

LAW IN THE MUSLIM WORLD
Dean Adrien K. Wing
Arcachon, France
Summer 2023

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; a case study on the right to self-determination; public international law relating to terrorism; and Islamic finance.

UNIVERSITY REQUIREMENTS

The link provides the university requirements for all syllabi: <https://provost.uiowa.edu/student-course-policies>.

TEXT

The photocopied supplement is the main text.

COURSE EVALUATION – this class is not on the Iowa curve

1. There will be a simulation that will count for 30% of your grade. It will involve a role-play concerning timely issues in the Muslim world. Most of the readings have been picked because they will help you with the simulation. You will do an oral presentation and submit a powerpoint.
2. There will be a take home open book essay exam distributed at the end of the course, which will count for 30% of the final grade, and be done on an anonymous basis. It will be based directly on the simulation. The exam must be typed. You will have two hours for the one hour exam
3. Class participation will count for 30% of the final grade. It includes regular timely class attendance and preparation, as well as active contribution to class discussion. Comments should evidence a mastery of the readings, and does not presume that you have had prior knowledge of the material.
4. Each student will sign up to present two substantive questions for class discussion based on one hour’s reading. If there is more than one student is assigned for an hour, it is okay to discuss potential questions together as long as each person submits separate questions. The questions should be emailed to me before the class begins for the day. This assignment is worth 10% of your final grade. **STUDENTS SHOULD REVIEW THE SYLLABUS BEFORE CLASS STARTS AND BE PREPARED TO SIGN UP FOR HOURS 5-19.**
5. Any student needing accommodations to comply with the requirements or examination for this course should contact Dean Carin Crain at carin-crain@uiowa.edu.

LEARNING OUTCOMES

Students should be able to do the following:

1. Read, understand, articulate, and contextualize basic principles regarding law in various Muslim world countries;
2. Engage in class discussion regarding these principles;
3. Synthesize material to create questions for class discussion;
4. Express themselves clearly and effectively in a variety of oral and written formats;
5. Apply relevant concepts to suggest legal and policy reform; and
6. Work to prepare an oral and written group presentation extrapolating from material raised in the above items.

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 until several hours later, depending on the flow of class commentary. Please note that the readings average less than 20 pages per hour, but you have no reading for hours 20-26, and very little reading for hours 1-4. This means the reading is concentrated in hours 5-19. Also note that many articles have endnotes for several pages, meaning the reading length is less than it appears.

June 7 Hour 1-4 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? Supp. pg. 5

Who is the Prophet Mohammed? Supp. pg. 6

What are the Five Pillars of Islam? Supp. pg. 8

Islamic jurisprudence sources, Islamic schools

June 8 Hour 5 Islamophobia

Khaled Beydoun, *Islamophobia: Towards a Legal Definition and Framework*, 116 COLUM. L.

REV. ONLINE 108 (2016), Supp. pg. 12

Hour 6 & 7 Constitutional Law and Democracy

Egypt Constitution 2019 – prior to class, pick out provisions to discuss, compare to the US Constitution, Supp. pg. 28

Hour 8 & (June 9) 9 International Human Rights: General

Amnesty International Middle East & North Africa (2023), Supp. pg. 81

– **prior to class, please review and pick out selected provisions of the below to discuss**

Universal Declaration of Human Rights (1948), Supp. pg. 90

Cairo Declaration on Human Rights in Islam (1990), Supp. pg. 96

Arab Charter on Human Rights (2004), Supp. pg. 101

Hour 10 & 11 International Human Rights: Muslim Minorities/Women

Leland Ware, *Color-blind Racism in France: Bias against Ethnic Minority Immigrants*, 46 WASH. U. J. L. & POL'Y 185 (2015), Supp. pg. 123

Hour 12 Women

Ratna Kapur, *Feminist Approaches to International Law: "The First Feminist War in All of History:" Epistemic Shifts and Relinquishing the Mission to Rescue the "Other Woman,"* 116 AM. J. INT'L L. UNBOUND 270 (2022), Supp. pg. 166

