

LAW IN THE MUSLIM WORLD
Professor Adrien Katherine Wing
Arcachon, France
Summer 2009

This two unit version of the Law in the Muslim world course will survey a selection of the various types of laws existing in the nearly 60 countries of the Muslim world. The subjects will include: Islamic law; unwritten customary law; civil law including constitutional and criminal law; international human rights law, particularly women's rights, and a case study on the right to self-determination; and public international law relating to terrorism.

TEXT

The Xerox supplement is the main text.

COURSE EVALUATION

1. There will be a take home open book final exam distributed at the end of the course, which will count for 60% of the final grade.
2. Class participation will count 10% of the final grade. It includes regular class attendance and preparation as well as active contribution to class discussion. Comments should evidence a mastery of the readings.
3. Each student will do an oral class presentation of one hour's readings. The presentation will probably be in a group format depending on how many people sign up for each hour. The presentation may include: questions raised by each reading, relations of the readings to other readings and current events, issues for further study, etc. It must NOT be a mere summary of the reading. This aspect may include a role play or some other creative component. This assignment is worth 30%. **STUDENTS SHOULD REVIEW THE SYLLABUS BEFORE CLASS STARTS AND BE PREPARED TO SIGN UP FOHRS 5-8, 11, 12, 14-20. SYLLABUS WILL BE CIRCULATED IN PROF. AMADO'S CLASS.**
4. Any student needing exam or other accommodations to comply with the requirements for this course should contact Associate Dean for Student Affairs Carin Crain.

ASSIGNMENTS

The hours listed for each reading are approximate. You should definitely be prepared for that hour, even though we might not discuss the reading assigned till several hours later, depending on the flow of class commentary. Additional short reading re late breaking events may be given. There may be a guest speaker.

Hour 1-3 Introductory material, Introduction to Islamic Law, Islam and Power

Introduction to the course

Elements of a Legal system

Membership list of The Organization of Islamic Conference Member States, Supp. pg. 5

Islam-guide.com, What is the Quran about?; Who is the Prophet Muhammed? What are the five pillars of Islam?, Supp pg. 8-14
Islamic jurisprudence sources, Islamic school

Hour 4 Civil Law, Constitutional Law, and Democracy

Azizah Y. al-Hibri, *Islamic Constitutionalism and the Concept of Democracy*, 24 CASE W. RES. J. INTL L. 1 (1992), Supp. pg. 15

Hour 5 Criminal Law (Presentations begin: none for hrs 9, 10, 13, 21-26)

Hossein Esmaeili & Jeremy Gans, *Islamic Law Across Cultural Borders: The Involvement of Western Nationals in Saudi Murder Trials*, 28 DENV. J. INT'L L. & POLY 145 (2000), Supp. pg. 29

Hour 6 International Human Rights: General --please review and pick out selected provisions to discuss

Universal Declaration of Human Rights (1948), Supp. pg. 59
Universal Islamic Declaration of Human Rights (1981), Supp. pg. 65
Arab Charter on Human Rights (2004), Supp. pg. 77
Human Rights Watch Egypt 2009, Supp. pg. 100

Hour 7 International Human Rights: Women

Adrien Wing & Monica Nigh, *Critical Race Feminism Lifts the Veil: Muslim Women, France and the Headscarf Ban*, 39 U.C. DAVIS L. REV. 743 (2005), Supp. pg. 105

Hour 8

Azizah al-Hibri, *Deconstructing Patriarchal Jurisprudence in Islamic Law*, in GLOBAL CRITICAL RACE FEMINISM 221 (Adrien Wing ed., 2000), Supp. pg. 127

Hour 9 and 10

Adrien Wing & Ozan Varol, *Is Secularism Possible in a Majority Muslim State?: The Turkish Example*, 42 TEX J. INT'L L. 1 (2007), Supp. pg. 140

Hour 11 International Human Rights: Minorities

Scott Long, *The Trials of Culture: Sex & Security in Egypt*, MIDDLE EAST REP. 12 (Spring 2004), Supp. pg. 192
Natasha Concepcion, *Human Rights Violations Against Muslims in Western China*, 8 HUM. RTS. BRIEF 19 (Fall 2000), Supp. pg. 201

Hour 12

Alexandra Harrington, *Resurrection from Babel: The Cultural, Political and Legal Status of Christian Communities in Lebanon and Syria and their Prospects for the Future*, 13 TULSA J COMP. & INT'L L. 217 (2006), Supp. pg. 207

Hour 13 and 14 International Human Rights: The Right of Self Determination

Palestine – Israel Facts and Faces, Supp. pg. 232
CIA, The World Factbook Israel, West Bank, Gaza (2009), Supp. pg. 233-262
Human Rights Watch, Israel and the Occupied Territories (2009), Supp. pg. 263

Hour 15

Adrien Wing & Hisham Kassim, *Hamas, Constitutionalism, and Palestinian Women*, 50 HOW. L. J. 479 (2007), Supp. pg. 270
Adrien Wing & Hisham Kassim, *The Future of Palestinian Women's Rights: Lessons from a Half Century of Tunisian Progress*, 64 WASH. & LEE. L. REV. 1551 (2007), Supp. pg. 297

Hour 16 Public International Law: Terrorism

Islam-guide.com, What does Islam say about Terrorism, Supp. pg. 315
United Nations Treaty Collection - *Treaty Event -- Multilateral Treaties on Terrorism*, Jan. 2002, Supp. pg. 318
Convention of the Organisation of the Islamic Conference on Combating International Terrorism, Jan. 2002, Supp. pg. 325

Hour 17 Iraq

Human Rights Watch, Iraq 2009, Supp. pg. 339
Human Rights Watch, Judging Dujail -- First Trial before the Iraq High Tribunal Supp. pg. 344

Hour 18

Mohammed Mattar, *Unresolved Questions in the Bill of Rights of the New Iraqi Constitution*, 30 FORD. J. INT'L L. 126 (2006), Supp. pg. 361

Hour 19

Mary Sevandal, *Honor Killings in Iraq* (2004), Supp. pg. 386

Hour 20 The Future: Afghanistan

CIA, The World Factbook Afghanistan (2009), Supp. pg. 422
Human Rights Watch, Afghanistan (2009), Supp. pg. 436

Hour 21 and 22

Speaker: Makbool Javaid British solicitor --recognized as one of top 10 lawyers in England
“Treatment of Muslims in Europe” --These hours will be inserted on whatever day Mr. Javaid
arrives.

Hour 23 finish readings and presentations

Hour 24 conclusion of course “The Future”

Hour 25 and -26

review for final

further questions

course evaluations

Distribute take home final exam 3 hours given for 2 hr exam