

JAN 20 2009

New Course Request

Indiana University

Bloomington Campus

Check Appropriate Boxes:

Undergraduate credit

Graduate credit

Professional credit  XXXX 92

1. School/Division Law School 2. Academic Subject Code LAW

3. Course Number L635 (must be cleared with University Registrar) 4. Instructor Istrabadi, F.

5. Course Title Seminar in Feminist Readings of Islamic Legal Texts

Recommended Abbreviation (Optional) (limited to 32 Characters including spaces)

6. First time this course is to be offered (Semester/Year): Spring 2009

7. Credit Hours: Fixed at 2 or Variable from to

8. Is this course to be graded S-F (only)? Yes No XX

9. Is variable title approval being requested? Yes No XX

10. Course description (not to exceed 50 words) for Bulletin publication: Introduce the student to the major currents of feminist approaches to Islamic legal texts. The course will begin with an overview of a variety of feminist and liberal authors, to allow the student to analyze differing trends within the Islamic tradition. Thereafter, the course will focus on the works of two leading authors. One will be a highly controversial African-American convert to Islam, Amina Wadud, who gained media fame by breaking with Islamic tradition by publicly leading a Friday congregational prayer even though men were present in the congregation. The second scholar whose works will be considered is Fatima Mernissi, a Moroccan scholar.

11. Lecture Contact Hours: Fixed at 2 or Variable from to

12. Non-Lecture Contact Hours: Fixed at or Variable from to

13. Estimated enrollment: 10-16 of which 100 percent are expected to be graduate students.

14. Frequency of scheduling: annually Will this course be required for majors? No

15. Justification for new course: An increasing area of law interest

16. Are the necessary reading materials currently available in the appropriate library? YES

17. Please append a complete outline of the proposed course, and indicate instructor (if known), textbooks, and other materials.

18. If this course overlaps with existing courses, please explain with which courses it overlaps and whether this overlap is necessary, desirable, or unimportant.

19. A copy of every new course proposal must be submitted to departments, schools, or divisions in which there may be overlap of the new course with existing courses or areas of strong concern, with instructions that they send comments directly to the originating Curriculum Committee. Please append a list of departments, schools, or divisions thus consulted.

Submitted by:

Approved by:

Date Department Chairman/Division Director

[Signature]

Dean

Date 10/20/08

Date Dean of Graduate School (when required)

Chancellor/Vice-President

Date

University Registrar

Date

After School/Division approval, forward the last copy (without attachments) to the University Registrar for initial processing, and the remaining four copies and attachments to the Campus Chancellor or Vice-President.

**L635/N695 Seminar in Feminist Readings of Islamic Legal Texts**  
**Indiana University Maurer School of Law—Bloomington**  
**Near Eastern Languages and Cultures**  
**Spring Semester 2009**  
**M 6:40-8:40 pm (Law School 216)**

Professor: Amb. Feisal A.R. al-Istrabadi  
Office: Law School 272  
Office Hours: By appointment  
E-mail: fistraba@indiana.edu  
Assistant: Ms. Sheila Gerber sdgerber@indiana.edu

### INTRODUCTION

Edward Said's *Orientalism* disposed more than a generation ago of the notion of a monolithic Islam. Such a view of Islam continues, however, to prevail, particularly with respect to Islamic law. Many regard "Islamic law" as encompassing only a particular (admittedly majority) view which is essentially conservative, most especially in its treatment of gender issues. Yet within the Muslim community, there are voices of strong dissent from such a reading of Islamic legal texts. Amongst the most important counter-trends in Islamic legal thought is that of feminist writers, both amongst American Muslims and amongst Muslim women in Islamic countries.

The purpose of the course, therefore, is to introduce the student to the major currents of feminist approaches to Islamic legal texts. The course will begin with an overview of a variety of feminist and liberal authors, to allow the student to analyze differing trends within the Islamic tradition. Thereafter, the course will focus on the works of two leading authors. One will be a highly controversial African-American convert to Islam (and a leading Islamic legal academician in the United States), Amina Wadud, who gained media fame by breaking with Islamic tradition by publicly leading a Friday congregational prayer even though men were present in the congregation. In light of her public notoriety, the student will analyze and judge her claims of orthodoxy. The second scholar whose works will be considered (in translation) is Fatima Mernissi, a noted Moroccan scholar.

