

REVISED
LAW IN THE MUSLIM WORLD
Professor Adrien Katherine Wing
Fall 2009

This 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, commercial, 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.

READINGS

The readings will consist of photocopied handouts. To keep pace with late breaking events, additional materials may be distributed throughout the course. There may be guest speakers as well.

COURSE EVALUATION

This course is not on the usual curve of the law school because of the nature of the grading.

1. There will be a take home open book final exam distributed at the end of the course. The number of days to complete the final will be mutually agreed upon by the class. The exam will count 40% 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. Any one who will be absent should email my secretary.
3. Each student will do an oral and written class presentation of one day's readings. Because of the size of the class, this assignment is likely to be done in small groups. Many students do power point presentations and email the presentation. It 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, moot court, film clip or some other creative component. This assignment is worth 20%.
4. There will be a simulation at the end of the course. Students will do an oral presentation and submit a written component. Because of the size of the class, this assignment may be done in small groups. The simulation will count 30%.
5. Nonlaw students will be graded separately from law students. All policies and procedures relating to this course will be handled under the regulations of the College of Law.

6. Those law students desiring to do a research paper for writing credit should be sure to discuss the proposed paper with me early in the semester.

7. Any student needing exam or other accommodations to comply with the requirements for this course should contact the Associate Dean for Student Affairs Carin Crain.

OFFICE HOURS

The best time to reach me is right after class. Please do not come and see me in the hour before class. Feel free to stop by my office in room 410. The best days are Monday, Tuesday, and Wednesday. My office phone is 335-9129. For emergencies, please call my cell phone at 621-7674. My email address is adrien-wing@uiowa.edu. My secretary is Kelley Winebold in room 469. She can be reached at kelly-winebold@uiowa.edu or 335-9099.

READINGS ---- all dates approximate

(Do the reading for the day listed even if we have not finished the prior day's readings, unless instructed otherwise. There will be make up classes.)

Week One

Tues. Aug 25

Handout 1 Introductory material and Introduction to Islamic Law and schools of thought

Overview of Course

Elements of a Legal System

Membership list of The Organization of Islamic Conference Member States

Wed. Aug. 26

Wikipedia, Clash of Civilizations

Week Two

Mon. Aug. 31

Islam-guide.com, What is the Quran about? Who is the Prophet Muhammed? What are the five pillars of Islam?

Wikipedia, Principles of Islamic Jurisprudence, Salafism

Tues. Sept. 1

Khaled Abou El Fadl, *Islam and the Theology of Power*, MIDDLE EAST REPORT 28 (Wint. 2001)

Wed. Sept. 2

Handout 2 Constitutional Law & Democracy

Azizah al-Hibri, *Islamic Constitutionalism and the Concept of Democracy*, 24 CASE WEST. J. INTL L. 1 (1992)

WEEK 3

Mon. Sept. 7 LABOR DAY NO CLASS

Tues. Sept. 8

Ran Hirschl, *Constitutional Courts vs. Religious Fundamentalism: Three Middle Eastern Tales*, 82 TEX. L. REV. 1819 (2004)

Wed. Sept. 9 NO CLASS

Week Four

Mon. Sept. 14 NO CLASS

Tues. Sept. 15

Ann Elizabeth Mayer, *Conundrums in Constitutionalism: Islamic Monarchies in an Era of Transition*, 1 UCLA ISLAMIC & NEAR E.L. 183 (2002)

Wed. Sept. 16

Philip Ostien, Ten Good Things About the Implementation of *Sharia* Taking Place In Some States of Northern Nigeria
Rules of the Taliban

Week Five

Mon. Sept. 21

Handout 3 Contracts and Finance

Haider Ala Hamoudi, *Jurisprudential Schizophrenia: On Form and Function in Islamic Finance*, 7 CHI. J. INT'L L. 605 (2007)

Tues. Sept. 22

Patrick Jost & Harjit Sandhu, *The Hawala Alternative Remittance System and its Role in Money Laundering*, Interpol, Jan. 2000

Wed. Sept. 23

Handout 4 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)

