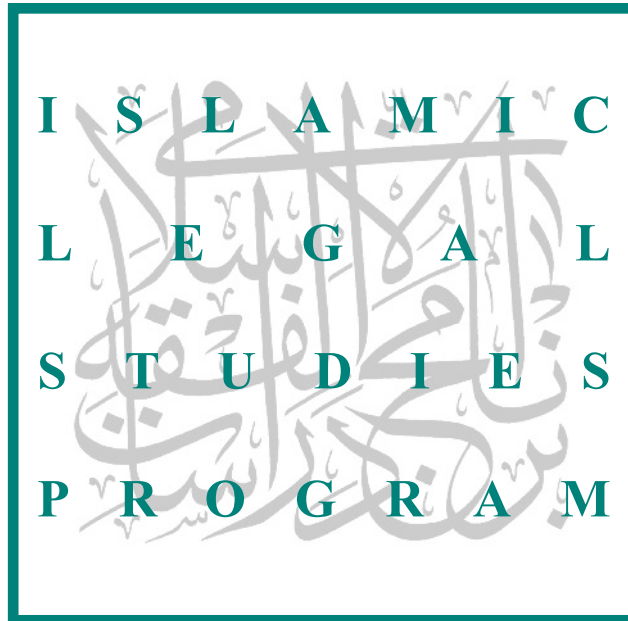


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From the Acting Executive Director

S. Nazim Ali

Greetings! First and foremost, I would like to welcome you all, this being the first newsletter since I assumed the acting executive directorship of ILSP. I would also like to thank my predecessors—the Founding Director of ILSP, Frank E. Vogel, former Acting Director Baber Johansen, and former Associate Director, Peri Bearman—who, through their efforts and dedication, have built a strong foundation for ILSP. I am also grateful to them for always being available to assist me whenever I need any advice.

ILSP has had another successful year marked by a variety of academic activities, including ILSP fellows' lectures, seminars, and panel discussions. A broad range of topics was presented during these events, ranging from the abolition of slavery in Islamic law to various legal issues of the Ottoman era, contemporary issues in Islamic finance, and capital punishment in Islamic law. We were also pleased to continue the Abd al-Razzaq al-Sanhuri series on Legal Interpretation in the Muslim World with the sixth lecture, *Shari'a and Civil Law in Lebanon*, delivered by H. E. Dr. Ibrahim Najjar, Justice Minister of Lebanon and Professor of Law at St. Joseph University, Beirut. Another major event hosted by ILSP this year was a special lecture delivered by Rashad Hussain, U.S. Special Envoy to the Organization of the Islamic Conference (OIC), entitled *President Obama's New Beginning Framework: A Discussion of U.S. Policies and Engagement with Muslim Communities around the World*. This lecture drew great interest from the wider Harvard community and beyond. The detailed reports of all these events are included in this newsletter.

Increasing the participation of Law School students was one of the prime objectives of the Program this year. During an orientation to the Program in September 2010, more than 30 students visited ILSP offices eagerly seeking more information about program activities. For that reason, the Program organized specialized social events to introduce students to the various resources and facilities available in their academic field, including the expertise of the ILSP fellows. For example, in fall 2010, ILSP initiated a tradition of hosting a monthly coffee hour to provide a forum for fellows, staff, and selected guests to interact and to develop relationships. In fall 2011, we intend to expand this event by regularly inviting Law School students, providing an increased opportunity for the exchange of ideas between ILSP fellows and students. ILSP fellows possess unique knowledge and experience valuable to students who are engaged in the study of Islamic law.

Furthermore, the Program has engaged some of the Law School students in individual and group discussions in order to evoke interest in the study of Islamic law. These meetings have indeed been very productive, culminating in a decision to host a student-led panel discussion in fall 2011 on various Islamic legal issues, such as dispute resolution, capital punishment, bankruptcy, money laundering, regulation, and governance. Students have taken the initiative to contact senior faculty members at the Law School who would provide the necessary guidance in the organization of panel discussions.

The Islamic Finance Project of ILSP continues to organize various events, ranging from specialized workshops to two-day

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FROM THE ACTING EXECUTIVE DIRECTOR, *cont.*

biennial forums. Noteworthy events held during the academic year include the workshops on *Reappraising the Islamic Financial Sector*, *Creating an Enabling Environment for Islamic Finance*, and *Impact of Islamic Finance on Economic Development*. The electronic bibliography of the Project now includes over 9,000 items that are available free of charge on the Project's Web site (www.ifp.law.harvard.edu). The Project especially thanks Frank Vogel, Samuel Hayes of Harvard Business School, and Ibrahim Warde of Tufts University for their continuous support and encouragement in organizing the forums.

ILSP is also pleased to welcome two new visiting professors. Chibli Mallat, Presidential Professor of Law and Professor of Middle Eastern Law and Politics, S.J. Quinney College of Law, University of Utah, has assumed the Custodian of the Two Holy Mosques Visiting Professor of Islamic Legal Studies position at Harvard Law School for spring and fall 2011. Professor Mallat has been playing an active role in ILSP and, in the spring, taught the course *Middle Eastern Law* and conducted a seminar, *Law and War*. This fall, Professor Mallat will be offering a course on *Public International Law* and conducting a seminar entitled *2011 Nonviolent Middle East Revolution*. His presence on campus was extremely helpful in organizing events related to the recent developments taking

place in the Middle East, such as the panel *The Nile Revolution: Constitutional Promises and Challenges*. In attendance at the panel were Adel Omar Sherif, the Deputy Chief Justice of Egypt's highest court, prominent Harvard faculty members, and many others.

We are also thrilled to have Kristin Stilt as a visiting associate professor for the 2011–2012 academic year, joining us from Northwestern University where she is Associate Professor of Law with a joint appointment with the Department of History. At Harvard, she will be teaching *Introduction to Islamic Law* and *Property Law* in the fall and *Islamic Finance Regulation* in the spring. We look forward to working with her at ILSP.

We would also like to wish a belated but hearty welcome to Yahyah Melhem, Librarian for Islamic Law, to Harvard Law School and ILSP. Yahyah, who came to Harvard most recently from the Massachusetts Institute of Technology (MIT), began in September 2011. He quickly settled in and has proven to be an invaluable resource to ILSP scholars, Law School students, and faculty, as well as to the larger Harvard community.

I hope you will enjoy reading this newsletter, and we look forward to your participation in future ILSP events. ❖

ABD AL-RAZZAQ AL-SANHURI LECTURE SERIES

On April 18, 2011, the Islamic Legal Studies Program hosted the sixth lecture of the Abd al-Razzaq al-Sanhuri Lecture Series on Legal Interpretation in the Muslim World. Named after the prominent 20th-century Islamic jurist, educator, and reformer, the Sanhuri Lecture Series seeks to bring a variety of renowned guest speakers from around the world to discuss both historical and modern issues in Islamic legal theory and practice. Delivering this lecture was Ibrahim Najjar, the former Justice Minister of Lebanon and Professor of Law at St. Joseph University in Beirut.

The event began with welcoming remarks from Dr. Nazim Ali, Acting Executive Director of ILSP, and an introduction of the speaker by Chibli Mallat, Custodian of the Two Holy Mosques Visiting Professor of Islamic Legal Studies at Harvard Law School. After Najjar took the stage and presented his hour-long lecture, a question-and-answer session ensued and allowed the audience to both clarify and contribute to the discussion.

Najjar's lecture focused on the challenges of balancing Shari'a and civil law in Lebanon as well as in the Middle East more broadly. He noted that Lebanon is a useful foreground for analyzing wider legal debates, "a peninsula opened to both Western influences and Arab Islamic streams." Lebanon's experience can elucidate both the benefits and difficulties of such co-existence universally.