The course begins with a general introduction to feminist legal theory. It then moves to a consideration of a number of writings by feminist and liberal authors (both women and men) to obtain a range of views within this liberal tradition (the course assumes that the average student already has some notion of the conservative-majority view within Islam, which forms the bulk of media as well as scholarly commentaries on Islam). The course then focuses on an in-depth comparison and contrast of the two very different views of Wadud and Mernissi, and their very differing claims of orthodoxy. Topics to be considered include differing interpretations of the legal texts in the Qur'an, the Hadith, and jurisprudence as they have been applied over the centuries, and in light of their feminist re-interpretation. The course will also consider the feminist re-interpretation of Islamic history and historical events, and consider the impact such re-

interpretation has on the traditions of Islam. The effect such re-interpretations have on human rights in the Islamic world will also be considered.

## METHOD

The course is a seminar, with students taking a major role in each class meeting. The course will meet for two hours once per week for eight (8) weeks. The course will then adjourn for three (3) weeks, to allow students to devote time to writing their papers. Papers should be approximately thirty (30) pages in length. During this adjournment, each student will meet one-on-one with the instructor at least once to review his or her progress. Finally, the course will reconvene for presentation by the students of their respective papers.

## READING

The assigned readings will be from the following books: Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oneworld 2001); Leila Ahmed, *Women and Gender in Islam* (Yale 1992); Kecia Ali, *Sexual Ethics in Islam: Feminist Reflections on Qur'an, Hadith and Jurisprudence* (Oneworld 2006); Asma Barlas, "Believing Women" in Islam: *Unreading Patriarchal Interpretations of the Qur'an* (University of Texas 2002); Katharine T. Bartlett and Rosanne Kennedy, eds., *Feminist Legal Theory: Readings in Law and Gender* (Westview Press 1991); John L. Esposito and Dalia Mogahed, *Who Speaks for Islam?* (Gallup Press 2007); Fatima Mernissi, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam* (Perseus Books 1991); Fatima Mernissi, *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society* (Indiana University Press 1987); Fatima Mernissi, *Islam and Democracy: Fear and the Modern World*, 2nd ed. (Perseus 2002); Omar Naseef, *Liberation Theology: Islam and the Feminist Agenda in the Qur'an* (AuthorHouse 2007); Amina Wadud, *Inside the Gender Jihad: Women's Reform in Islam* (Oneworld 2002); Amina Wadud, *Qur'an and Women: Rereading the Sacred Text from a Woman's Perspective* (Oxford 1999).

## EVALUATION

Course participation throughout the semester will account for 20% of the total grade. The paper will account for 60%, and presentation of the paper will account for 20% of the total grade.

*Nota Bene:* Law students will have the option, at their discretion, of taking a take-home exam in lieu of writing a paper. There are two obvious ramifications for students who wish to exercise this option. *First*, 80% of their grade will be based on the examination, and 20% on class participation. *Second*, the course will not satisfy the writing requirement for such students. Law students electing this option will be expected to attend and participate in the presentation of papers by those students who elect to write papers. This option is available to law students only.

## SYLLABUS

### I. Introduction

15 January

#### 1A. A Brief Survey of American Feminist Legal Thought.

FEMINIST LEGAL THEORY: READINGS IN LAW AND GENDER  
(Katharine T. Bartlett & Rosanne Kennedy eds., 1991)

Wendy W. Williams, *The Equality Crisis: Some Reflections on Culture, Courts and Feminism*

Christine A. Littleton, *Reconstructing Sexual Equality*

Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*

Catherine A. MacKinnon, *Difference and Dominance: On Sex Discrimination*

Joan C. Williams, *Deconstructing Gender*

#### 1B. Women in the Islamic World.

JOHN L. ESPOSITO AND DALIA MOGAHED, WHO SPEAKS FOR ISLAM? (2007)

Chapter 4: "What Do Women Want?"

