



Philadelphia University  
Faculty of law-  
Department of -----  
----- semester, 2007/2008

**Course Syllabus**

<b>Course Title: : Principles of Jurisprudence</b>	<b>Course code: 410436</b>
<b>Course Level: Third year</b>	<b>Course prerequisite (s) and/or corequisite (s): Introduction to Islamic</b>
<b>Lecture Time:</b>	<b>Credit hours: 3 Credit Hours</b>

**Academic Staff Specifics**

<b>Name</b>	<b>Rank</b>	<b>Office Number and Location</b>	<b>Office Hours</b>	<b>E-mail Address</b>
<b>Dr. Fuad Alsartawi</b>	<b>Participan professor</b>	<b>307</b>		<b><u><a href="mailto:sartawe@philadelphia.edu.io">F- sartawe@philadelphia.edu.io</a></u></b>

**Course module description:**

**Module name: Theory of the sources of Islamic law**  
**Module number: 410436**

**Prerequisite: Introduction to Islamic law**  
**Module number: 410233**

**This course addresses commands and prohibitions, and what each signify in terms of rules (legal precepts) and consensus- its origins, conditions and types- and analogical reasoning (qiyas)- its definition, pillars and the opinions of scholars regarding it. Another theme of this course is an elucidation of the auxiliary evidences from which are derived Islamic legal principles, namely, considering something religiously laudable, interests, preventing corruption, custom and (istishab ar.).**

### Course module objectives:

1. provide students with advanced and specialized knowledge in the Principles of Islamic Jurisprudence, traits, elements and historical development
2. develop students cognitive and practical skills in the principles of Islamic Jurisprudence, in addition to developing their abilities to understand the rules related to this jurisprudence in reasoning and deduction
3. develop students skills in writing theoretical and practical legal research papers in topics related to the Principles of Jurisprudence , in addition to benefiting from sources of knowledge and learning

### Course/ module components

- Books (title , author (s), publisher, year of publication)

Book Title	Author	Edition	Publisher	Publishing Year
The Principles of Jurisprudence Science	Abdul Wahab Khalaf			

- Support material (s) (vcs, acs, etc).
- Study guide (s) (if applicable)
- Homework and laboratory guide (s) if (applicable).

Discuss, analyze and deduce rules and indications from several legal texts  
An outside lecturer

Research paper

### Teaching methods:

Lectures, discussion groups, tutorials, problem solving, debates, etc.

Methods	Number of Lectures	Scores' distribution
Lectures	42	80%
Multipurpose room and field visits	---	---
Student's involvement in seminars, tutorials, and group discussions	3	5%
Quizzes and Assignments	3	5%
Paper research & Essays (maximum of 3000words)	---	10%
Total	48	100%

### Learning outcomes:

- Knowledge and understanding

At the end of this module, a student will be able to:

- A/1 understand the basic elements, specific concepts and principles of the principles of Islamic Jurisprudence
- A/2 display advanced knowledge in the principles of the Islamic jurisprudence, its basis and legal applications
- A/6 become abreast with the methods, process and scientific research schemes and sources of legal knowledge

- **Cognitive skills (thinking and analysis).**
  - B/1 display an ability to apply theoretic knowledge to actual and/or presumed problems**
  - B/2 diagnose, analyze and interpret legal texts and basis in order to implement specific rules or decisions in topics related to Principles of Jurisprudence**
  - B/6 display an ability to criticize, analyze and choose logical solutions to actual problems**
- **Communication skills (personal and academic).**
  - C/2 use paper and electronic libraries along with other learning sources, and to further benefit from information technology**
  - C/3 prepare reports and research papers in accordance with a legal scientific methodologies**
- **Practical and subject specific skills (Transferable Skills).**

---

### Assessment instruments

- Short reports and/ or presentations, and/ or Short research projects
- Quizzes.
- Home works
- Final examination: 50 marks

<u>Allocation of Marks</u>	
Assessment Instruments	Mark
First examination	20%
Second examination	20%
Final examination: 50 marks	50%
Reports, research projects, Quizzes, Home works, Projects	10%
<b>Total</b>	<b>100%</b>

### Documentation and academic honesty

- Documentation style (with illustrative examples)
- 
- 

- Protection by copyright
- Avoiding plagiarism.

### Course/module academic calendar

This module consists of (48) hours allocated into (16) weeks, (3) hours a week, divided as follows:

Week	<b>Subject</b>	<b>Notes</b>
1 <sup>st</sup>	Defining the Principles of Jurisprudence Science, linking it to students of Law. Contrasting between Jurisprudence and the principles of Jurisprudence as far as meaning, purpose and anticipated results	
2 <sup>nd</sup>	The origins of the principles of Jurisprudence Science, the principles of jurisprudence, the first to write about it, methods of writing, and distinguishing features of each	
3 <sup>rd</sup>	Legitimate rulings: defining a ruling according to the scholars of principles, positive ruling and mandate ruling and specific sections for each	
4 <sup>th</sup>	Term, preventive reason, validity and invalidity, authorization and determinations	
5 <sup>th</sup>	The decision maker, opinions of Muslim scholars in the ability of the mind as a valid decision maker	
6 <sup>th</sup>	<b>terms</b>	
7 <sup>th</sup>	The first evidence in the book: definition, types of decisions or rulings,	
8 <sup>th</sup>	Al-Sunnah: definition and determinative effect, the virtual sunnah in legislations, its link to the book, sections and link to the book	
9 <sup>th</sup>	Unanimity: definition and determinative effect, explicit vs. implied unanimity, the determinative effect of each type, the hope for establishing new decisions in a matter which has been previously agreed upon unanimously	
10 <sup>th</sup>	Analogy, definition, elements, determinative effects, legitimate rulings which can be analogized	
11 <sup>th</sup>	Motive: definition, sections, terms, methods of deducing and identifying motive	
12 <sup>th</sup>	Approval: definition, types, approval through text, unanimity, Analogy, custom and its determinative effect by scholars	
13 <sup>th</sup>	Absolute interest: legislation's need for it, terms, determinative effect	
14 <sup>th</sup>	The obstruction of ostensible motive, Alshabi school of thought, xxx: definition, determinative effect, and those who work with it	
15 <sup>th</sup>	Custom: our ancestors doctrines and laws, City Unanimity, an injunction: definitions, form, outcomes. Immediacy and reiteration	
16 <sup>th</sup>	<i>Warning or advising against: definition, form, outcome, immediacy and reiteration, injunction following warning or advising against</i>	

**Expected workload:**

On average students need to spend 2 hours of study and preparation for each 50-minute lecture/tutorial.

**Attendance policy:**

Absence from lectures and/or tutorials shall not exceed 15%. Students who exceed the 15% limit without a medical or emergency excuse acceptable to and approved by the Dean of the relevant college/faculty shall not be allowed to take the final examination and shall receive a mark of zero for the course. If the excuse is approved by the Dean, the student shall be considered to have withdrawn from the course.

**Module references**

**Books**

<b>Book Title</b>	<b>Author</b>	<b>Edition</b>	<b>Publisher</b>	<b>Publishing Year</b>
<b>The Principles of Jurisprudence</b>	<b>Fadel Abdul-Rahman</b>			
<b>The Principles of Islamic Jurisprudence Almustasfa</b>	<b>Ibrahim A. Ibrahim Imam Abu Haimd alghazali</b>			

**Journals**

**AlShariite Journal**

**Websites**

-----  
-----  
-----  
-----