Karima Bennoune, *Feminist Approaches to International Law: Multi-Directionality and Universality: Global Feminism and International Law in the Twenty-First Century*, 116 AM. J. INT'L L. UNBOUND 275 (2022), Supp. pg. 171

June 12 Hour 13 International Human Rights: The Right of Self Determination

Amnesty International, *Israel/Palestine* (2023), Supp. pg. 177

Hour 14

Adrien Wing, *A Truth & Reconciliation Commission for Palestine/Israel: Healing Spirit Injuries*, 17 TRANSNAT'L L. & CONTEMP. PROB. 139 (2008), Supp. pg. 182

Hour 15

Nadera Shalhoub-Kevorkian & Adrien Wing, *Violence Against Palestinian Women in the West Bank*, in *COMPARATIVE PERSPECTIVES ON DOMESTIC VIOLENCE* 59 (Leigh Goodmark et al. eds., Oxford Press 2015), Supp. pg. 207

Hour 16 International Human Rights: Christian Minorities

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. 219

June 13 Hour 17 Rule of Law

David Shakes, *Legal Anthropology on the Battlefield: Cultural Competence in US Rule of Law Programs in Iraq*, 10 WAKE FOREST J. L. & POL'Y 217 (2020), Supp. pp. 244

Hour 18 Public International Law: Terrorism

United Nations Treaty Collection - Treaty Event - Multilateral Treaties on Terrorism, Jan. 2002, Supp. pg. 287

Convention of the Organisation of the Islamic Conference on Combating International Terrorism, Jan. 2002, Supp. pg. 293

Hour 19 Islamic Finance

Shayerah Elias, *Islamic Finance: Overview and Policy Concerns*, Congressional Research Service (2010), Supp. pg. 304

Hour 20 Finish readings, presentations

June 14 Hour 21-24

Simulation

June 15 Hour 25 & 26

Finish simulation

Review for final, further questions

Course evaluations

Distribute two hour take home final exam

LAW IN THE MUSLIM WORLD SIMULATION
Dean Adrien Wing Summer 2023 June 15, 2023

The year is 2025 and Dean Wing has become the Director of the U.S. State Department Bureau for Democracy, Human Rights, and Labor in the new administration. Wing has hired each of you since you were all excellent students back in your ancient school days in 2023. Wing has been asked to provide advice to Secretary of State Ron Noble concerning several human rights issues pertaining to various transitions to democracy in the Muslim world. The Department has very limited resources, and Wing's conclusions will be taken into account as a part of democratization funding. Each of you will do a powerpoint presentation on one of the following countries (pick first and second choice):

Afghanistan	Egypt	Iraq
Iran	Lebanon	Palestine
Syria	Tunisia	Turkey
Saudi Arabia	Indonesia	other country

1. Provide some information concerning the legal culture of your country.
2. Should your country create a truth and reconciliation commission assuming any conflicts in existence as of 2023 have been resolved? Assuming a TRC would be created, what would be its parameters? Should the U.S. be involved in offering funding for the TRC?
3. Reviewing the constitution in effect as of 2023, what would you recommend revising to bring the document in line with its human rights obligations currently or as you would propose revising? Be sure to reproduce any relevant language from the current constitution or any other relevant constitution. The Director is particularly interested in areas including women's rights, criminal justice, freedom of speech, freedom of the press, and emergency powers. Which area or areas, if any, should the U.S. offer to provide funding for?
4. How would you recommend revising the balance of powers aspects, if at all? Be sure to reproduce any relevant language from the current constitution or any other relevant constitution.
5. Design a question of your choice and answer it.

Please provide footnotes for all material. Use bluebook citation form if possible.

Each staffer will have 10 minutes to do the presentation with 5 minutes then allocated for questions from the group. There will be a general discussion after everyone has presented to decide upon final recommendations. The final exam question will relate to the subject matter of the simulation, so it is very important for everyone to understand everyone else's proposal as well as the decisions that the group may make. You are free to consult any source you wish. You can consult your colleagues freely, especially anyone who is working on the same country. Each person must submit their own presentation. You should post your powerpoint on ICON on **June 14 at 7am** or a time to be agreed upon. Do not post it before.