19 January

**Martin Luther King, Jr. Day.** Class does not meet.

### II. Islamic Feminist Thought

26 January

#### 2. Historic Roots of Feminism in the Islamic World.

LEILA AHMED, WOMEN AND GENDER IN ISLAM (1992)

Chapter 7: "Social and Intellectual Change"

Chapter 9: "The First Feminists"

Chapter 10: "Divergent Voices"

Chapter 11: "The Struggle for the Future"

KHALED ABU EL FADL, SPEAKING IN GOD'S NAME: ISLAMIC LAW, AUTHORITY AND WOMEN (2001)

Chapter 1: "Induction"

Chapter 6: "The Anatomy of Authoritarian Discourses"

02 February

### **3. Retrieving an Egalitarian Past.**

ASMA BARLAS, "BELIEVING WOMEN" IN ISLAM: UNREADING PATRIARCHAL INTERPRETATIONS OF THE QUR'AN (2002)

Chapter 2: "Texts and Textualities: The Qur'ān, *Tafsīr*, and *Ahādīth*"

Chapter 4: "The Patriarchal Imaginary of Father/s: Divine Ontology and the Prophets"

Chapter 6: "The Family and Marriage: Retrieving the Qur'an's Egalitarianism"

OMAR NASEEF, LIBERATION THEOLOGY: ISLAM AND THE FEMINIST AGENDA IN THE QUR'AN (2007)

Chapter Four: "Misconceptions: What We Believe and What Islam Actually Teaches"

09 February

**Class adjourned.**

16 February

### **4. Sexual Ethics**

ASMA BARLAS, "BELIEVING WOMEN" IN ISLAM: UNREADING PATRIARCHAL INTERPRETATIONS OF THE QUR'AN (2002)

Chapter 5: "The Qur'ān, Sex/Gender, and Sexuality: Sameness, Difference, Equality"

KECIA ALI, SEXUAL ETHICS IN ISLAM: FEMINIST REFLECTIONS ON QUR'AN, HADITH AND JURISPRUDENCE (2006)

Chapter 1: "Marriage, Money, and Sex"

Chapter 2: "Lesser Evils: Divorce in Islamic Ethics"

Chapter 5: "Don't Ask, Don't Tell: Same-Sex Intimacy in Islamic Thought"

### **III. Amina Wadud**

23 February

#### **5. A Personal Odyssey.**

AMINA WADUD, *INSIDE THE GENDER JIHAD: WOMEN'S REFORM IN ISLAM* (2002)

Chapter 1: "What's in a Name?"

Chapter 5: "Public Ritual Leadership and Gender Inclusiveness"

Chapter 6: "Qur'an, Gender, and Interpretive Possibilities"

02 March

#### **6. Claiming a Revivification of Orthodoxy.**

AMINA WADUD, *QUR'AN AND WOMEN: REREADING THE SACRED TEXT FROM A WOMAN'S PERSPECTIVE* (1999)

### **IV. Fatima Mernissi**

09 March

#### **7. Familial Space.**

FATIMA MERNISSI, *BEYOND THE VEIL: MALE-FEMALE DYNAMICS IN MODERN MUSLIM SOCIETY* (1987)

Part II: "Anomic Effects of Modernization on Male-Female Dynamics"

16 March

#### **Spring Recess**

23 March

#### **8. Political Space.**

FATIMA MERNISSI, *THE VEIL AND THE MALE ELITE: A FEMINIST INTERPRETATION OF WOMEN'S RIGHTS IN ISLAM* (1991)

Chapter 2: "The Prophet and Hadith"

Chapter 3: "A Tradition of Misogyny (1)"

Chapter 4: "A Tradition of Misogyny (2)"

FATIMA MERNISSI, *ISLAM AND DEMOCRACY: FEAR AND THE MODERN WORLD*, (2nd ed., 2002)

Part II: "Sacred Concepts and Profane Anxieties"

- 30 March–13 April **Class adjourned.** Students are expected to make at least one appointment with the instructor during this period to discuss their draft. The instructor is available to meet more frequently than once at the request of the student.
- 15 April **First (optional) draft of papers due.**
- 20 April **Class reconvenes for presentation of papers.**
- 23 April **Classes end.**
- 08 May **Examinations end.**
- 11 May **Final draft of papers due.**