He began by affirming his belief that there is a genuine legal dialogue taking place between Shari'a and civil law in the Middle East, which began with the fall of the Byzantine Empire and the creation of the capitulations' regime. Non-Muslims were then granted a regime of autonomous personal statute law called al-Ahwal al-Shakhisia, but adopted the Hanafite Shari'a to rule their successions and wills. In the mid-19th century, all the regions under formal Ottoman rule adopted European codes to regulate civil, economic, secular, and criminal laws, which were inspired by the French legal system. With the collapse of the Ottoman Empire, the influence of the Hanafite Shari'a waned in influence and a new dialogue emerged between Muslims and non-Muslims, particularly in Lebanon.

Najjar noted that, due to the "autonomy of the will," Islamic law has often been considered compatible with parallel laws, including postmortem proxies, banking secrecy, joint accounts, and the use of separate conversions. The extent to which Shari'a dominates the legal tradition varies throughout the Middle East—from complete domination in Saudi Arabia, to partial in Jordan, the UAE, and Iraq, to its separation from daily civil transactions in Egypt, Syria, and Lebanon. He cited this fact as the most obvious example of the implementation of secular law in the Middle East and cited other

ABD AL-RAZZAQ AL-SANHURI LECTURE SERIES, *cont.*

notable examples, including domestic and international arbitration that has been predominantly mediated by UNCITRAL Model law and the use of trusts in international banking and capital markets.

The debate between Shari'a and civil law in Lebanon was illustrated by a case involving Najjar's personal experience working on inheritance law in Lebanon. The issue in the case was the lack of inheritance rights for adulterine children, and the revised bill poised these children to receive a share in the inheritance of the deceased father or mother. Although Najjar was eventually able to convince Muslim members of parliament that the initiative was consistent with the spirit of Shari'a, the legislation failed in the face of continued opposition from Christian communities. Legal tensions in Lebanon are thus far more complex than just the conciliation of Islamic law and secular law, as demonstrated by the formative role of Christian tenets in this case.

Najjar then proceeded to discuss the nuances of inheritance law in the Middle East, such as its automatic transmission, reserved portions for living persons, and the qualifications of gift-giving. He noted that despite the significant advances brought to women by Islamic inheritance rights, the preferential treatment of male children in inheritance rights throughout the Middle East is an ongoing challenge.

Najjar also discussed extra-patrimonial family law as an example of the subtleties of dialogue between secular civil law and religious law. Although efforts to introduce civil marriage

in Lebanon have not been successful, there is an unspoken understanding that spouses of different religions and sects can contract a civil marriage abroad that is recognized by Lebanese law. In such cases where mixed marriages are celebrated abroad, Article 79 of the new Lebanese Code of Civil Procedure grants jurisdiction to civil tribunals that will apply the law of the place of marriage celebration. Tribunals thus recognize the autonomy of the parties' will. However, in order to divorce or have the possibility of obtaining child custody, one often changes one's religion or community; in this way, one can adapt the rules to avoid a particular set of legal constraints in one's original community. Although a fusion is unrealistic for now, and perhaps impossible, Najjar affirmed his belief in the greater harmonization of secular and religious law in Lebanon.

A three-point summary concluded Najjar's lecture. First, reciprocal influencing among faiths is constant, as long as it is not a matter of sacred precept (e.g., stated inheritance shares, the *foroud*). Second, despite the use of the autonomy of the will as a legal subterfuge, civil law techniques prevail. Finally, moral principles are often more powerful than the law, as seen in the case of adulterine children's rights.

Following Najjar's lecture, Chibli Mallat opened the floor for a question-and-answer session. Audience members sought further explanation on topics raised by Najjar's lecture, including the rights of illegitimate children in Islamic law and the status of mixed marriages. ♦



*Ibrahim Najjar delivers the sixth lecture of the Abd al-Razzaq al-Sanhuri Lecture Series on Legal Interpretation in the Muslim World.
Photo by Cynthia Wu of the Harvard Crimson.*

ISLAMIC FINANCE PROJECT

IFP Roundtable on the Impact of Islamic Finance on Economic Development

The Islamic Finance Project and Islamic Legal Studies Program organized a panel discussion that took place on October 12, 2010, entitled “The Impact of Islamic Finance on Economic Development.” A distinguished panel of practitioners from the Islamic Development Bank (IDB) and an academic from Tufts University provided their insights on the topic.

The session began with a brief overview of the topic and introduction of the panelists by Samuel L. Hayes, Professor of Investment Banking, Emeritus, Harvard Business School. After recognizing the historical importance of economic development to Islam and its importance in the future of development, he provided a history of the Islamic Development Bank (IDB) of Jeddah, which is recognized as a premier leader in the field of Islamic finance.

Ahmed Mohamed Ali, President of IDB, began the discussion with an overview of the key principles of Islamic finance that distinguish it from conventional banking and make it particularly competent to promote economic development. He focused on three tenets of Islamic finance: risk sharing, asset creation, and charitable initiatives.

The next speaker was Umer Chapra, an adviser to the IDB. Chapra provided further analysis into the unique ways in which Islamic finance can create a more secure and stable economy, particularly in the face of financial crises. He discussed how Islamic finance injects greater discipline into the financial system and forces banks to be more careful in their lending, which ultimately makes it more conducive to stability than the conventional system.

Ibrahim Warde, Adjunct Professor of International Business, Tufts University, was the final panelist speaker. Like Chapra, he warned that it is important to understand that Islamic finance is not a panacea for all of the financial ills facing the world today. He noted the lack of standards and industry best practices and association of anything Islamic to terrorism as specific hurdles impeding the progress of Islamic finance and its potential impact on economic development.

Following the presentation of the panelists, Samuel Hayes opened the question-and-answer session with a few of his own questions. The first was whether Islamic finance defines economic development any differently than conventional financial systems. Ahmed Mohamed Ali did not find any significant differences in its definition, while Chapra and Warde noted that the attention given by Islamic finance to the human side of development is unique. Another question inquired about the direction in which Islamic finance, and especially



IFP roundtable panelists Frank Vogel, Ahmed Mohamed Ali, Umer Chapra, and Ibrahim Warde

the IDB, is taking economic development. The speakers discussed *awqaf* and how it has been used to build roads, hospitals, and other infrastructure, as well as grants given to microfinance institutions that have financed the development of successful businesses.

An audience member also provided a critical assessment of their arguments, arguing that the speakers drew on various assumptions that may be flawed, such as the idea that risk-sharing will lead to more responsible lending. She noted that risk was shared widely in the recent financial crisis, yet banks still lent widely, and that much of the cause of the crisis can be attributed to the shadowy bank system—namely, the lack of transparency, the lack of understanding of risks and financial instruments, and the lack of information about borrowers. Other questions dealt with the topics of corporate social responsibility and institutionalization of the industry. ❖



IFP seminar presenter Iqbal Khan

ISLAMIC FINANCE PROJECT, *cont.*

IFP Seminar on Creating an Enabling Environment

On October 13, 2010, the Islamic Finance Project (IFP) and Islamic Legal Studies Program (ILSP) held a seminar entitled “Islamic Finance: Creating an Enabling Environment.” The discussion was the second of a two-day series that sought to explore the question: What can be done to create an enabling environment for Islamic finance to not only be commercially successful, but also deliver on its broader social objectives?

