Paper MES38

History of the modern Middle East: Imperialism, shari’ā and legal reform in the Islamic World

Answer three questions. All questions carry equal marks.

The word limit for each question is 1500 words.

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

STATIONERY REQUIREMENTS
20 page answer booklet
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 questions below.

1. In his numerous books, Wael Hallaq has been arguing that in pre-modern times, sharia was always a jurists’ law, with little or no role played in it by the state. By contrast, in God’s Caliph, Crone and Hinds have argued that the head of state in early Islam was both a religious and political leader. Contrast these two views on the early development of Islamic law.

2. How did the attempt to codify Hanafi fiqh in the mecelle differ from older Ottoman kanuns?

3. “One of the most significant achievements of colonialism was to invent customary law.” Comment on this statement with reference to only one of the following cases: Algeria, Egypt, Dutch Indonesia, or India.

4. Is siyasa part of shari’a or is it an encroachment on it? Answer with reference to either Mamluk Egypt or nineteenth-century Egypt.

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 hisba with reference to only one of the following points:
   a. the difference between the official and the private muhtasib.
   b. the role of the muhtasib in Mamluk Egypt.
   c. Hussein Agrama’s view of how hisba was transformed in modern times.
6. *Waqt* underwent significant transformations in the nineteenth and twentieth centuries. Describe and analyse these transformations with reference to **only one** of the following:
   a. how Muslim scholars redefined family *waqt* in Mandate Lebanon.
   b. how the Egyptian state attempted to reform *waqt* in the nineteenth century.
   c. how French colonial administrators attacked family *waqt* in Algeria.

7. To what degree can shari’a court records (*sijills*) help us understand the application of Islamic law?

8. Ever since the publication of Talal Asad’s “The idea of an anthropology of Islam” in 1986, the concept of “Islam as a discursive tradition” has proven very influential. Explain how Asad and anyone of his interlocutors used the concept of “discursive tradition” to explain how Islamic law was transformed in nineteenth- and twentieth-century Egypt.

**END OF PAPER**