



Islamic Law and Politics

3-4 May 2018

Cappella, Villa Schifanoia, EUI

Supervised by Prof. Olivier Roy

Guest Lecturer: Dr. Christie S. Warren (William & Mary Law School)

Guest Lecturer: Dr. Heba Raouf Ezzat (Cairo University/Ibn Haldun University)

Conveners: Nagwan Abdelmaboud, Nedra Cherif

From ISIS to Islamophobia, from states to revolutions, *Shari'ah* has been represented by all sides as a foundation of legitimacy or the targeted enemy.

What is *Shari'ah*, and to whom does it belong? Does it threaten human lives or nurture civility? How is it understood and implemented in the world today? Misunderstood by many, erroneously interpreted by some to promote their own agendas, *Shari'ah*, or Islamic law, is one of the oldest existing legal traditions and an intrinsic part of the fastest-growing religion in the world today. Unlike other legal traditions, Islamic law is not an independent branch of knowledge or learning; it is only one of the many facets of Islam itself.

This workshop aims to open the door to an informed debate about issues such as democracy, *Shari'ah* and the role of the state; women's rights, human rights and criminal justice; and how to understand Islamic approaches to just war and violent terrorism. Following introductions to classical Islamic law and its overarching goals and values, Professors Christie S. Warren and Heba Raouf Ezzat will facilitate interactive dialogues on whether Islamic law – which honors dignity, justice, compassion, mercy and forgiveness – may be manipulated to promote certain governmental or non-governmental social and political agendas.

Learning Outcomes

At the conclusion of the course, you should have an understanding of the basic legal framework of Islamic law, the major schools, and essential rules of interpretation. You will then be able to critique whether the law is or is not followed with respect to important political and social events in the Middle East/North Africa region.

To obtain credits

In order to obtain credits, full-attendance to the workshop, as well as a critical in-depth reading of the prescribed literature and active participation to the debates are required. Participants will also have to submit a response paper (approximately 500 words) related to one of the discussion topics.

Program

May 3

- 9.30-10.00 Introductory remarks – Prof. Olivier Roy
- 10.00-11.30 **Session 1:** Introductory presentation: Law, Society and Power: Understanding the Ultimate Goals of Shari’ah – Prof. H. Raouf
Reading: Jasser Auda, *Maqasid Al-Shariah: An Introductory Guide*, Virginia: IIT, 2008.
- 11.30-11.45 *Coffee Break*
- 11.45-13.00 **Session 2:** Introduction to Usul al-Fiqh – Prof. C.S. Warren
Reading: Mohammed Hashim Kamali, *Shari’ah Law: An Introduction*, Oneworld Publications 2008. (Chapters 1, 2, 3, 4, 6 and 8).
- 13.00-14.00 *Lunch*
- 14.00-15.30 **Session 3:** The Role of Islam and Shari’ah in State Institutions – Prof. C.S. Warren
Reading: Nathan Brown and Mara Revkin, “Islamic Law and Constitutions”, in *Oxford Handbook of Islamic Law*, 2015.
- 15.30-15.45 *Coffee Break*
- 15.45-17.00 **Session 4:** Law as Culture, Shari’ah as Politics: Paradoxes of Contemporary Debates – Prof. H. Raouf
Reading: Wael B. Hallaq, *Sharī’a: Theory, Practice, Transformations*, Cambridge: Cambridge University Press, 2009. (Introduction)

May 4

- 09.30-11.00 **Session 5:** In Theory: Women and Shari’ah – Prof. C.S. Warren
Reading: Christie S. Warren: “Lifting the Veil: Women and Islamic Law”, *Cardozo Journal of Law and Gender*, 2008.
- 11.00-11.15 *Coffee Break*
- 11.15-12.30 **Session 6:** In Reality: Women, Religion and Modernization: The Distorted Imagination – Prof. H. Raouf
Readings:
Heba Raouf Ezzat, “The Silent Ayesha: An Egyptian Narrative”, in Jane H. Bayes and Nayereh Tohidi (eds.), *Globalization, Gender, and Religion: The Politics of Women’s Rights in Catholic and Muslim Contexts* (New York: Palgrave, 2001), pp. 231-57.
Heba Raouf Ezzat, “Rethinking Secularism, Rethinking Feminism”, *Islamonline.net* (2006).
- 12.30-13.30 *Lunch*