The session began with an introduction by Nazim Ali, Director of IFP and Acting Executive Director of ILSP, and Frank Vogel, Founding Director of ILSP, who introduced the panelists and pointed to new questions Islamic finance is facing in the fields of justice, social welfare, and economic development.

Iqbal Khan, Founding Chief Executive Officer of Fajr Capital Limited, was the first presenter. Khan emphasized the need to create enablement and change from within the industry, especially through competent governance. He asserted that robust and effective corporate governance within Islamic finance can be achieved by establishing independent Board Committees that focus on audit and risk management and establish whistleblower policies and a Board of Directors to establish a Human Resources and Remunerations Committee to better distribute benefits to all employees and implement policies and standards that avoid the dangerous shift from owner’s capitalism to manager’s capitalism.

Umer Chapra, Adviser to the Islamic Development Bank, was the next presenter. Like Khan, he stressed that effective corporate governance is key to improvement; he identified the Shari’a Board as the most significant party that needs to be particularly careful of avoiding any failures and proposed a Supreme Shari’a Board composed of individuals who are not on any other board and who are not therefore pressured by management or financial incentives to support bank policy.

Samuel L. Hayes, Professor of Investment Banking, Emeritus, Harvard Business School, noted the infrastructure, institutes, and proliferation of practitioners Islamic finance can now boast, as well as its sympathetic supporters in the U.S. and U.K. governments. Going forward, Islamic finance needs to complement conventional finance and unburden itself of the unrealistic notion that it can replace it.

The audience contributed to the discussion with a number of questions. The first was how Islamic finance can be scaled up to a more macro level. Khan emphasized the need for governments to make commitments according to Islamic finance principles, noting that Malaysia is one of the only countries with a comprehensive Islamic finance system. Hayes added that the benchmark these countries create cannot exist in a vacuum, but must be congruent with the conventional system. Other questions drew on the topics of social entrepreneurship and social responsibility, which the panelists responded should be and are gradually being incorporated into Islamic finance. ♦

Harvard-LSE Workshop on Reappraising the Islamic Financial Sector

The Islamic Finance Project (IFP) and the London School of Economics and Political Science (LSE), co-hosted the fifth annual workshop on Islamic finance on February 24, 2011, at the LSE campus in London.

This year, participants chose “Reappraising the Islamic Financial Sector” as the workshop topic. A diverse group of 25 individuals attended the workshop, including distinguished Islamic legal experts (Shari’a scholars), academicians, Islamic economists, bankers, lawyers, and portfolio managers.

Opening remarks were given by Dr. S. Nazim Ali, Director of IFP and Acting Executive Director of ILSP; Dr. Stuart Corbridge, Pro-Director LSE; and Dr. Frank E. Vogel, Founding Director of ILSP and moderator of the workshop. The main issue addressed in the workshop was whether or not the convergence of Islamic finance and conventional finance means that the Islamic financial industry is not serving the objectives (*maqasid*) of Islamic law (Shari’a).

According to the Muslim philosopher Ghazali (died C.E. 1111), as stated by M. Umer Chapra in “The Islamic Vision of Development in the Light of the Maqasid Al-Shari’ah” (2009), “The very objective of the Shari’ah is to promote the well-being of the people, which lies in safeguarding their faith (*din*), their self (*nafs*), their intellect (*‘aql*), their posterity (*nasl*), and their wealth (*mal*). Whatever ensures the safeguard of these five serves public interest and is desirable and whatever hurts them is against public interest and its removal is desirable.”

It was pointed out in the discussion that there is no revealed list of the objectives, and once a financial product or service is deemed licit (*halal*), it should not be against the objectives because both the objectives and criteria for determining licit are derived from the same sources: the Qur’an, the tradition of the Prophet Mohammad (*sunnah*), and jurisprudence (*fiqh*).

It was argued that the objectives may only be relied upon when interpretation of the Qur’an or the tradition of the Prophet Mohammad is needed or where there is no definite ruling in jurisprudence, and it requires expertise in Shari’a to meaningfully understand and employ the objectives.

An alternative view was that the Islamic financial sector is not currently concerned with its impact—either benefit or harm—on the society and the environment beyond avoiding sin industries, which is inconsistent with the objectives. As per this alternative view, the purpose for which finance is being used should be mapped to the achievement of the objectives. At present, however, when issuing a religious ruling, Shari’a boards confine themselves to an analysis based only on Islamic commercial jurisprudence.

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ISLAMIC FINANCE PROJECT, *cont.*

This alternative view was countered by the argument that considering the objectives is a subjective exercise. In giving a religious ruling (*fatwa*), Shari'a boards are already considering the objectives as they interpret them, but Shari'a boards need evidence and not opinions before they can take into account the impact of financial transactions on society and environment.

The discussion revealed that the application of the objectives in economics and finance needs specification and clarity. For instance, poverty alleviation may be considered consistent with the objectives as well as the aspirations of Muslims, but it remains unclear what role, if any, the Islamic financial sector should play in poverty alleviation.

It was suggested that the Islamic financial sector might have been better able to align with its objectives by pursuing risk-reward sharing had it followed narrow banking complemented by asset management. However, the sector largely comprises commercial banking that is subject to the same legal, regulatory, and tax framework meant for conventional finance, which, among other things, favors debt over equity.

Participants noted that what is lawful may or may not be ethical; for instance, in conventional finance, the bonuses paid to

bankers are lawful, but they are often seen as unethical. Others asserted that there is a need to go beyond minimum legal standards to the ethical, moving from licit to wholesome (*tayyib*).

It was highlighted that while commercial entities operating in the Islamic financial sector cannot solve the larger economic and social problems, pursuing the objectives could be interpreted as considering the impact of financial services on society and environment, in addition to following the religious prohibitions in substance. For example, in extending financing, it would mean using equity rather than debt and taking into account factors such as employment generation and carbon emissions.

Some participants felt that there is a need in the Islamic financial sector for forums to conduct the type of many-sided discussions which took place during this day-long workshop. These discussions should enable the observers and stakeholders of Islamic finance to seriously consider the needed institutional changes, such as setting up a professional body for Shari'a scholars, to address the challenges facing the industry, and to make it what it ideally should be. ♦



Participants at the Harvard-LSE workshop on Reappraising the Islamic Financial Sector

ISLAMIC FINANCE PROJECT, *cont.*

LSE-HLS Public Lecture on Building Bridges across Financial Communities

The Islamic Finance Project (IFP) and the London School of Economics and Political Science (LSE) co-hosted the fifth annual public lecture, “Building Bridges across Financial Communities,” on February 23, 2011, at the LSE campus in London. The event was moderated by Dr. Frank Vogel, Founding Director of ILSP.

The opening remarks were given by Sir Howard Davies, former Director of the London School of Economics and Political Science, former Chairman of the Financial Services Authority of the UK, and former Deputy Governor of the Bank of England. Davies was of the view that Islamic finance will coexist with conventional finance, perhaps as a niche in some countries, like the United Kingdom, and as a parallel system in other countries, like Sudan, which makes it important for the two—Islamic finance and conventional finance—to build bridges between each other.

Speaking at the event, Mr. Iqbal Khan, CEO of Fajr Capital and founding CEO of HSBC Amanah, said that there is interest in Islamic finance in different parts of the globe, but that Islamic finance needs to shift from Shari’a-compliant to the more authentic Shari’a-based products to differentiate itself from conventional finance. Khan saw an opportunity to



Panelists Howard Davies, Frank Vogel, Iqbal Khan, and Shaykh Haytham Tamim

choose narrow banking over commercial banking and align with ethical investment in asset management.

