

LAW IN THE MUSLIM WORLD

Professor Adrien Katherine Wing

Arcachon, France

Summer 2011

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. We will emphasize recent developments in the Middle East during spring 2011 as well.

TEXT

The photocopied supplement is the main text.

COURSE EVALUATION

1. There will be a take home exam distributed at the end of the course, which will count for 60% of the final grade.
2. Class participation will count 20% 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 20%. **STUDENTS SHOULD REVIEW THE SYLLABUS BEFORE CLASS STARTS AND BE PREPARED TO SIGN UP FOR HRS 6, 7, 9, 10, 13-16, 19, 20-23. THE SYLLABUS WILL BE CIRCULATED IN PROF. AMADO'S CLASS.**
4. Any student needing accommodations to comply with the requirements or examination for this course should contact me.

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 1-2 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. 1
Islam-guide.com, What is the Quran about?; Who is the Prophet Mohammed? What are the five
pillars of Islam?, Supp pp. 4
Islamic jurisprudence sources, Islamic school

Hour 3 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. 11

Simon Butt, *Islam, the State and the Constitutional Court in Indonesia*, 19 PAC. RIM L. &
POL'Y J. 279 (2010), Supp. pg. 25

Hour 4

Kristen Stilt, *Islam is the Solution: Constitutional Visions of the Egyptian Muslim
Brotherhood*, 46 TEX. J. INT'L L. 73 (2010), Supp. pg. 41

Hour 5

Egyptian constitution, Supp. pg. 71 (be prepared to discuss selected provisions)

Adrien Wing & Hisham Kassim, *After the last Judgment: the Future of Egyptian
Constitutionalism*, HARVARD J. INT'L L. (2011) Supp. pg. 115

Hour 6 & 7 Criminal Law

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. 125

Ele Pawelski, *Defining Justice in Afghanistan: Development of a National Legal Aid System*, 27
WINDSOR REV. LEGAL & SOC. ISSUES 185 (2009) Supp. pg. 148

Hour 8 International Human Rights: General --please review and pick out selected provisions to discuss

Universal Declaration of Human Rights (1948), Supp. pg. 165
Cairo Declaration on Human Rights in Islam (1990) Supp. pg. 171
Arab Charter on Human Rights (2004), Supp. pg. 177
Human Rights Watch Egypt 2011, Supp. pg. 200

Hour 9 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. 205

Hour 10

Azizah al-Hibri, *Deconstructing Patriarchal Jurisprudence in Islamic Law*, in GLOBAL CRITICAL RACE FEMINISM 221 (Adrien Wing ed., 2000), Supp. pg. 227

Hour 11 and 12

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. 238

Atkas v. France and others European Ct Human Rts Supp. pg. 284

Hour 13

Filomena Critelli, *Women's Rights, Human Rights: Pakistani Women against Gender Violence*, 37 J. SOC. & SOC. WELFARE 135 (June 2010), Supp. pg. 287

Hour 14 International Human Rights: Minorities

Scott Long, *The Trials of Culture: Sex & Security in Egypt*, MIDDLE EAST REP. 12 (Spring 2004), Supp. pg. 311

Benjamin Carter, *Removing the Offending Member, Iran and the Sex Change or Die Option as the Alternative to the Death Sentencing of Homosexuals*, J. GENDER RACE & JUST. (2011), pg. 320

Hour 15

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. 344

Hour 16

Waheeda Amien, *A South African Case Study for the Recognition and Regulation of Muslim Family Law in a Minority Muslim Secular Context*, 24 INT'L J. L POL'Y & FAM. 361 (2010), Supp. pg. 365

Hour 17 and 18 International Human Rights: The Right of Self Determination

Palestine – Israel Facts and Faces, Supp. pg. 391

CIA, *The World Factbook* Israel, West Bank, Gaza 2010, Supp. pg. 393

Human Rights Watch, *Israel and the Occupied Territories 2011*, Supp. pg. 427

Adrien Katherine Wing, *A Truth and Reconciliation Commission for Palestine: Healing Spirit Injuries*, 17 TRANSNAT. L & CONTEMP. PROB. 140 (2008) Supp. pg. 434

Hour 19

Adrien Wing & Hisham Kassim, *Hamas, Constitutionalism, and Palestinian Women*, 50 HOW. L. J. 479 (2007), Supp. pg. 459

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. 483

Hour 20 Public International Law: Terrorism

Islam-guide.com, What does Islam say about Terrorism, Supp. pg. 501

United Nations Treaty Collection - *Treaty Event -- Multilateral Treaties on Terrorism*, Jan. 2002, Supp. pg. 504

Convention of the Organisation of the Islamic Conference on Combating International Terrorism, Jan. 2002, Supp. pg. 511

Patrick Jost & Harjit Sandhu, *Hawala Alternative Remittance System and Its Role in Money Laundering*, Interpol, Jan. 2000, Supp. pg. 525

Hour 21 Iraq

Human Rights Watch, *Iraq 2011*, Supp. pg. 544

Human Rights Watch, *Judging Dujail -- First Trial before the Iraq High Tribunal 2006* Supp. pg. 549

Hour 22

Intisar Rabb, "*We the Jurists:*" *Islamic Constitutionalism in Iraq*, 10 U. PA. J. CON. L. 527 (2008), Supp. pg. 565

Hour 23 Afghanistan

CIA, *The World Factbook Afghanistan 2010*, Supp. pg. 597

Human Rights Watch, *Afghanistan 2011*, Supp. pg. 612

Hour 24 and 25

finish readings and presentations

Hour 26

review for final

further questions

course evaluations

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