13.30-15.00	Session 7: Cleavages: Hudud, Jihad and Terrorism in an Age of Hegemony – Profs. H. Raouf & C.S. Warren Reading: Khaled Abou El Fadl, <i>Rebellion and Violence in Islamic Law</i> , Cambridge: Cambridge University Press, 2001, pp. 1-31.
15.00-15.15	<i>Coffee Break</i>
15.15-17.00	Concluding Discussion: Where Do We Go from Here?

To go further (optional readings)

William Shepard, “Islamism”, *Oxford Islamic Studies Online*.

John Voll, “Political Islam and the State”, *Oxford Islamic Studies Online*.

David H. Warren, “The ‘Ulamā’ and the Arab Uprisings 2011-13: Considering Yusuf al-Qaradawi, the ‘Global Mufti,’ between the Muslim Brotherhood, the Islamic Legal Tradition, and Qatari Foreign Policy”, *New Middle Eastern Studies*, 4 (2014).

About the speakers

Dr. Heba Raouf Ezzat is Assistant Professor of Political Science at Ibn Haldun University. Previously, she was Assistant Professor of Political Science at Cairo University, and she was also for many years an adjunct professor at the American University in Cairo. She has been a Visiting Fellow at Oxford Centre for Islamic Studies, University of Westminster, University of California at Berkeley, Istanbul University, Maastricht University and Georgetown University. She was a visiting fellow at the London School of Economics (2014-2016). She has researched and written on topics such as global civil society and building global democracy, women and politics in Islam, faith and citizenship, and political and social movements in Islam. She currently teaches political theory, urban sociology and civilization studies. Her recent publications include *The Political Imaginations of Islamists* (2015) and *Islamists and Human Rights Groups in Egypt* (2018).

Dr. Christie S. Warren is Professor of the Practice of International and Comparative Law and Director of the Center for Comparative Legal Studies and Post-Conflict Peacebuilding at William and Mary Law School. Her courses include Comparative Law, Comparative Constitutional Systems, Public International Law, Post-Conflict Justice and the Rule of Law, International Human Rights Law, Litigation in Civil Code Systems, Islamic Law, Advanced Applied International Research and Introduction to Common Law Methodologies. Her publications are in the field of Islamic Law and international legal development.

Warren has designed, implemented, monitored and assessed academic, constitutional, judicial and legal development and training projects in more than 58 countries throughout Africa, Central and East Asia, Latin America and the Caribbean, Central and Eastern Europe, the Middle East, Russia and the Newly Independent States, the Balkans and East Timor. She served as the 1998-1999 Supreme Court Fellow at the Supreme Court of the United States and the 2010 Senior Expert in Constitutional Issues on the Mediation Support Unit Standby Team within the United Nations Department of Political Affairs. She has advised on constitutional issues and processes in Kosovo, Somalia, Haiti, Kyrgyzstan, Iraq, Moldova, Sudan and Ukraine and served as a legal advisor during the Darfur Peace Talks. From 2007 through 2015 she served as Senior Technical Advisor to the International Institute of Democracy and Electoral Assistance’s Constitution Building Processes Programme at the Hague. She currently serves under appointment by the Chief Justice of the Supreme Court of the United States as Supreme Court Fellows Commissioner.

Warren recently completed her position as the 2016-2017 Fulbright Schuman Distinguished Chair at the European University Institute in Florence, Italy, where her research focused on the relationship between various legal systems and conflict.