Week Six

Mon. Sept. 28

William Schabas, *Islam and the Death Penalty*, 9 WM. & MARY BILL RTS. J. 223 (2000)

Tues. Sept. 29

Handout 5 International Human Rights: General

Universal Declaration of Human Rights (1948)

Universal Islamic Declaration of Human Rights (1981)

Wed. Sept. 30

Arab Charter on Human Rights (2004)

International Covenant on Civil and Political Rights (1967)

International Covenant on Economic, Social & Cultural Rights (1967)

Week Seven

Mon. Oct. 5

Abdullahi Ahmed An-Na'im, *Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives - A Preliminary Inquiry*, 3 HARV. HUM. RTS J. 13 (1990)

Tues. Oct. 6

Handout 8 International Human Rights: The Right of Self Determination

Palestine – Israel Facts and Faces

CIA, *The World Factbook*, Israel, West Bank, Gaza (2009)

Wed. Oct. 7

Human Rights Watch, *Israel and the Occupied Territories* (2009)

Adrien Wing, *A Truth and Reconciliation Commission for Palestine/Israel: Healing Spirit Injuries?*, 17 *TRANSNAT'L L. CONTEMP. PROB.* 140 (2008)

Week Eight

Mon. Oct. 12 GUEST SPEAKER JONATHAN KUTTAB

Tues. Oct. 13

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

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)

Wed. Oct. 14

Handout 6 International Human Rights: Women

Convention on the Elimination of Discrimination against Women (1981)

Week Nine

Mon. Oct. 19

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

Tues. Oct. 20

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

Wed. Oct. 21

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

Week Ten

Mon. Oct. 26

European Court of Human Rights, Case of Leyla Sahin v. Turkey (2004)

Tues. Oct. 27

Mark Drumbl, *Rights, Culture & Crime: The Role of Law for the Women of Afghanistan*, 42 COL. J. TRANSNAT'L L. 349 (2004)

Wed. Oct. 28

Louise Halper, *Law and Women's Agency in Post Revolutionary Iran*, 28 HARV. J. L. & GENDER 85 (2005)

Week Eleven

Mon. Nov. 2

Lama Abu Odeh, *Egyptian Feminism: Trapped in the Identity Debate*, 16 YALE J.L. & FEM. 145 (2004)

Aminah Mc Cloud, *American Muslim Women and US Society*, 12 J. L. & RELIGION 51 (1995-96)

Tues. Nov. 3

Vrinda Narain, *Women's Rights and the Accommodation of Difference: Muslim Women in India*, 8 S. CAL. REV. L. & WOM. STUD. 43 (1998)

Wed. Nov. 4

Handout 7 International Human Rights: Minorities

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

Natasha Concepcion, *Human Rights Violations Against Muslims in Western China*, 8 HUM. RTS. BRIEF 19 (Fall 2000)

Week Twelve

Mon. Nov. 9

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)

Tues. Nov. 10

Handout 9 Public International Law: Terrorism

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

Wed. Nov. 11

Mariano-Florentino Cuellar, *The Untold Story of al Qaeda's Administrative Law Dilemmas*, 91 MINN. L. REV. 1302 (2007)

Week Thirteen

Mon. Nov. 16

Handout 10 Iraq

Human Rights Watch, Iraq (2009)
Human Rights Watch, Judging Dujail -- First Trial before the Iraq High Tribunal (2006)

Tues. Nov. 17

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

Wed. Nov. 18

Mary Sevandal, *Honor Killings in Iraq* 2004

Week Fourteen

Mon. Nov. 23

Afghanistan

CIA, The World Factbook, Afghanistan (2009)
Human Rights Watch, Afghanistan (2009)

Tues. Nov. 24

Start simulation

Wed. Nov. 25 NO CLASS

Week Fifteen

Mon. Nov. 30 Two hours class this week will be in the evening with potluck dinner.

simulation

Tues. Dec. 1

Finish simulation

Wed. Dec. 2 LAST CLASS

Conclusion of Course
Take Home Exam distributed