



AET2

Asian and Middle Eastern Studies Tripos, Part II

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Wednesday 08 June 2022

13:30 – 16:30

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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.

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, shari'a 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 *siyāsa* part of shari'a or is it an encroachment on it? Answer with reference to **either** Mamluk Egypt **or** nineteenth-century Egypt.
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 **only one** of the following points:
  - a. the difference between the official and the private *muḥtasib*.
  - b. the role of the *muḥtasib* in Mamluk Egypt.
  - c. Hussein Agrama's view of how *ḥisba* was transformed in modern times.

6. *Waqf* 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 *waqf* in Mandate Lebanon.
  - b. how the Egyptian state attempted to reform *waqf* in the nineteenth century.
  - c. how French colonial administrators attacked family *waqf* 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**