Shaykh Haytham Tamim, a Shari’a expert based in London, quoted historical accounts of sayings of the Prophet Mohammad pertaining to spreading peace and greetings, meeting the needs of people, and making connection with others, which he interpreted as the opening of communication lines and the building of bridges across communities. Tamim suggested that the Islamic financial sector needs to move from the permissible (*halal*) to the beneficial (*tayyib*). ♦

STUDENT TRAVEL GRANTS

During the previous academic year, ILSP was pleased to award travel grants to four Harvard Law School students. During winter term, third-year J.D. students Mina Khalil, Taylor Landis, and Chelsea Sharon traveled to the Middle East to undertake research in Lebanon and Egypt.

Mina spent three weeks in Alexandria and Cairo exploring the legal and social status of the Copts, Egypt’s largest religious minority. In the research paper supported by her travel, Mina assessed the Copts’ response to and role in Egypt’s democratic transition and the political and legal/constitutional reforms that need to be achieved. Mina interviewed lawyers, human rights activists, professors, journalists, and others about Coptic-Muslim relations in the Mubarak regime. As the unrest and overthrow of Mubarak happened shortly after her return, she followed up her winter term research by investigating the status of the Copts in the democratic transition with regard to the ongoing political and legal/constitutional reform efforts. She has concluded that Copts should be committed to an Egyptian democracy and their political participation within it in spite of their equality and liberty concerns.

Both Taylor and Chelsea participated in a Harvard School of Public Health field study in Beirut through the Program on Humanitarian Policy and Conflict Research. The study

examined strategic approaches for navigating the challenges Lebanon faces in hosting a large Palestinian refugee population and explored the historical, political, religious, and other factors contributing to the ongoing difficulties facing Palestinian refugees in Lebanon today. They conducted research via interviews and discussion with government leaders, Palestinian leaders, international nongovernmental organizations, journalists, and community members from within the refugee community, as well as those from the larger Lebanese society. They also visited two refugee camps. Taylor reported that the course allowed her to investigate the many layers of an extremely interesting and dynamic political context, and Chelsea felt that this experience would be highly beneficial to other HLS students who might be considering humanitarian work in conflict settings.

In addition to our J.D. grants, S.J.D. student Nimer Sultany participated in two panels at the Law and Society Association annual meeting in San Francisco in early June. He presented two papers, “The Paradox of Constitutional Democracy and the Project of Political Justification” and “Justice for Palestine? Comments on Law and Power,” in which he explored topics related to his thesis, which focuses on liberal and constitutional democratic theory. ♦

ILSP-SUPPORTED EVENTS

Throughout the year, ILSP helps fund a variety of events hosted by other campus organizations, from student groups to other university programs and departments. A number of these events are highlighted below.

On October 18, 2010, ILSP co-sponsored with CMES a presentation, “Cultural Intelligence and Environmental Sustainability in the UAE,” by Sheikh Abdul Aziz bin Ali Al Nuaimi. Al Nuaimi is a member of the ruling family of the Emirate of Ajman in the United Arab Emirates. He is currently serving as environmental advisor to the Ajman Government and is the CEO of Al Ihsan Charity Centre, where he is also Chairman of the International Steering Committee for the Global Initiative toward a Sustainable Iraq (GITSI), UAE. Al Nuaimi’s educational background is in chemical and petroleum engineering, and he has earned a diploma in Military Science, an M.S. in Environmental Management, and a Ph.D. in Cleaner Production and Industrial (Ecology) Eco-Systems. This background and his extensive work in sustainable development and related topics have earned him the moniker, the “Green Sheikh.”

In November 2010, the Middle East Law Students Association (MELSA) of Harvard Law School and the Arab Caucus at the Harvard Kennedy School of Government (HKS) organized a panel on “**Global Economy in the Middle East.**” With over 150 attendees from across campus and the wider community, Prof. Dani Rodrik (International Political Economy, HKS) moderated a discussion that included panelists Prof. Jonathan Nitzan (Political Economy, Harvard), Prof. Stephen Marglin (Economics, Harvard), and Prof. Laura Nader (Anthropology, University of California/Berkeley). Marglin discussed how markets undermine community in all areas of the world. Although not an expert on the Middle East, he warned leaders in the region to consider the social effects of their choices about technology and industry. Nitzan stated that politics are inevitably linked to economics. He presented his theories on systemic collapse, which demonstrates a connection between economic recessions and lapses in the ruling elite’s faith in the dogma of economics. Nader spoke most directly about the Middle East, criticizing efforts at globalization that imported large-scale systems of technology or industry without considering the needs, strengths, and weaknesses of the domestic economy. She advocated for the development and creation of indigenous forms of technology in the Middle East.

In March 2011, MELSA organized a panel entitled “**Developments in Material Support Law.**” Panelists were Claude Bruderlein (Director of the Program on Humanitarian Policy and Conflict Research at the Harvard School of Public Health), Susan Akram (Clinical Professor of Law, Boston University School of Law), Tyler Giannini

(Clinical Professor of Law and Clinical Director of the Human Rights Program, HLS), and Maureen Clare Murphy (organizer of the Palestine Solidarity Group-Chicago and Managing Editor of *The Electronic Intifada*). Audience members included students from HLS and throughout the Harvard campus. There were a number of staff and faculty in attendance as well as members of the community at large. The speakers gave an overview of the law banning material support of terrorist organizations and how this has been used to prosecute Arabs and Muslims in the U.S. in an arbitrary and discriminatory manner. The speakers discussed the impact of this law on immigrants to the U.S. and asylum seekers as well as their experiences representing those on trial for allegedly violating the material support law. They discussed the options facing lawyers representing those accused of materially supporting terrorist organizations. Prof. Bruderlein advocated the use of non-litigation tactics, such as negotiation, to deal with accusations of material support given the highly politicized and unreasonable nature of the Supreme Court’s jurisprudence in the area of material support.

In February 2011, the Women’s Law Association of HLS, with the support of a number of organizations, including ILSP, held a panel discussion on “**Women and the Veil in the Western World.**” In October 2010, the French Constitutional Council held that France’s new law banning full-face veils for women was legal. Laws restricting the veil in certain public places have been introduced in Germany, Britain, Spain, and Canada. These laws have provoked outrage from Muslim and civil rights groups and conflicting responses from feminist scholars. The panel presented a range of views on the implications of these bans for women’s rights, religious freedom, multiculturalism, and democracy. Panelists were Prof. Seyla Benhabib (Yale), Prof. Mary Ann Case (University of Chicago), Dr. Jocelyne Cesari (Director, Islam in the West Program, Harvard), and Havva Guney-Rübenacker (HLS). The panel was moderated by Prof. Janet Halley (HLS).

A panel on “**Egypt: Road to Reform,**” organized by a group of Egyptian students in conjunction with MELSA, was held in February to a packed house. After a short introduction by Visiting Prof. Chibli Mallat (HLS), Hossam Bahgat, founder and director of the Egyptian Initiative for Personal Rights, joined the panel via Skype from Cairo. He described the situation in Egypt and his perspective on the reform process. Bahgat had been actively involved in the demonstrations in Tahrir Square. Although he supported working within a constitutional framework, he expressed dissatisfaction with the pace of the current process. Prof. Tarek Masoud (HKS) spoke about specific reforms in the current constitution that had yet to be addressed in the ongoing amendment process. Prof. Noah Feldman (HLS)

ILSP-SUPPORTED EVENTS, *cont.*

was particularly concerned about the Egyptian Army's role in selecting the group of experts who have been responsible for proposing amendments to the constitution. The panel concluded by answering two questions from the audience: How to deal with a powerful military and What might be the role of women in Egypt's future government.

