Module Title: Fiqh: Nikāḥ & Ṭalāq

Module Code: FIQNKT
Course Duration: 17 Weeks
Teaching Method: 2 units/week
Credits: 5

Overview:

This module will equip students with knowledge of the laws pertaining to Nikāḥ (Marriage), the final chapter of bilateral pronouncements (al-ʾUqūd: Kitāb al-Muʿāmalāt), as well as all the laws in the next section of unilateral pronouncements (al-Muʿāmalāt al-Iqāʿāt) according to the Jaʿfarī School. It will link the study of fiqh with the study of usūl al-fiqh by engaging in a critical analysis of the proofs and theories employed by the jurists. It will trace the textual evidences back to their original sources through linking the study of law with the study of hadīth methodology and hadīth criticism. Moreover, this module will provide the students with a study of the interpretation of the same laws within the four Sunni Schools of law.

Syllabus:

To complete parts from Ayrwānī’s Durūs Tamhīdiyya fī al-Fiqh al-Istidlālī ʿalā al-Madhhab al-Jaʿfarī, Volume THREE (al-ʿUqud wa-l Iqāʿāt: Bilateral and Unilateral Pronouncements) of the following chapters:

- Kitāb al-Nikāḥ (pp. 11-77)
- Kitāb al-Ṭalāq (pp. 77-123)

Learning outcomes:

On completion of this module, the successful student will:

- Have acquired advanced knowledge of the rules pertaining to Nikāḥ and the unilateral pronouncements section (al-Muʿāmalāt al-Iqāʿāt) of fiqh in the traditional Shiʿi madhhab

- Have knowledge of how the rulings are derived from the different sources of law and jurisprudential procedures and principles

- Understand how the principles discussed in usūl al-fiqh are applied in fiqh

- Have acquired the confidence and skills to engage in a critical analysis of the evidence/proofs used by the jurists and tracing them back to their original sources.

- Have knowledge of the similarities and differences of the rulings of Nikāḥ and the unilateral pronouncements section (al-Muʿāmalāt al-Iqāʿāt), between the Shiʿi and the four Sunni Schools of law.

- Be able to link the study of law with the study of ḥadīth methodology and ḥadīth criticism
Assessment Weighting:

100% Oral Exam

Learning Materials:

Core Texts:


Further Reading: