



ASH 4223: Modern Middle East

Fall 2013
Tu/Th 12:30-1:45, BEL 001

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Image: Kazi court, preparation for an examination, c1865-72, Library of Congress.

<http://www.loc.gov/pictures/item/2007684107/>

This course uses law as a window on the modern history of the Middle East. Political, social, and cultural perspectives will play a supportive but secondary role. The law provides a fresh perspective on familiar controversies, such as colonialism, “westernizing” reform, the role of Islam, the history of women, the question of Israel and Palestine, and authoritarian post-colonial states. At the end of this course, students will be able to use legal frameworks to structure their thinking about these historical issues. They will also be able to do some comparative legal historical thinking to understand the Middle East in a global context and vis-a-vis the American history with which they are familiar. The course serves to introduce several fields of law as they appear in historical practice: property law, criminal law, constitutional law, personal status law, public and private law, commercial law, international law, and Islamic law. Students will also understand the role of legal perspectives in historical thinking.

Evaluation

Wikipedia work	Sep 12, 26, Oct 17, 31, Nov 19	15%
Midterm exam	Thursday, October 10	15%
Document report	Thursday, November 7	20%
Final exam (or essay)	Wed., Dec. 11, 7:30-9:30 a.m.	40%
Attendance and participation	Ongoing	10%

Wikipedia work

Somewhere, someone on the internet is wrong. Improve Wikipedia by correcting, referencing, or extending existing articles or writing a new article related to Middle East history. On or before any or all of the Wikipedia days, report what you’ve done. One big job or several small jobs can earn you 15%. No Wikipedia credit for edits after November 19.

Exams

The midterm will consist of short answer questions about the readings (1/3 of your grade) and two essay questions, chosen from a list of six (2/3 of your grade). The final exam will also be a combination of short answer and essay questions. For the midterm and final

exams, you can bring a single sheet of notes with you.

Document report

I will provide you with a copy of a 1906 inquest into the death of Jessie Brown, drawn from the records of the British consulate in Alexandria. Please summarize the story these documents tell and analyze that story in the context of the lectures (maximum 1000 words).

Final essay option

In lieu of the final exam, you can write a research paper (maximum 2500 words) on a topic of interest to you. If you choose this option, please discuss this with me by Tuesday, November 12. The paper is due in class on Thursday, December 5.

Attendance, and participation

You will lose one percent of your grade for every unexcused absence. Perfect attendance without participation in discussions is worth 8/10.

Grade scale

Please read "Grading Practices" on the last page of this syllabus.

Readings

The required texts for this class are

- William Cleveland, *A History of the Modern Middle East*, 5th edition (Westview, 2012).
- Tawfik al-Hakim, *Diary of a Country Prosecutor* (Saqi Books, 2005).

These books are available for purchase at the bookstore, and copies are on reserve at Strozier. Additional readings are posted on Blackboard. Please complete all readings *before* class.

Schedule

This schedule is subject to change. The syllabus posted on Blackboard will be updated to reflect changes, and it is the schedule of record.

WD = Wikipedia reporting day.

Cl. = chapters or sections from William Cleveland, *A History of the Modern Middle East*

Tu Aug 27 **Introduction: What is legal history of the modern Middle East?**

Th Aug 29 **Ancien regime I: Public Law**

Cl. 3

- Readings:*
- “Islamic Justice, Ottoman Strategies,” in Lauren Benton, *Law and Colonial Cultures : Legal Regimes in World History, 1400-1900* (Cambridge University Press, 2002), 102-14.

Tu Sep 3 **Ancien regime II: Private law**

- Readings:*
- Judith Tucker, ““And God Knows Best”: The *Fatwa* as a source for the history of gender in the Arab world,” in Amira Sonbol, ed. *Beyond the Exotic: Women’s Histories in Islamic Societies*.

(Syracuse University Press, 2005), 165-79.

Th Sep 5 **Ancien regime III: Commercial law**

- Readings:
- Kuran, Timur. *The Long Divergence : How Islamic Law Held Back the Middle East*. (Princeton University Press, 2011), ch. 11.

Tu Sep 10 **1830s I: Militarized Legal Reform**

Cl. 4,5

- Readings:
- Khaled Fahmy, *All the Pasha's Men: Mehmed Ali, his army and the making of modern Egypt* (Cambridge, 1997), 119-47.

Th Sep 12 **1830s II: The Law of the Great Powers**

WD

- Readings:
- Anglo-Ottoman [Convention of Balta Liman](#), 1838
 - Hatt-i Sharif of Gülhane, 1839, from Herbert J. Liebesny *The law of the Near and Middle East readings, cases, and materials*, Albany: State University of New York Press, 1975 (hereinafter Liebesny), 46-9.

Tu Sep 17 **1830s III: Judges and Courts**

- Readings:
- Peters, Rudolph. "[Islamic and Secular Criminal Law in Nineteenth Century Egypt: The Role and Function of the Qadi](#)." *Islamic Law and Society* 4, no. 1 (1997): 70–90.
 - Fahmy, Khaled. "[The Anatomy of Justice: Forensic Medicine and Criminal Law in Nineteenth-century Egypt](#)." *Islamic Law and Society* 6, no. 2 (May 1999): 224–71.

Th Sep 19 **1830s IV: Property**

- Readings:
- Imperial Reform Edict, 1856 (Liebesny 49-52)
 - [Ottoman Land Code of 1858](#), ed. Horace Miller (1892), 1-7.

Tu Sep 24 **1870s I: Bankruptcy and Constitutions**

Cl. 6

- Readings:
- [1876 Ottoman Constitution](#)
 - Khayr al-Din Tunisi, transl. L. Carl Brown. *The Surest Path; the Political Treatise of a Nineteenth-century Muslim Statesman*.

Th Sep 26 **1870s II: Codification**

WD

- Readings:
- Cevdet Pasha's [Mecelle](#) (1869-76)

Tu Oct 1 **1870s III: Surveillance**

Cl. 7

- Readings:
- Ibrahim Al-Muwaylihi, *Ma Hunalik* (1895), transl. Roger Allen, 77-85, 129-132.

Th Oct 3 **1870s IV: Nationality**

- Readings:*
- Will Hanley, “When Did Egyptians Stop Being Ottomans? An Imperial Citizenship Case Study.” In *Multilevel Citizenship*, edited by Willem Maas (University of Pennsylvania Press, 2013), 89–109.
- Tu Oct 8 **1910s I: Constitutions** Cl. 8
- Readings:*
- [Iranian Constitution, 1906-9](#), in E.G. Browne, *The Persian Revolution of 1905-1909* (Cambridge, 1910), 353-400.
 - Turkish Constitution of 1924, in Edward Meade Earl, "The New Constitution of Turkey," *Political Science Quarterly* 40 (1925), 89-100.
- Th Oct 10 **Midterm**
- Tu Oct 15 **1910s II: Crime** Cl. 9, III
- Readings:*
- Tawfik al-Hakim, *Diary of a Country Prosecutor*
- Th Oct 17 **1910s III: Family Law** **WD**
- Readings:*
- Annalies Moors, “Debating Islamic Family Law: Legal Texts and Social Practices,” in Margaret Lee Meriwether and Judith E Tucker, eds., *Social History of Women and Gender in the Modern Middle East*, The Social History of the Modern Middle East (Boulder, Colo: Westview Press, 1999), 141-68.
- Tu Oct 22 **1910s IV: Decolonization**
- Readings:*
- [Unilateral Declaration of Egyptian Independence, 1922](#)
 - [Anglo-Egyptian Treaty, 1936](#)
- Th Oct 24 **Class cancelled**
- Tu Oct 29 **1950s I: Postcolonial Presidents** Cl. IV
- Readings:*
- [1959 Tunisian constitution](#)
- Th Oct 31 **1950s II: Postcolonial Property** **WD**
- Readings:*
- [Iraqi Agrarian Reform Law No. 117 of 1970](#) (PDF on blackboard)
- Tu Nov 5 **1950s III: Islam**
- Readings:*
- 1951 Coke Fatwa (Liebesny 42-3)

Policies

A. **Students with disabilities** covered by the Americans with Disabilities Act should follow these steps:

- 1) Provide documentation of your disability to the Student Disability Resource Center.
- 2) Bring a statement from the Student Disability Resource Center indicating that you have registered with them to your instructor the first week of class. The statement should indicate the special accommodations you require.

This syllabus and other class materials are available in alternative format upon request.