In mid-February 2011, ILSP contributed to a workshop, hosted by Harvard's Center for Middle Eastern Studies (CMES), on **"Muslim-Christian-Jewish Relations in the Fields of Economy and Finance."** The workshop explored the change in Christian and Jewish financial practices and concepts during the transition from the European High Middle Ages to the Renaissance, as well as Muslim concepts of the differences between political, economic, and social integration of non-Muslim religious communities in Muslim empires. The workshop provided a setting for the comparative discussion of the role assigned to financial institutions and value concepts as expressed in inter-religious financial practices in both contexts. It united leading specialists in Jewish-Christian relations in European finance, including Giacomo Todeschini, Joseph Shatzmiller (Duke), Francesca Trivellato (Yale), Javier Castano (Consejo Superior de Investigaciones Cientificas, Madrid), Bernard Cooperman (Univ. of Maryland), and Benjamin Ravid (Brandeis). The relations between Muslims and non-Muslims in the Middle Eastern finance of the period were discussed by leading experts Abraham L. Udovitch (Princeton) and Erol Ozvar

(Marmara Univ.) and, from a legal standpoint, by Baber Johansen (Harvard). The discussions touched on fundamental questions of finance and religion.

On April 14, 2011, Deputy Chief Justice of the Supreme Constitutional Court of Egypt, Dr. Adel Omar Sherif, visited Harvard Law School for a panel discussion entitled **"The Nile Revolution: Constitutional Promises and Challenges."** The event was chaired by Visiting Prof. Chibli Mallat (HLS) and Prof. Roger Owen (Harvard). Sherif offered his analysis of unfolding political events in Egypt and the Egyptian military's supervision of the drafting of a new constitution. He noted that although there is positive feeling about the revolution having been initiated by the people and hope for significant change and reform, there is concern that the group involved in drafting the new constitution may not have enough input from all sectors of Egyptian society. Panelists Prof. Baber Johansen (Harvard), Prof. Frank I. Michelman (HLS), and Prof. Vicki Jackson (HLS), and panel Chairs Mallat and Owen contributed questions and comments about historical comparisons in other countries and about constitutionalism in Egypt in light of recent and ongoing events. The event was co-sponsored by the Islamic Legal Studies Program, the Provost's Fund for Interdisciplinary Research, the CMES Workshop on the Social Sciences in Egypt, the Center for Middle Eastern Studies Outreach Center, the *International Law Journal*, and the Middle East Law Students Association.



Roger Owen, Adel Omar Sherif, Frank Michelman, Baber Johansen, and Vicki Jackson, panelists for the discussion on the Nile Revolution. Photo by Rose Lincoln, Harvard University.

LECTURE ON MUSLIM COMMUNITIES

U.S. Policies and Engagement with Muslim Communities around the World

On Friday, April 15, 2011, ILSP hosted Rashad Hussain, U.S. Special Envoy to the Organization of the Islamic Conference (OIC), to speak on “President Obama’s New Beginning Framework: U.S. Policies and Engagement with Muslim Communities around the World.” The event was chaired by Baber Johansen, Professor of Islamic Studies, Harvard Divinity School, and Director, Center for Middle Eastern Studies, Faculty of Arts and Sciences. Ambassador Hussain’s talk focused on key areas of progress in the Obama Administration’s long-term effort to foster a sustained, multifaceted relationship with Muslim communities around the world.

Hussain described the first area of progress as the establishment of a comprehensive framework to engage with Muslim communities around the world and elevate the level of discussion regarding U.S. relations with these communities. President Obama reached out to Muslims globally during his inaugural address and his first television interview, which was with al-Arabiyya. He traveled to and spoke in Ankara, Cairo, and Jakarta, making clear that partnership and

engagement should be based on the recognition that Muslim communities share the same fundamental aspirations and concerns as all other people.

The second area of progress Hussain discussed is the effort to address political and security issues that have been major sources of tension between the U.S. and Muslim communities. In Iraq, the U.S. has ended combat operations and withdrawn combat forces and has transitioned authority in accordance with the U.S.-Iraq security agreement. In Afghanistan, the U.S. is proceeding to end the war responsibly and transition to a full Afghan lead. And despite challenges, the U.S. also continues to work persistently with Israelis and Palestinians toward a two-state solution to their decades-old conflict.

Hussain pointed out that the Obama Administration has been clear that it will continue its efforts to combat violent extremism, including aggressively working to disrupt, dismantle, and defeat al-Qaeda and its adherents. It has also been clear that the vast majority of victims of al-Qaeda have been Muslim, and that Islam and the overwhelming majority of Muslims completely reject terrorism and violence.

Addressing the recent sweeping changes launched by the people of the Middle East and North Africa, Hussain expressed principles that guide the U.S. response: The U.S. opposes the use of violence and repression; supports a set of universal rights, including freedoms of assembly, speech, and religion, the right for people to choose their own leaders, and equality for men and women under the law; and the U.S. supports political and economic change that can meet the legitimate aspirations of people throughout the region.

The third area of progress Hussain identified is U.S. efforts to deepen and expand partnerships in education, entrepreneurship, health, and science and technology. Several initiatives are already under way in many of these areas. The Obama Administration is creating initiatives in these areas based on feedback received directly from civil society that it is partnering with, particularly youth. In education, the U.S. is seeking to provide more opportunities for students to study in the U.S. and has substantially increased exchange programs. Another key area of development has been entrepreneurship, which promises to create opportunities for young people and spur economic growth. President Obama hosted an international summit on entrepreneurship last year and a number of follow-up forums have taken place around the world. In the area of health, the U.S. has created partnerships directly with the OIC, including an initiative to eliminate polio. Of the four countries where polio is endemic, three are Muslim-majority nations; and the U.S., through collaboration with the WHO, the Gates Foundation, and others, has been working with these countries and the OIC to eradicate the disease. The U.S. has also established a partnership with the OIC on maternal



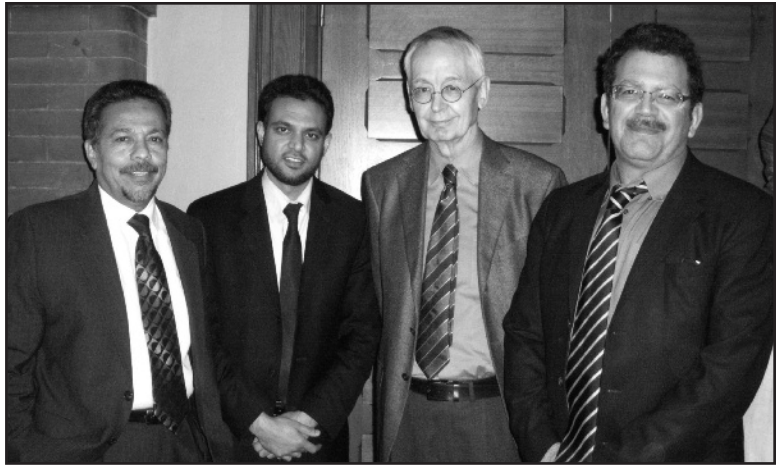
*U.S. Special Envoy to the Organization of the Islamic Conference,
Rashad Hussain*

LECTURE ON MUSLIM COMMUNITIES, *cont.*

and child health programs and is working toward this goal more broadly as part of the larger Global Health Initiative. In science and technology, President Obama has appointed a number of science envoys who have made recommendations on improving cooperation in these areas. OPIC has also established a Global Technology and Innovation Fund which will invest billions of dollars in science and technology projects.

