

# Educational Resources and Developments

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## “Legal Systems of Islamic Countries” at Sofia University

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The Faculty of Humanities of Sofia University approved a new course, “Legal Systems of Islamic Countries,” which was taught by Associate Professor Vladimir Chukov, Ph.D., for the first time in Spring 2001. It is a post-graduate course within the “Knowledge of Islamic Societies” program, which is open to students in the Department of Arab and Semitic Studies. According to the Bulgarian university system, only graduates from the above mentioned department may take the course, because it demands a good command of Arabic and some knowledge of other Middle Eastern and Central Asian languages, as well as preliminary information about Islamic philosophy, art, political thought, policy, etc. The group of eight M.A. students facilitated the teaching process and the ensuing discussions.

In general, the course explored symbioses of medieval and modern Islamic thought in comparison with international legal systems (Roman and Common law) and contemporary national jurisprudence. The students, who were not legal specialists, had the opportunity to delve into how Islamic legal systems were founded on Semite legal logic and Arabic pre-Islamic (*Jahiliyah*) legal notions.

The first part of the course outlined a retrospective historical background that encompassed the main stages of medieval and pre-modern legal Islamic thought (Quranic, Pious, Umayyad, pre-Sunni, Sunni and other legal philosophies). This section also reviewed the complex development of the roots of Islamic legal logic, such as “imitation” (*taqlid*), from the Quranic period (570-632) to the present era of modern legislative techniques.

The second part of the course dealt with the main theoretical notions and institutions, including subjects, sources, qualifications, consequences, jurists approaches to the classification of *fatwas*

(legal opinions), hermeneutics and linguistics. A comparative approach was implemented so that diverse types of Islamic legal systems could be analyzed. Indeed, after the former Soviet Central Asian republics obtained political independence in 1991, and acceded to the Organization of the Islamic Conference (OIC), modern Islamic legal systems appear in three main forms: 1) Middle East Shari’a (Arab countries); 2) Indian Shari’a (Sunni-Hanafi, non-Arab states and communities like Pakistan, Indian Muslims, Indonesia, Malaysia and post-Taliban Afghanistan); and 3) Central Asian Shari’a (post-Soviet legal practices).

The third part of the course encompassed a review of developments in the post September 11th Islamic world and the latest shifts in local legislatures. For example, the students learned about steps made in Central Asian law towards improving legal procedures inherited from the Soviet system and the claims of local lawmakers for the supremacy of civil (secularized) law in the new, post-Soviet constitutions. Here, a comparative analysis of human rights law revealed that on the whole, the Arab Middle Eastern states are moving slyly towards fundamental human rights improvement (predominantly in the civil and penal codes of private law), while the ex-Soviet (Kazakhstan, Kyrgyzstan and Uzbekistan) republics pretend to democratize public law standards such as political liberties. Thus, Arab and Central Asian legal systems represent two antipodes within multiplex and many-sided Islamic law.

The course ended with a seminar exercise that aimed at dissecting the Taliban regime and Al Qaida organization as public legal subjects and initiators of legal acts with legal consequences according to Shari’a jurisprudence. The students discussed the character of this Taliban-Al Qaida collaboration, with the Taliban being the real holders of sovereignty and Al Qaida being holders of ethnic

legitimacy as Arabs according to Salafi/Hanbali doctrine. They also evaluated their respective *al fatwas* (legal opinions) in terms of their conformity with Islamic legal consensus (*ijma al umma*).

Perhaps the most dynamic discussion centered on an analysis of legal arguments by both presumptive opponents and proponents of the Taliban's political legitimacy. The students were asked to find them from among articles, press releases and conference papers published in Islamic, international-legal and international relations bibliographic sources. The participants were asked to either support or reject the following thesis: the former Taliban regime imitated or perhaps copied the regimes of the Pious Caliphs and especially the ruling logic and legitimacy of the Second Pious Caliph, Omar ben Khatab (634-644). In short, students had to compare the public legal contributions and legislative processes of Omar ben Khatab to the institutions and legal framework of the regime of the Taliban leader Mullah Omar.

Another topic that attracted student interest was the international recognition of the Taliban. The students were requested to look for appropriate legal

(Shari'a) arguments for the establishment of diplomatic relations of Saudi Arabia, the United Arab Emirates and Pakistan with Taliban-ruled Kabul, and to differentiate between positional-tactical and Shari'a issues in the foreign policy decisions of those governments. Inversely, the students had to prove why other Islamic states boycotted the Taliban.

A corresponding textbook published in 1998 (Chukov 1998) facilitated students' work. Meanwhile, the events of September 11th triggered a dynamic process of redefining Islamic legal formulas. Thus, one of the long-term objectives of Bulgarian Islamic and legal studies is a new book (monograph or textbook) that offers a comparative analysis of the constitutions of the main Islamic states: Iran, Turkey, Egypt, Syria, Tunisia, Pakistan, Kazakhstan, Uzbekistan and probably Afghanistan.

#### Reference

Chukov, Vladimir

1998 *Filosofia i teoria na islankoto pravo*  
[Philosophy and Theory of Islamic Law].  
Sofia: Lik.