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. Hisba 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