Hussain envisions that over the long term, the creation of these and other partnerships and the resolution of the political and security issues he discussed will contribute to positive and prosperous relations between the U.S. and Muslim communities around the world.

Ambassador Hussain's remarks were followed by a lively question-and-answer session. ❖



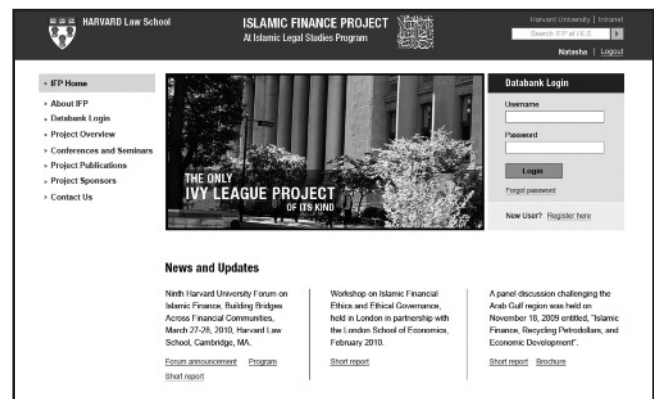
S. Nazim Ali, Rashad Hussain, Baber Johansen, Chibli Mallat

ISLAMIC FINANCE DATABANK

The Islamic Finance Project DataBank (IFP DataBank) is a comprehensive collection of research information pertaining to the increasingly important field of Islamic finance. It aims to assist academics, researchers, and professionals who require relevant academic information related to Islamic economics and finance, and that pertain to Shari'a rulings and sources. IFP continues to manage and develop the publications, Shari'a, and glossary databases, now available in one Web-accessible bibliographical database via the IFP Web site. Over 9,000 original records can be accessed free of charge by researchers around the world.

After its move to Harvard Law School, IFP completely revamped the IFP DataBank. It now focuses on developing the core academic components of the DataBank, namely the publications, Shari'a, and glossary of Islamic finance databases.

The DataBank's approach is encyclopedic in scope, yet remains very accessible. While IFP is continually trying to create a more user-friendly interface in the layout of the DataBank, the latest released version has been enhanced and allows users to submit any new items as well as comments/suggestions for its improvement. ❖



THE TENTH HARVARD FORUM ON ISLAMIC FINANCE

The Tenth Forum, "Islamic Finance and Development," will be held on March 24–25, 2012, at Harvard Law School. The Forum was conceived in 1997 to engage scholars, practitioners, and regulators in productive dialogue about the growing field. Recent forums have focused on questions of innovation and authenticity, the global recession, and ethical finance

initiatives. The Tenth Forum sets the evolution of the Islamic financial industry within the context of the economic and political development of Muslim majority markets.

For more details and the call for papers, please visit http://ifp.law.harvard.edu/login/view_pdf/?file=10th_Havard_Islamic_FinanceForum_Call_for_Papers.pdf&type=Announcements. ❖

ILSP VISITING FELLOWS

During the academic year 2010–2011, ILSP hosted nine visiting scholars. Scholars in residence during the academic year are required to present the results of their research activity at ILSP during the last months of their stay. ILSP thus gives students, faculty, and staff the opportunity to follow the research produced by its fellows and to see on which topics, methods, and interdisciplinary approaches our fellows focus.

Our eight fellows and one affiliate in research came from very different backgrounds and represent very different interests and positions.



Sanaz Alasti came to ILSP in February from Golden Gate University in San Francisco, where she was a post-doctoral scholar as well as a lecturer for a variety of courses. In addition to her research at ILSP on the death penalty in Islamic countries, her professional interests include the criminal justice system of the United States and comparative criminal justice systems. She has authored several books and articles on various aspects of comparative criminal justice and penology. She also has been active in death penalty projects challenging the unfairness and arbitrariness of capital punishment and is currently working on “Teaching Abolition,” a project proposing a death penalty curriculum to stimulate broader exploration and discussion of capital punishment in law schools.

Sanaz’s ILSP lecture, “What Is Wrong with Capital Punishment: Contemporary Practice of the Death Penalty in Islamic Countries and the United States,” explored the question of what constitutes cruel and unusual punishment on an international level. It reviewed the story of the death penalty in both

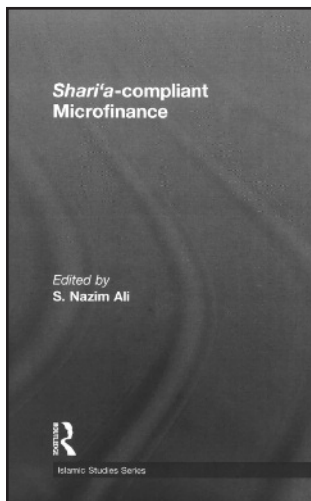
Islamic countries and the United States, focusing on the current practice of capital punishment and execution methods, and examined punishments in light of the universal declaration of human rights.

Abdurrahman Atcil, fall ILSP Visiting Fellow, recently received his Ph.D. from the University of Chicago in Near Eastern Languages and Civilizations. His research focus at ILSP was Ottoman law codes and the Islamic legal tradition in the early modern period (1450–1600). Abdurrahman is currently an assistant professor of Islamic and Middle Eastern Studies at CUNY/Queens College, where he teaches courses in Ottoman history, Islamic history and studies, and Middle Eastern history.



In his ILSP lecture, “Sultan, Bureaucracy, and Law in the Early Modern Ottoman Empire 1450–1600,” Abdurrahman argued that the bureaucratization of religious scholars, coupled with the widespread belief in the superiority of laws, limited the absolute power of the ruler and brought about a constitutional order in the 16th-century Ottoman Empire. He suggested that the way the Ottomans co-opted religious scholars was unprecedented in the Islamic world. After the capture of Constantinople in 1453, the Ottomans adopted the imperial ideal and undertook the creation of a centralized imperial bureaucracy. Religious scholars were recruited to fulfill educational and judicial functions and were organized in a hierarchy. Until the 16th century, the bureaucratization progressed and more scholars were employed in the imperial offices. Thus, religious scholars became part of the ruling class and lost their traditional independent position. To secure

NEW IFP PUBLICATION



Shari'a-compliant Microfinance, edited by S. Nazim Ali. London: Routledge, 2012, 295 pp., ISBN 041578266X

IFP hosted two successful conferences on Islamic microfinance in 2007 and 2008. These two conferences sought to discover ways to help Islamic finance expand its services to cover the poor. Most of the several propositions aired seemed to suggest that the Islamic finance industry should consider developing an efficient Shari'a-compliant microfinance model. This book brings together a selection of papers presented in the two conferences as well as original contributions from leading authorities on the subject of Shari'a-compliant microfinance (Islamic microfinance). The book seeks to propose innovative solutions and models to be employed in Shari'a-compliant microfinance by carefully studying data collected from various countries. It is composed of 12 original papers and a section on resources on Islamic microfinance that contains an annotated bibliography of selected items on Islamic microfinance as well as detailed reports of the two Harvard conferences on Islamic microfinance. This book is available for purchase from Amazon.com. ❖

ILSP VISITING FELLOWS, *cont.*

their rights and positions within the Ottoman system, they emphasized that the religious law (*Shari'a*) and state law/s (*qanun*) were binding for all. Even the ruler did not have the right to violate the orders of religious and state laws openly.

James Baldwin, an ILSP Visiting Fellow in fall 2011, came to the program from New York University, where he had just completed his Ph.D. in History and in Middle Eastern and Islamic Studies. His research at the program focused on legal institutions and legal practices in Ottoman Cairo during the 17th and 18th centuries. After leaving ILSP, James took the position of Senior Residential Fellow at the Research Center for Anatolian Civilizations, Koç University, Istanbul.