For more information about services available to FSU students with disabilities, contact the Student Disability Resource Center, 97 Woodward Avenue, South, 108 Student Services Building, Florida State University, Tallahassee, FL 32306-4167. Telephone: (850) 644-9566 (voice) (850) 644-8504 (TDD). Email: sdrc@admin.fsu.edu Website: <http://www.disabilitycenter.fsu.edu/>

B. **Missed work:** If you are unable to take an examination at the arranged time you must inform the instructor at the earliest possible date, and provide a reasonable excuse with whatever documentation might be necessary. The instructor will determine what constitutes documentation and a reasonable excuse. Make-up exams will be allowed at the discretion of the professor.

C. **Late work** loses ten percent per day.

D. **Attendance:** Attendance will be taken at each meeting, and every missed class is counted in the participation grade.

E. **Cheating and plagiarism:** All students are required to uphold the Academic Honor Code, which "is based on the premise that each student has the responsibility to: 1) Uphold the highest standards of academic integrity in the students own work, 2) Refuse to tolerate violations of academic integrity in the academic community, and 3) Foster a high sense of integrity and social responsibility on the part of the University Community." The Florida State University Academic Honor Policy (<http://dof.fsu.edu/honorpolicy.htm>.) outlines the University's expectations for the integrity of students' academic work, the procedures for resolving alleged violations of those expectations, and the rights and responsibilities of students and faculty members throughout the process. Read it.

The penalty for a confirmed breach of the honor code, as outlined in the Student Handbook, will be either a "0" for the assignment or an "F" for the course, at the discretion of the instructor. Plagiarism will definitely receive the latter penalty. Additionally, for any breach, a letter will be sent to the Judicial Office of the University.

F. **Laptops and cell phones:** Turn them off and put them away before class. If you text during class, you will be asked to leave.

Grading Practices

Letters and Numbers

A: 83-100 A-: 80-82 B+: 77-79 B: 73-76 B-: 70-72 C+: 67-69 C: 63-66 C-: 60-62 D: 50-59 F: 0-49

Papers and Exams

An **A** or **A-** paper or exam is one that is good enough to be read aloud in a class. It is clearly written and well-organized. It demonstrates that the writer has conducted a close and critical reading of texts, grappled with the issues raised in the course, synthesized the readings, discussions, and lectures, and formulated a perceptive, compelling, independent argument. The argument shows intellectual originality and creativity, is sensitive to historical context, is supported by a well-chosen variety of specific examples, and, in the case of a research paper, is built on a critical reading of primary material.

A **B+** or **B** paper or exam demonstrates many aspects of A-level work but falls short of it in either the organization and clarity of its writing, the formulation and presentation of its argument, or the quality of research. Some papers or exams in this category are solid works containing flashes of insight into many of the issues raised in the course. Others give evidence of independent thought, but the argument is not presented clearly or convincingly. A **B-** paper or exam demonstrates a command of course or research material and understanding of historical context but provides a less than thorough defense of the writer's independent argument because of weaknesses in writing, argument, organization, or use of evidence.

A **C+**, **C**, or **C-** paper or exam offers little more than a mere a summary of ideas and information covered in the course, is insensitive to historical context, does not respond to the assignment adequately, suffers from frequent factual errors, unclear writing, poor organization, or inadequate primary research, or presents some combination of these problems.

Whereas the grading standards for written work between A and C- are concerned with the presentation of argument and evidence, a paper or exam that belongs to the D or F categories demonstrates inadequate command of course material. A **D** paper or exam demonstrates serious deficiencies or severe flaws in the student's command of course or research material. An **F** paper or exam demonstrates no competence in the course or research materials. It indicates a student's neglect or lack of effort in the course.

Class and Seminar Participation

A student who receives an **A** for participation in discussion in seminars typically comes to every class with questions about the readings in mind. An 'A' discussant engages others about ideas, respects the opinions of others, and consistently elevates the level of discussion.

A student who receives a **B** for participation in discussion in seminars typically does not always come to class with questions about the readings in mind. A 'B' discussant waits passively for others to raise interesting issues. Some discussants in this category, while courteous and articulate, do not adequately listen to other participants or relate their comments to the direction of the conversation.

A student who receives a **C** for discussion in seminars attends regularly but typically is an infrequent or unwilling participant in discussion.

A student who fails to attend seminars regularly and adequately prepared for discussion risks the grade of **D** or **F**.

Source: adapted from Princeton University "Department of History Grading Practices"