

**The Islamic Intellectual Tradition and Transformation:  
Religion, Modernity, and Continuity**

**Instructor: Dr. Omar Qureshi**

**Email: [oqureshi@instituteofknowledge.com](mailto:oqureshi@instituteofknowledge.com)**

**Course meeting times: Wednesday, 6:30-8:00pm, IOK**

**Office hours: Wednesdays 5:00-6:00pm**

### **Course Description**

Join us for an immersive 11-week course exploring the development of Islamic thought through the works of the 19<sup>th</sup>-century Muftī (jurist) Muḥammad Amīn Ibn ‘Ābidīn. This course delves into the transformative mechanisms that have allowed the Shari‘ah to adapt while remaining rooted in the Qur’an and Sunna. This exploration provides a comprehensive understanding of how Islamic thought and law have evolved while maintaining continuity since the time of the Prophet. Students will gain insight into the dynamic nature of Shari‘ah and the Islamic intellectual tradition by focusing on the life and works of Hanafi Muftī Muḥammad Amīn Ibn ‘Ābidīn. We will also consider the relevance of change and continuity in Islam in the contemporary world.

Central themes include my original theory, called the sacred balance, and its pillars—ritual worship (‘ibādāt), social transactions (mu‘āmalāt), and governance (siyāsah)—which allow Muslim scholars to harmonize sacred principles with socio-economic and political realities. The course explores the 1,400-year historical and theoretical development of Shari‘ah, with a focus on the role of custom (‘urf) in shaping legal interpretation and practice. It examines how Shari‘ah transforms while remaining continuously linked to the Qur’an and Sunna. We will also address contemporary debates on secularism, liberalism, and modernity through comparative legal and philosophical perspectives.

### **Who Should Enroll**

This course is ideal for college students; students of Islamic studies; Islamic scholars; and professionals interested in Islamic law, intellectual history, history, theology, philosophy, and the intersection of religion and modernity.

### **Course Requirements**

This class will be graded pass/fail. In order to pass, you are expected to come to class prepared to discuss the readings and concepts for that class.

Class assignments include:

Attendance and participation	25%
Discussion board	25%
Final research paper	50%

Attendance and participation: Every student's regular attendance and active engagement with the class materials is essential to making this course a success. Please come to each class prepared to contribute to the discussion.

Discussion board: Your contribution to on-line discussions is an important element of your participation. Please post at least one question and one substantive response to others' posts between Weeks 2 and 10. Use this space as an opportunity to bring up issues we don't get around to discussing in class, to add thoughts that occur to you after class, or just to respond to others' comments.

Final paper: Topic to be determined in consultation with the instructor.

Your final paper (5 pages) must be in 12-point Times New Roman or Arial font, use 1" margins, be double-spaced, contain the title of your paper and your name on the first page, have page numbers, and follow the citation guidelines using the Chicago Style Guide 17<sup>th</sup> edition.

Required Reading:

Omar Qureshi, *What Role Does Custom Have in Sharī'ah?: Muḥammad Amīn Ibn 'Ābidīn, Continuity, and the Sacred Balance in the Ḥanafī Legal Tradition* (unpublished doctoral dissertation, 2025). University of Southern California.

Recommended Readings:

Talal Asad, *Formations of the Secular*

Sherman Jackson, *The Islamic Secular*

Muḥammad Amīn Ibn 'Ābidīn, *Nashr al-'Arf fī Binā' Ba'ḍ al-Aḥkām 'alā al-'Urf and Sharḥ 'Uqūd Rasm al-Muftī*

Wael Hallaq, *The Impossible State*

Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition*

## **Class Schedule and Readings**

Please complete all readings before class the day they are listed in the schedule.

### **Week 1- April 9, 2025**

Topic: What is the Sharī'ah? How have concepts of the Sharī'ah changed over centuries and in different locations?

Interpreting the experiences and choices of Muslims solely through a textualist lens that prioritizes legal theory (uṣūl) risks overshadowing the multifaceted nature of the Sharī'ah. Such framing often characterizes Islam as primarily a system of rules and regulations, which, in turn, defines Muslims as a community centered around restriction and control. However, the Sharī'ah is a porous and evolving tradition whose boundaries, meaning, and

social function adapt over time to changing contexts. In particular, we will focus on the shared attributes of Islamic thought in different contexts while also considering various forms of divergence.

### **Week 2- April 16, 2025**

Topic: Muḥammad Amīn Ibn ‘Ābidīn and Hanafism in the Ottoman Empire in the 19<sup>th</sup> century

As the Ottoman Empire stood at the cusp of modernity in the early 19th century, Muḥammad Amīn Ibn ‘Ābidīn (1198/1784–1252/1836), a home-grown Damascene Ḥanafī muftī, navigated complex religious, social, and political circumstances. Ibn ‘Ābidīn demonstrated a remarkable ability to tackle the challenges of the era utilizing instruments from his Sharī‘ah legal tradition (madhhab): Ḥanafism. His writings are pivotal in understanding the transformation of pre-industrial traditional Muslim society after its encounter with industrialized Western culture.