James's ILSP lecture, the first of the academic year, "Law and Political Struggle in Ottoman Cairo," explored the relationship between law and politics in Ottoman Egypt. James discussed two aspects of this relationship: 1) how during the 17th century the law increasingly constrained the authority of the imperial government in its dealings with its provincial officials and 2) how during the 17th and 18th centuries the provision of legal services to Cairo's population became a domain of competition between the imperial government and the provincial elite, as members of that elite created unofficial dispute resolution forums that rivaled the empire's *Shari'a* courts.



Kambiz Behi was a spring ILSP Visiting Fellow and Ph.D. candidate in the Department of Anthropology at Harvard, where he held various positions as a tutor and teaching fellow and recently completed his dissertation, "Neoliberalism in an Islamic Legal Context: The Formation of Arvand Free Trade Zone." His research while at ILSP focused on comparative Islamic constitutionalism.

Kambiz's ILSP lecture examined constitutional cases from three countries: Egypt, Turkey, and Iran. He suggested that constitutional politics in these countries correspond with what has been called "new constitutionalism"—a globalizing form of constitutionalism in which the legislative processes and the struggle over the very definition of the polity are determined by judges. The highest judicial actors in the three countries have interpreted the extent of the relationship between constitutional rules and principles are those of the *Shari'a* in such a way to meet the utilitarian aims of the respective states. In this form of constitutionalism, judges have increasingly and strategically been positioned to evaluate the legislative branch from

the perspective of the highest national order—a perspective purportedly transcending their own ideological convictions or moral idiosyncrasies. Juridico-political actors exercise an increasingly expansive discretionary power, restricting Islamic law when it is in the interest of the judicial elite and their allies. In most cases, jurists interpret Islamic rules and principles so that Islamic precepts are conceptualized within the private sphere rather than being part of the public legal apparatus of the state.



Havva Guney-Ruebenacker is an S.J.D. candidate at Harvard Law School and was an ILSP Visiting Fellow for the academic year. She has recently taught seminars at the Boston University School of Law on comparative family law and Islamic law. Havva's dissertation focuses on traditional Islamic law and modern Islamic legal reforms in the areas of slavery and family law.

Havva's ILSP lecture, "Slavery and Abolition in Islamic Law: In Search of a Theory of Legal Change," was an extension of this topic. Havva contends that the traditional theory of legitimacy of slavery in Islamic law has never been challenged from its very roots, and that the accuracy of its intellectual and legal foundations has never been put to a comprehensive critical Islamic legal test. Her talk focused on this question to prove the untenability of the theory of legitimacy of slavery in Islamic law. By analyzing the legal theories and various legal techniques and arguments employed by Muslim jurists to justify slavery, and testing these theories against the relevant Qur'anic verses, the actual practice of the Prophet and basic tenets of Islamic jurisprudence, developed and followed by classical jurists, Havva advanced a reformist Islamic legal theory for a complete abolition of slavery in Islamic law and claimed that slavery is not only an inherently illegitimate institution and contrary to the Qur'an and the practice of the Prophet, but also is utterly inconsistent with the very theories and premises of Muslim jurists themselves.



Erol Özvar, ILSP Visiting Fellow 2010–2011, holds the position of Associate Professor in the Faculty of Economic and Administrative Sciences at Marmara University in Turkey. Prior to his stay at ILSP, he was a visiting fellow at Harvard's Center for Middle Eastern Studies. His research while at ILSP focused on *rib* (usury) prohibition, legal solutions, and financial practices in the early modern Ottoman Empire.

continued on p. 14

ILSP VISITING FELLOWS, *cont.*

In Erol's ILSP lecture, "The Question of *Rib* (Usury), Credit, and Finance in the Ottoman Empire during the 16th and 18th Centuries," he contended that current scholarship on the legal and economic history of the Middle East has assumed that Islamic economic and financial institutions stagnated for seven or more centuries until the European intervention in the 19th century. Islamic legal attitude to *rib*, among other things, is seen as one of immediate causes of Middle Eastern societies' failure to develop its financial institutions. In this presentation, Erol offered alternative ways of writing and explaining Islamic legal and financial formulations and practices during the early modern era. Further, he argued that the Islamic prohibition of usury did not prevent the extension and increasing sophistication of financial relationships, thus demonstrating that Islamic financial institutions had already entered into an indigeous evolutionary path long before the European impact in the 19th century.

Omri Paz is a post-doctoral researcher from Tel Aviv University, where he received his degree in Middle Eastern History. The recipient of a Fulbright award, Omri was in residence at ILSP for the academic year. His research while at ILSP explored the strategies used by offenders, victims, and law enforcement in criminal proceedings in the Ottoman reform period of the 1830s–1880s.



"In a 'Nanny State' of Mind: 19th-Century Criminal Procedure, Welfare Policy, and Ottoman Modernity," the first lecture of the spring semester, Omri started by noting that usually law and order, criminal procedure, and modernization are discussed by historians and social scientists within the context of the surveillance state, an intrusion over monitoring state. This discourse is inspired by thinkers such as Michel Foucault, Anthony Giddens, Christopher Dandeker, and others. But are these features only negative? Omri's talk approached the issues of penal policy, state building, and modernism from a different angle, stressing their welfare aspects. His main argument is that the reforms carried out during the era known as *Tanzimat* (1830s–1880s) enabled the Ottoman imperial government to insert the "State" into spheres in which, until that time, it had had a very limited presence. The Ottoman state's growing involvement in the affairs of its subjects laid the foundations for a new kind of state: an activist "nanny state" (i.e., a socially responsible, caring state, which assumed protection of the weaker groups in society), a concept first introduced by Prof. Ehud Toledano and elaborated on by Paz. These changes also created a new kind of Ottoman subject, with new entitlements and added responsibilities. This policy, which in many respects resembled that of the modern welfare state, still relied on the sovereign's benevolence.



Intisar Rabb, Assistant Professor of Law at Boston College Law School, was in residence as ILSP Affiliate in Research. At Boston College, Rabb teaches advanced constitutional law, criminal law, and comparative and Islamic law. Her primary research interests are in comparative law and legal history, with a focus on the intersection of criminal justice, legislative policy, and judicial process

in American law and in the law of the Middle East and the Muslim world.

Her ILSP lecture on "Reasonable Doubt in Early Islamic Law and Society" is part of a larger book project that attempts to follow juristic arguments both "in the books" and in "action" in the earliest Muslim era and as it developed over time concerning legal argumentation and criminal law. It reveals some of the concerns and tensions facing jurists who had a mandate to apply God's law in the tough area of criminal law, but then the difficult task of figuring out what that means.



Maliheh Zare, a doctoral candidate in private and Islamic law at the University of Tehran, spent the academic year as an ILSP Visiting Fellow. Her research focused on how Islamic countries might comply with both contemporary capital market regulations and Islamic jurisprudence.

Maliheh delivered the last lecture of the season, speaking on "The Islamic Capital Market: A Challenge

of Fundamental Rules in the Modern Era." She argued that the debate over the theoretical justification of the compatibility of the contemporary capital market regulations with Islamic jurisprudence has emerged and intensified in the recent decades. By examining the Qur'an verses, *Sunna*, Islamic jurisprudence, and cases of Islamic countries, including Malaysia, Bahrain, United Arab Emirates, and Iran, Maliheh offered three steps to reach a consensus on the issue. The first is to review the literature on *rib* and redefine its meaning, scope, and context. The second step is to reestablish the application of Islamic contracts law in Islamic finance by putting emphasis on "freedom of contracts." The third step is to conclude a universal Islamic securities regulation by drafting an international treaty through a set of comprehensive negotiations among Islamic finance scholars and practitioners from all schools of Islamic law.

