Preparing Islamic Legal Documents
(Course # AM-639)
Spring 2016

January 11-15 (9 AM – 5:30 PM)

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Course Description:
Focused on skills needed for success in Islamic Chaplaincy and other programs where practical matters of service to Islamic communities, congregations and individuals are important, this course introduces students to a contemporary American condensed version of Ibn al-`Attar's Kitab al-Watha’iq wa'l-sijjilat. The topics under consideration include but are not limited to Islamic legal documents, writing contracts, and completing other legal obligations in the US context. Students will be exposed to practical information and training in the preparation of these documents. The positions of the major schools of law/madhāhib will be considered together with the specific issues that need to be explored in a Muslim minority context and in light of the legal realities of the U.S. and specific states.

Course Objectives:
The Student Can:
1. Discuss marriage and divorce/talāq in Islam
2. Define the concept of the wali and its requirement by the different schools/madhāhib.
3. Describe the advantage/disadvantage of mahr mu'akkhar and mu'ajjal, and what kind of conditions can or should be included.
4. Identify the traditional Islamic law of adoption of children in the context of US law requirements.
5. Describe family trusts, wills, Islamic mortgages, and personal loans.
6. Discuss the effect of contemporary issues related to questions such as those involving whether a female Professor of Finance can be a valid witness on her own for business contracts.

Methods of Course Assessment:
For those taking the course for credit, class participation will count for 25% of the course grade; a daily journal of one’s reflections on the experience of the sessions, one double-spaced page for each session, will count for an additional 35% of the grade; and a final paper approximating 15 double-spaced pages will count for 40% of the grade. The journals are due by February 15, 2016. The final paper is due by March 15, 2016. The final paper should relate to a main subject addressed by the course: Marriage, interfaith marriage, divorce, and child custody. It is recommended that a student consult with the
instructor of the course before writing the final paper, to get input on how to approach the intended topic and the resources used in researching it.

**Attendance Policy:**
Attendance in class is required. If you know you will be unable to attend a class session please inform the professor in advance. Failure to be in attendance one and a half day for any reason will result in automatic failure of the course.

**Email Policy:**
The instructor will use the official Hartsem student email addresses for all communications. Please check your Hartsem email account regularly.
Course Schedule and Readings

Monday, January 11, 2016

Morning session: 9-12 pm
Welcoming and introduction and explanation of course objectives and requirements

Workshop on Marriage:
Selection of spouse; dating among American Muslims; family role in the settlement of marriage; role of the Imam; what is the mahr; how does the mahr work; what is the mu'ajjal; what is the mu'akhar; why mahr is settled before the marriage; the sīgha of the marriage ceremony; conditions (shurūṭ); setup of Islamic weddings.

Afternoon session: 1-5:30 pm
Dealing with Documents Related to Marriage

ASSIGNED READING:
- Excerpts/topics from a contemporary American condensed version of Ibn al-`Attar's Kitab al-Watha`iq wa'l-sijjilat.

RECOMMENDED READING:
- Family ... and the Sexual Revolution, a chapter taken from *Reading the Muslim Mind*, by Hassan Hathout. Plainfield, Ind. : American Trust Publications, c1995

Tuesday, January 12, 2016

Morning session: 9-12 pm

Workshop on Divorce:
Divorce from an Islamic Perspective; divorce in the United States of America; the ethics of divorce; Jewish law on divorce; possible reasons for divorce among American Muslims: extra-marital affairs, dishonesty, sexual dysfunction, apostasy, cultural differences; civil divorce vs. Islamic divorce: modern dilemmas and challenges confronting American Muslims; in our backyard: the abuse of Islamic talāq in the name of Islam; the effect of talāq abuse on American Muslim women: talāq abuse: is it a flaw of Islamic law or a social disease, types of talāq abuse, divorcing the wife in abusive ways, withholding the divorce in abusive ways; can an Islamic divorce complement a civil divorce, Islamic divorce taking place before the civil process, Islamic divorce negotiated after the judicial process.

Afternoon session: 1-5:30 pm

Dealing with Documents Related to Divorce
ASSIGNED READING:
- Excerpts on divorce from a contemporary American condensed version of Ibn al-`Attar's *Kitab al-Wathāʾiq wal-ṣijjilat*.

RECOMMENDED READING:
- Marriage and Divorce, a chapter taken from *Islam in Focus*, by Hammūdah Abd al-‘Āfī, Edmonton, Alberta: The Canadian Islamic Center, 1963

Wednesday, January 13, 2016

Workshop on Interfaith Marriage and Child Custody

Afternoon session: 1-5:30 pm

Workshop on Prenuptial Agreement
Recognized and unrecognized interfaith marriage; custody of children from Islamic and American perspectives; custody among American Muslim couples; reflections on intermarriages and custody of children; custody of children of intermarriage from the perspective of Islamic law and American law.

Thursday, January 14, 2016

Marital Dispute and Violence among American Muslims
Impact of gender equity on American Muslim couples; American Muslim woman as a wife and as a member of society; resolving marital discord among American Muslims; problems with In-Laws and Relatives; wife abuse is not in the Qur’ān and the Sunnah “Prophetic Tradition”; analyzing Verse 4:34; clarifying the meaning of nushūz and wa-adrebuhumna; the roles of Imams and Islamic Centers in resolving marital disputes.

Afternoon session: 1-5:30 pm

Marital Violence in Society and Religion
1-2 PM: Meet at the Library; form groups; each group is assigned a research topic.
2-3: Return to class and present group findings.
3-4: General discussion from an Islamic perspective

ASSIGNED READING:
- Amer, Mona, Counseling Muslims: Handbook of Mental Health Issues and Interventions (Routedge, 2011)
- *The Verse of Abuse Or the Abused Verse*, an article published on-line by Muslim Women’s League and is an excerpt taken from *Dimensions of the Qur’ān*, volume 1 by Sheikh Sa’dullah Khan, retrieved from: http://www.mwlusa.org/publications/essays/abuseverse.htm

**RECOMMENDED READING:**

- Hammudah ’Abd al-‘Ātī, *The Family Structure in Islam*

**Friday, January 15, 2016**

Morning session: 9-12 pm

Workshops on Family Trusts, Wills, Islamic Mortgages, Personal Loans, and Employment Contracts.

Friday Congregational Prayers: 12-12:30 pm

Afternoon session: 1:30-5:30 pm

**Workshop on Contemporary Issues**

What are the requirements for witnessing a contract, including the opinion/ijtihād of contemporary scholars; can a female Professor of Finance be a valid witness on her own for business contracts? how should documents be written to avoid fraud? how can meaningful consent between the partners to a contract be determined? what conditions void contracts?

**Major discussion on Marriage and divorce, including its related legal documents**
Assigned and Recommended list of Books and Journals


---, *Islam in Focus.* Edmonton, Alberta: The Canadian Islamic Center, 1963


Al-Hibri, Azizah, *A study of Islamic Herstory: Or How Did We ever Get into this Mess?* in *Women's studies international forum*. Volume 5 Oxford; New York: Pergamon, c1982


Hendricks, Shaykh Seraj. *Authority and the Abuse of Power in Muslim Marriages*. A lecture presented at the Women’s Conference of the 2nd International Islamic Unity Conference in Washington DC,
held at Omni Shoreham Hotel on August 8, 1998. Retrieved from:
http://sunnah.org/fiqh/marriage.htm


King, Andrea. *If I'm Jewish and you're Christian, what are the kids?* a parenting guide for interfaith families. Foreword by Alexander M. Schindler. New York, N.Y.: UAHC Press, 1993


*The Islamic Marriage Contract: Case Studies in Islamic Family Law*


