

LA9E0-20 An Introduction to Islamic Law

20/21

Department

School of Law

Level

Taught Postgraduate Level

Module leader

Arjumand Kazmi

Credit value

20

Module duration

8 weeks

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

Description

Introductory description

In recent years, Islamic law has evoked a lot of interest, both academically as well as in the present global political arena. In non-Muslim jurisdictions of Europe, North America (the US and Canada) and Australia, an increasing number of Muslims are engaging with the law and both Muslim and non-Muslim alike, are eager for information and knowledge on Islamic law.

Within the Commonwealth, within Law Schools as well as other departments in Universities globally, considerable interest in Islamic law is evident from essays, research projects and conference and workshops themes undertaken at undergraduate, postgraduate and doctoral levels. The volume of court cases in Europe and the US involving an Islamic law element is on the rise as is the need for legal and other professionals to assist the court.

Departments of Social Services, Immigration and Nationality, Education, Health and Employment in various 'western' countries seek advice on Islamic law matters including marriage, divorce, maintenance of a wife and/or children, custody and guardianship, adoption and inheritance. The corporate world including some leading banks and financial institutions have introduced 'Islamic' mortgages and other financial services to attract Muslim clientele.

Few institutions in the UK offer Islamic law courses (as opposed to Islamic Studies). This module

contributes to filling this gap by introducing students to Islamic law through theory and practice in the area. It presents an overview of Islamic law in its historical and contemporary aspects in the Muslim world from a comparative perspective.

The module aims to familiarise students with the application of religious law in Muslim jurisdictions as part of the law of the state. It will be delivered in the Warwick Law School "law in context" methodology and address the demands of a growing number of UK students both Muslim and non-Muslim to acquire knowledge and expertise in Islamic law. No prior knowledge of Islamic law or Arabic is required.

[Module web page](#)

Module aims

Specifically the module aims for students to:

1. Understand and engage in the theoretical discourse regarding Islamic law. In particular, an understanding of the development of the principal sources of Islamic law in the area of family and property rights and its incorporation in state legislation.
2. Engage and present critical legislative and context-based analysis of issues relating to legal reform in jurisdictions in the Muslim world and to identify principles of Islamic law in legislation of various Muslim countries covered in the module.
3. To enable students to analyse recognition and application of Islamic law in the Muslim diaspora by individuals, society, state and non-governmental institutions.
4. The module will rely on English language scholarship and English translations of the primary sources of Islamic law i.e., the Quran and Hadith. Since the course is a half module, a selection of topics will be covered.

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

1. Historical Overview and Sources of Islamic law: In weeks 1 and 2, we will focus on an overview of the early development of Islamic law and emergence of the various schools of juristic thought in this legal tradition. A number of concepts will be explored to set the discussion of Islamic law in its historical and ideological context. We will look at some of the main sources of Islamic law i.e., the Quran, Hadith, Ijma, Qiyas and Ijtihad.
2. Husband and Wife (I): This part of the course will discuss the institution of marriage in Islam, its contractual nature, requisites of a valid marriage, dower (mahr) as an essential component of the marriage contract.
3. Husband and Wife (II): This session will explore the concept of dissolution of marriage in the Islamic legal tradition including Talaq, Khul and Mubarat.
4. Parents and Children: Subjects covered in this section will include custody (Hizanat), guardianship (Wilayat), adoption, concept of Kafalah as well as contemporary issues in

Islamic law arising from scientific developments including human milk banks, surrogacy, DNA and gestation period (determining legitimacy of a child)

5. Law Reform in the Muslim World - From Theory to Practice: This part of the module uses examples of law reform from South-Asian jurisdictions including the Child Marriages Restraint Act 1929, the Dissolution of Muslim Marriages Act 1939 (India and Pakistan), the Muslim Family Laws ordinance 1961 (Pakistan) and the Moroccan Family Code 2004.
6. English case law in the area of custody of (Muslim) minor children: This session will be dedicated to providing an overview of the 'Muslim diaspora' and recognition and application of Islamic Family law in 'non-Muslim' jurisdictions with particular emphasis on Britain. Sharia Councils and Muslim Arbitration Tribunals.
7. Dispute resolution and Muslim Family law in Britain: This lecture reviews selected case law and trends of the English courts in cases where Islamic law is involved.

Learning outcomes

By the end of the module, students should be able to:

- Understand and engage in the theoretical discourse regarding Islamic law. Specifically an understanding of the development of principles of sources of Islamic law in the area of family and property rights and its incorporation in legislation
- Understand and appreciate the various concepts employed in constructing Islamic law. Be able to differentiate between 'divine' and 'human' made legal principles and laws based on reformist principles in Islamic law
- Engage and present critical legislative and context based analyses of issues relating to legal reform in jurisdiction in the Muslim world
- Apply the various principles of Islamic law to problems arising with regard to the specific topics covered in the module including marriage, dower, divorce, custody guardianship, succession and inheritance. To recognise principles of Islamic law in the legislation of various Muslim countries covered in the module
- To research a topic in Islamic law covered by the module using paper and electronic resources and specialist Islamic law legal materials

Indicative reading list

David Pearl & Werner Menski, Muslim Family Law (1998) London: Sweet & Maxwell.

Subject specific skills

No subject specific skills defined for this module.

Transferable skills

No transferable skills defined for this module.

Study

Study time

| Type | Required |
|---------------|----------------------------|
| Lectures | 16 sessions of 1 hour (8%) |
| Seminars | 8 sessions of 1 hour (4%) |
| Private study | 176 hours (88%) |
| Total | 200 hours |

Private study description

No private study requirements defined for this module.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group A1

| | Weighting | Study time |
|--------------------|-----------|------------|
| 4000 word essay | 100% | |
| A 4,000 word essay | | |

Feedback on assessment

Availability

Courses

This module is Optional for:

- Year 1 of TLAS-M1M2 LLM International Development Law and Human Rights
- Year 1 of TIMA-L981 Postgraduate Social Science Research
- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies