and Minority Fiqh

Islamic Law as
“Common Law” of
the Middle East



The Shari'a in the Modern World

Western colonialism (1800-1945)



Continued codification of the law
(but without Shari'a legitimization)



Relegation of the Scholars
(education, professionalization
of the legal class)

Crisis of Legitimacy and Authority of the Law

Western law: territorial, universal

Shari'a: personal, particular

Translation of texts; internet;
influx of Muslims into West

El Fadl: puritans and moderates



The Shari'a in the Modern World (cont.)

Islamic Responses

Privatization – relegation of Shari'a to private sphere

Bifurcation – two concurrent legal systems

Incorporation – of Shari'a into national legal codes

Legitimation – codified law consistent with Shari'a, or as a secondary or tertiary source of legal rules

Islamist – return to (which?) period of (idealized?) Islamic history, and by (what?) methodology



An Islamic Liberal Democracy?

Sovereignty and Democracy

Constitutionalism: moral legitimacy, separation of powers

Rule of law (rules, rule-making, and rule enforcement with “rule of law” characteristics: prospective, open, clear, stable rules, independent judiciary, accessible courts, restrained law enforcement)

Iran: The Islamic Republic, Khatami and Ahmadinejad



Recommended Readings

Recommended “Bestseller” Books:

Reza Aslan, *No god but God: The Origins, Evolution, and Future of Islam*
(Random House, 2005 [hardback], 2007 [paperback])

Khaled Abou El Fadl, *The Great Theft: Wrestling Islam From the Extremists*
(HarperSanFrancisco, 2005)

Vali Nasr, *The Shia Revival* (W.W. Norton, 2006)

Recommended “Academic” Books:

Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge, 2005)

Knut Vikør, *Between God and the Sultan: A History of Islamic Law* (Oxford, 2005)

Moojan Momen, *An Introduction to Shi'i Islam* (Yale, 1985)