



AET2

Asian and Middle Eastern Studies Tripos, Part II

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Thursday 6 June 2019      09.00 to 12.00

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**Paper MES38**

**History of the modern Middle East: Imperialism, shari'a and legal reform in the Islamic World**

Answer **three** questions. All questions carry **equal** marks.

Answer **each** question in a **separate** answer booklet.

Write your number **not** your name on the cover sheet of **each** answer booklet.

**STATIONERY REQUIREMENTS**

8 page answer booklet x 3

Rough Work Pad

**SPECIAL REQUIREMENTS TO BE SUPPLIED FOR THIS EXAMINATION**

None

**You may not start to read the questions printed on the subsequent pages of this question paper until instructed to do so.**

Answer **three** of the following questions

1. What was the relationship between the caliph and the shari'a in the pre-modern Islamic world? Choose one main illustrative case.
2. How did European imperialism alter the concept of 'law' in colonised territories?
3. How did the attempt to codify Hanafi *fiqh* in the *mecelle* differ from older Ottoman *kānūns*?
4. Compare and contrast the role of the *qāḍī* in a shari'a court with that of *siyāsa* council administrators in nineteenth-century Egypt when handling criminal cases.
5. *Ḥisba* is such a central tenet of Islam that the famous eleventh-century theologian Abū Ḥāmid al-Ghazālī considered it the main pivot of the faith. Explain the meaning of *ḥisba* with reference to:  
**EITHER:**
  - a. how this meaning of *ḥisba* was altered in the twentieth century.**OR:**
  - b. the difference between the official and the private *muḥtasib*.
6. *Waqf* underwent significant transformations in the nineteenth and twentieth centuries. Describe and analyse these transformations with reference to:  
**EITHER:**
  - a. how Muslim scholars redefined family *waqf* in Mandate Lebanon.**OR:**
  - b. how French colonial administrators attacked family *waqf* in Algeria.
7. What is the connection between *siyāsa* and shari'a? Answer with reference to both Mamluk Egypt and nineteenth-century Egypt.
8. In describing the process of secularization in the nineteenth century whereby shari'a was restricted to matters of personal status, Talal Asad argued that "when the shari'a is structured essentially as a set of legal rules defining personal status, it is radically transformed... What happens to shari'a is best described not as curtailment but as transmutation. It is rendered into a subdivision of legal norms (*fiqh*) that are authorized and maintained by the centralizing state." Discuss.

**END OF PAPER**