Required Reading: Qureshi, Introduction

Recommended Readings: Excerpts of Ibn ‘Ābidīn’s *Ḥāshiyah*, *Radd al-Muḥtār* and *Sharḥ ‘Uqūd Rasm al-Muftī*

### **Week 3- April 23, 2025**

Topic: Comparing Western and Islamic conceptions of tradition

We will engage with ideas from Islamic and Western legal and philosophical traditions to understand their intersections and differences, with a focus on the concepts of tradition and discourse. Determining what is ethical, rational, and moral is couched within a historical tradition. For example, Alisdair MacIntyre defines tradition as an “argument extended through time in which certain fundamental agreements are defined and redefined” in terms of both internal and external debates. Talal Asad conceptualizes Islam as a discursive tradition embodied in the practices and institutions of communities that articulate a conceptual relationship with the past by engaging with a set of foundational texts: Qur’ān and the ḥadīth, commentaries thereupon, and the conduct of exemplary figures. We will focus on writings from these two thinkers as a way to explore traditions as frameworks of inquiry, rather than a set of unchanging doctrines across historical eras.

Required Reading: Qureshi, Chapter 3

Recommended Readings: Asad; MacIntyre

### **Week 4- April 30, 2025**

Topic: Key concepts in Islamic legal theory

There is some controversy among scholars of Islam about principles from Islamic legal theory (uṣūl al-fiqh) such as necessity (ḍarūra) and custom (‘urf). Ibn ‘Ābidīn considers ‘urf to be one among many considerations in crafting a fatwā. Within legal theory, the concept

of public interest (*maṣlahah*) has long been a part of the historical jurisprudential discourse as a principle for lawmaking. Shari‘ah’s relationship with scripture is a discursive tradition open to ongoing progress. This approach broadens the range of legal possibilities and permits the inclusion of institutions and concepts from domains beyond Shari‘ah law, provided they can be logically reasoned within the framework of a *madhhab*.

Required Reading: Qureshi, Chapter 2

Recommended Readings: Excerpts of Ibn ‘Abidin’s *Nashr al-‘Urf fi Binā’ Ba‘ḍ al-Aḥkām ‘alā al-‘Urf*

### **Week 5- May 7, 2025**

Topic: Islamic law and concepts of modernity: Contemporary critiques of Ibn ‘Abidin

In this session, we will analyze the conception of Islam and Shari‘ah in Western scholarship in order to expose underlying assumptions and biases. In particular, we will focus on scholar Wael Hallaq’s critiques of Ibn ‘Abidin, including his accusation that ‘Abidin reflects modern assumptions and was guilty of “epistemological schizophrenia” for his incorporation of custom in his rulings. We will study Hallaq and Ibn ‘Abidin’s diverging concepts of custom (*‘urf*) as a way to examine the epistemological differences at the heart of their different interpretations of Shari‘ah.

Required Reading: Qureshi, Chapter 1

Recommended Readings: Hallaq

### **Week 6- May 14, 2025**

NO CLASS

### **Week 7- May 21, 2025**

Topic: What is the sacred balance?

With sacred rituals at its core, the sacred balance requires calibration of the Shari‘ah’s stance on economic, social, and political matters. In this class we will investigate the interplay between the Shari‘ah and culture, politics, and economics throughout history, using a Hanafi lens. We will go in depth on the tools Hanafis traditionally utilized to issue rulings, including the Qur’an, Sunna, and the school’s centuries old archives. We will consider the ideas of the founders of the Hanafi legal school to trace how their ideas guided later scholars like Ibn ‘Abidin, and the ways that they diverged based on their unique historical contexts.

Required Reading: Qureshi, Chapter 4

**Week 8- May 28, 2025**

Topic: 'Ibādāt: The ritual realm

In this class we will focus on the first concept in the sacred balance: 'ibādāt. In my conception of the sacred balance, the ritual realm is at the center because it is a central responsibility of Muslims to carry out the five pillars of Islam. Rituals are transformative processes vital to forming a pious self. According to Ibn 'Ābidīn, there is no room for custom in this realm, since God clearly indicated the responsibilities of all Muslims. Understanding the ritual realm then allows us to offer a definition of the term “secular,” which falls outside of the expertise of Muslim scholars but definitely influences the lives of all Muslims.

Required Reading: Qureshi, Chapter 5

**Week 9- June 4, 2025**

Topic: Mu'āmalāt: The socio-economic realm

The second realm in the sacred balance is mu'āmalāt, which concerns social interactions between members of society, including marriage, divorce, financial transactions, and inheritance. The Shari'ah aims to establish equity in such transactions. Thus, significant areas of this aspect of the Shari'ah are subject to substantial changes depending on the time and place. Ibn 'Ābidīn opined that custom was acceptable in this realm because it operated outside of the ritual realm.

Required Reading: Qureshi, Chapter 6

**Week 10- June 11, 2025**

Topic: Siyāsah: The political realm

Siyāsah, the political realm, is inextricably linked to Muslim religious life and plays a vital role in the flourishing of an individual within a community. Promoting social and religious practices and ensuring stability lends security to the Muslim ummah. However, these internal practices must be safeguarded against corruption by institutions that pursue external interests like money, power, and status. Ibn 'Ābidīn opined that custom was acceptable in this realm because his priority as a mufti was to protect the ummah and not promote a particular ideology.

Required Reading: Qureshi, Chapter 7

**Week 11- June 18, 2025**

Topic: How can we understand Islam and the Shari'ah in the 21<sup>st</sup> century? What is the Islamic secular?

Required Reading: Qureshi, Conclusion

Recommended Reading: Jackson

In our final session, we will examine the impact of Ibn ‘Ābidīn’s work on contemporary legal and ethical debates and how Sharī‘ah can engage with modernity without losing its foundational values. We will revisit the idea of the sacred balance and consider how each of the three realms—‘ibādāt, mu‘āmalāt, and siyāsah—are relevant for Muslims in the contemporary world.