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Introduction to Special Collection: Seminar Papers on Women and Islamic Law

Christie S. Warren
William & Mary Law School, cswarr@wm.edu

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SPECIAL COLLECTION: SEMINAR PAPERS ON
WOMEN AND ISLAMIC LAW

CHRISTIE S. WARREN*

For the first time, William and Mary Law School offered a course on Islamic law in the spring semester of 2005. This course was born out of a directed reading I led the previous year in response to intense student interest in a topic that is capturing the intellectual curiosity of comparative legal scholars across the globe. Over the course of four months, the twenty-three students who took this seminar and I embarked on an exploration of a number of the many complex issues falling under the aegis of Islamic law, including Islamic thought and history; basic principles of Islamic law; the schools of Islam; *Jihad*; *Ijtihad*: the door of human endeavor; women and Islam; Islamic penal law; Islam and the modern state; and Islam and terrorism.

Recent events have shown us that the time has passed when it can be thought that the only valid way of thinking is that known to the West. Unlike other legal traditions, Islamic law is not an independent branch of knowledge or learning separate from other parts of life. It is only one of the facets of Islam itself. Islamic law specifies how Muslims should conduct themselves in accordance with their religion, without making distinctions in principle between the duties owed to God and those owed to fellow human beings. Islamic law can only be truly understood by those who have a minimum general knowledge of Islamic religion and the civilizations to which it is so closely connected.¹

Through a series of readings, discussions, guest lectures from an Islamic judge and such renowned experts in the Middle East and Islam as Tamara Sonn and General Anthony Zinni, films, and in-class presentations, we gained a rudimentary understanding of the religion and law of nearly one-fifth of the world's population, the dominant religion in over fifty countries, and the fastest growing religious minority in Europe and the United States.²

* Adjunct Professor of Law, College of William and Mary Law School. B.A. with Distinction, University of California, Berkeley; J.D., University of California, Davis. Consultant to Rule of Law projects in Central and East Asia, the Balkans, Russia and the Newly Independent States, Latin America, Africa, Central and Eastern Europe, the Caribbean and East Timor. Supreme Court Fellow, Supreme Court of the United States (1998-1999).

1. RENE DAVID & JOHN E.C. BRIERLEY, MAJOR LEGAL SYSTEMS IN THE WORLD TODAY 455-56 (1990).

2. See TAMARA SONN, A BRIEF HISTORY OF ISLAM xv (2004)

This course was of particular timeliness at William and Mary because it ran concurrently with, and was taken by many of the same students who participated in, a clinic run by Professor Linda Malone through the U.S. Department of Justice, in which legal questions relating to the newly convened Iraqi Special Tribunal were analyzed. This group of students researched specific questions of Iraqi and international law, writing memoranda for use by attorneys at the Department of Justice during the trial of Saddam Hussein and other criminals of the Baathist Regime.

Islamic law, however, is important and timely for many reasons beyond the fallout from the events of September 11, 2001 and the "War on Terror." The students who took this course now have a better understanding of one of the most important developing areas of international law in the world today, one that most contemporary American law students never have the opportunity to explore. They will enter the practice of law with a greater understanding of the rule of law under which an exponentially increasing percentage of the world's population lives. This special collection of papers on Women in Islamic Law reflects the ways in which women's lives are particularly affected by this system of religious law. I selected each of these papers not only for the quality of writing and the relevance to the topic but also for the intricacies of the law that each exposes.

The position and treatment of women under Islamic law is highly debated, variable from nation to nation, and potentially susceptible to influence from both liberal and reactionary groups. In some nations, women are heavily veiled and may be flogged for the slightest indiscretions, while in other nations women have the legal option to wear what they please and protest in the streets for suffrage and other rights. The papers that follow provide an introduction to the study of Islamic law, Islamic criminal law, and some of the issues that have historically and currently faced women in the Islamic world and that will continue to be important in coming years.