ILSP AND IFP EVENTS 2010–2011

September 13, 2010: Orientation to ILSP and reception for HLS and Harvard University students and faculty.

October 12, 2010: Islamic Finance Project roundtable, “The Impact of Islamic Finance on Economic Development.” A roundtable discussion with speakers Ahmad Mohamed Ali (Islamic Development Bank), M. Umer Chapra (Islamic Development Bank), Samuel L. Hayes (Harvard Business School), and Ibrahim Warde (The Fletcher School, Tufts University).

October 13, 2010: Islamic Finance Project seminar, “Islamic Finance: Creating an Enabling Environment,” with speakers Iqbal A. Kahn (Fajr Capital Limited, Dubai), M. Umer Chapra (Islamic Development Bank), and Frank E. Vogel (Founding Director, Islamic Legal Studies Program, HLS; Independent Scholar and Legal Consultant, Islamic Law and Laws of the Muslim World).

November 15, 2010: ILSP lecture by James Baldwin (Post-doctoral scholar, Ph.D. New York University, and ILSP Visiting Fellow), “Law and Political Struggle in Ottoman Cairo.”

December 7, 2010: ILSP lecture by Abdurrahman Atcil (Post-doctoral scholar, Ph.D. University of Chicago, and ILSP Visiting Fellow), “Sultan, Bureaucracy, and Law in the Early Modern Ottoman Empire 1450–1600.”

January 24, 2011: ILSP lecture by Omri Paz (Post-doctoral scholar, Ph.D. Tel Aviv University, and ILSP Visiting Fellow), “In a ‘Nanny State’ of Mind: 19th-Century Criminal Procedure, Welfare Policy, and Ottoman Modernity.”

February 23, 2011: In conjunction with the London School of Economics, a public lecture on “Building Bridges across Financial Communities.” Speakers: Iqbal A. Khan (CEO, Fajr Capital Ltd., Dubai), Shaykh Haytham Tamim (Director, Shariah Solutions Ltd., London), and Sir Howard Davies (Director, London School of Economics).

February 24, 2011: In conjunction with the London School of Economics, a workshop on “Reappraising the Islamic Financial Sector.” Panelists: S. Nazim Ali (Director of IFP and Acting Executive Director of ILSP), Stuart Corbridge (Pro-Director LSE), and Dr. Frank E. Vogel (Founding Director of ILSP).

March 10, 2011: ILSP lecture by Erol Ozvar (Associate Professor, Marmara University, Turkey, and ILSP Visiting Fellow), “Loan Contracts in the Late Sixteenth-Century Bursa.”

March 25, 2011: ILSP lecture by Havva Guney-Ruebenaeker (S.J.D. candidate, Harvard Law School, and ILSP Visiting Fellow), “Slavery and Abolition in Islamic Law: In Search of a Theory of Legal Change.”

March 30, 2011: ILSP lecture by Intisar Rabb (Assistant Professor of Law, Boston College Law School, and ILSP Affiliate in Research), “Reasonable Doubt in Early Islamic Law and Society.”

April 5, 2011: ILSP lecture by Kambiz Behi (Ph.D. candidate, Harvard University, and ILSP Visiting Fellow), “Islamic Constitutionalism.”

April 15, 2011: A seminar, “President Obama’s New Beginning Framework: A Discussion of U.S. Policies and Engagement with Muslim Communities around the World,” led by Rashad Hussain, U.S. Special Envoy to the Organization of the Islamic Conference (OIC). Session chair: Prof. Baber Johansen, Harvard Divinity School, and Director, Center for Middle Eastern Studies, Faculty of Arts and Sciences.

April 18, 2011: The sixth Abd al-Razzaq al-Sanhuri Lecture on Legal Interpretation in the Muslim World, “Shari’a and Civil Law in Lebanon: A Legal Dialogue,” by H. E. Dr. Ibrahim Najjar, former Justice Minister of Lebanon, and Professor of Law at St. Joseph University, Beirut.

April 19, 2011: ILSP lecture by Sanaz Alasti (Post-doctoral scholar, Golden Gate University School of Law, and ILSP Visiting Fellow), “What Is Wrong with Capital Punishment: Contemporary Practice of the Death Penalty in Islamic Countries and the United States.”

April 25, 2011: ILSP lecture by Maliheh Zare (Ph.D. candidate, University of Tehran, and ILSP Visiting Fellow), “Islamic Capital Market: A Challenge of Fundamental Rules in the Modern Era.”

WELCOME TO ILSP

Visiting Fellows 2011–2012

Ismail Cebeci

Researcher, Oxford Center for Islamic Studies

February 2012–May 2012

Research Topic: Producing New Contract Types: A Viable Solution for Modern Islamic Finance?

Husam El-Khatib

Associate, Dr. Saud al-Ammari Law Firm, Saudi Arabia

February 2012–May 2012

Research Topic: Towards a Formal Code of Ethics for the Islamic Finance Industry

Yoram Meital

Associate Professor, Ben-Gurion University, Israel

September 2011–May 2012

Research Topic: Tales of Courts and Jails: The Construction of Hegemony and Resistance in Republican Egypt

Qudsia Mirza

Independent Researcher

February 2012–May 2012

Research Topic: Interrogating Islamic Equality

Tamir Moustafa

Associate Professor, Simon Fraser University, Canada

September 2011–May 2012

Research Topic: Islamic Law and Women's Rights

Umar Oseni

Post-doctoral Scholar, International Islamic University, Malaysia

September 2011–December 2011

Research Topic: Dispute Resolution in Islamic Banking and Finance: Current Trends and Future Perspectives

Intisar Rabb

Assistant Professor of Law, Boston College Law School

July 2009–June 2011, Affiliate in Research

Research Topic: The Internal Critique: Change in Contemporary Islamic Criminal Law

Aron Zysow

Associate Research Scholar, Princeton University

September 2011–December 2011

Research Topic: *Itjihad*: Its Nature and Function

ISLAMIC LEGAL STUDIES PROGRAM

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Cambridge, MA 02138



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e-mail: ilsp@law.harvard.edu
<http://www.law.harvard.edu/programs/ilsp>

OBJECTIVES AND PRINCIPLES

THE ISLAMIC LEGAL STUDIES PROGRAM at Harvard Law School seeks to advance knowledge and understanding of Islamic law.

The Program is dedicated to achieving excellence in the study of Islamic law through objective and comparative methods. It seeks to foster an atmosphere of open inquiry which embraces many perspectives, both Muslim and non-Muslim, and to promote a deep appreciation of Islamic law as one of the world's major legal systems.

The main focus of work at the Program is on Islamic law in the contemporary world. This focus accommodates the many interests and disciplines that contribute to the study of Islamic law, including its writings and history.

The Program supports the needs and interests of scholars and students from all parts of the globe and endeavors to mirror the universality of Islam itself. It seeks the active participation of scholars and practitioners from outside the University, particularly from the Muslim world. The Program does so through visiting professorships, research positions, lectures, conferences, and publications. It also provides fellowships and specialized programs for students, fostering Western scholarship in Islamic law by supporting young scholars and by encouraging innovative scholarship across many disciplines.

The Islamic Legal Studies Program also collaborates with other institutions and individuals at Harvard University to advance the study of Islamic law, Islam, and the Muslim world. In addition, it aims to establish close relationships with scholars and institutions abroad.

