

Middle Eastern Law 7625-001 Syllabus

Professor Guiora

Fall 2015

Course:

Middle Eastern Law 7625-001

Room: TBA

Day(s): Wednesday & Thursday

Time: 10:35 a.m. – 12:00 p.m.

Course Description:

The evolution of legal traditions in the Middle East will be examined, analyzed and discussed through the lens of multi-disciplinary readings reflecting the law, history, culture, human rights, and contemporary political dilemmas.

Course Structure:

The course is based on assigned readings (see syllabus) and class discussion.

Grading:

Final grades will be based on class participation (20%) and a final paper (80%).

1) AUG 26-27

BACKGROUND/DEFINING THE MIDDLE EAST

READINGS:

- Timeline Middle Eastern History Since 1900
- Osman Nuri Özalp: Where is the Middle East? The Definition and Classification Problem of the Middle East as a Regional Subsystem in International Relations
- Roderic H. Davison: Where is the Middle East
- Richard Haas: The New Middle East
- Bernard Lewis: The West and the Middle East

2) SEPT 2-3

HISTORY OF THE MIDDLE EAST

READINGS:

- C. Ernest Dawn: From Ottomanism to Arabism; The Origin of an Ideology
- Stanford J. Shaw, Gökhan Çetinsaya, The Oxford Encyclopedia of the Islamic World: Ottoman Empire
- Prof. David Friedman: Legal Systems Very Different From Our Own

3) SEPT 9-10

HISTORY OF THE MIDDLE EAST

READINGS:

- Barkey: Political Legitimacy and the Ottoman Empire

4) SEPT 16-17

GREAT POWER INVOLVEMENT/SYKES-PICTOT AGREEMENT/BALFOUR
DECLARATION/WW2-PRESENT DAY

READINGS:

- Bernhard Zand: Century of Violence: What World War I Did to the Middle East
- Ian S. Lustick: The Absence of Middle Eastern Great Powers: Political "Backwardness" in Historical Perspective
- A. Henry McMahon: British and French Governments: The Sykes-Picot Agreement (May 15-16, 1916)
- Peter A. Shambrook: Contradictory Promises
- Samuel P. Huntington: The Clash of Civilizations?

5) SEPT 23-24

DEMOCRACY V NON-DEMOCRACY

READINGS:

- David Suurland, A Genealogy of Radical Islamic Theory and Practice
- David Suurland, Totalitarian and Radical Islamic Ideologies

6) SEPT 30-OCT 1

SHARIA

READINGS:

- Machteld Zee: Islamic Fundamentalism
- Amira Mashhour: Islamic Law and Gender Equality

7) OCT 7-8

LAW AND EXTREMISM/RELIGIOUS V SECULAR

READINGS:

- Martin Kramer, Coming to Terms: Fundamentalists or Islamists
- Amos N. Guiora, What is Religious Speech?
- Amos N. Guiora, Tolerating Intolerance

8) OCT 14-15 FALL BREAK

9) OCT 21-22

INDIVIDUAL LIBERTIES AND FREEDOMS IN THE MIDDLE EAST

READINGS:

- Hallie Ludson, Relational Rights Masquerading as Individual Rights
- Nimer Sultany, Against Conceptualism: Islamic Law, Democracy and Constitutionalism in the Aftermath of the Arab Spring
- Bernard Lewis: Freedom and Justice in the Modern Middle East
- Lisa Anderson: Searching Where The Light Shines; Studying Democratization in the Middle East

10) OCT 28-29

MIDDLE EAST AND HUMAN RIGHTS

READINGS:

- Heiner Bielfeldt: Muslim Voices in the Human Rights Debate
- Fred Halliday: Relativism and Universalism in Human Rights: the Case of the Islamic Middle East
- Bassam Tibi: Islamic Law/Shari'a, Human Rights, Universal Morality and International Relations

11) NOV 4-5

CONSTITUTIONAL ISLAMIZATION AND HUMAN RIGHTS

READING:

- Ahmed and Ginsburg: Constitutional Islamization and Human Rights: The Surprising Origin and Spread of Islamic Supremacy in Constitutions

12) NOV 11-12

CRIMINAL LAW IN THE MIDDLE EAST

READINGS:

- Sherifa Zuher, Gender, Sexuality and the Criminal Laws in the Middle East and North Africa: A Comparative Study

13) NOV 18-19

CONTEMPORARY CHALLENGES/ISIS

READINGS: (additional readings will be added)

- Graeme Wood, What is the Islamic State
- The 2011 Uprisings in the Arab Middle East; Political Change and Geopolitical Implications

14) NOV 25-26 THANKSGIVING/NO CLASS

15) DEC 2-3: TBD