

Prof. Kathleen Moore

Meeting Times: Tu/Th 12:30 – 1:45 p.m.

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Classroom HSSB 2252

Office: 3074 HSSB

Religious Studies 102A

Muslim Diasporas and the Law

Course Syllabus

Course Description: Today there are more Muslims living in diaspora than at any time in history. This situation was not envisioned by Islamic law, which makes no provision for permanent as opposed to transient diasporic communities. Western Muslims are therefore faced with the necessity of developing an Islamic law for Muslim communities living in non-Muslim societies. In this course we explore the development of new forms of law and legal reasoning in the United States, the United Kingdom and France, influenced by encounters with Anglo-American common law and French civil law as well as Islamic jurisprudence. The underlying context is the aftermath of 9/11 and 7/7, the two terrorist attacks that arguably recast the way non-Muslims in the west view Islam and Muslims.

In a modern world characterized by diversity, the legitimacy of any law affecting cultural practices relies on its consistency with a particular vision of equality. To discuss the legitimacy of laws affecting Muslims in the countries named above, we will be considering the meaning and importance of the cultural practices for those who are affected by the law(s) in their particular contexts. This means we will look at case studies of family law, gender, fine arts, education, juvenile delinquency and constitutional and statutory guarantees of liberty.

Course Goals:

By the end of the quarter will be able to:

- Analyze representations of Islam and Muslims in the law in three democratic societies – the United States, the United Kingdom, and France -- and comprehend how those representations are framed, and why
- Understand the specific historical realities of Muslim life in the United States, the United Kingdom, and France from the 1990s to the early part of the 21st century, particularly as this pertains to the development of a diasporic legal consciousness, and be able to express that understanding clearly in written and verbal communication
- Demonstrate your grasp of important concepts about law and power as they apply to the contemporary situation of Muslims in diaspora

Course Requirements and Grading Policy:

Please become familiar with the following course requirements and policies. If there is a component that is not understood, please ask for clarification.

Required books are on reserve in Davidson Library and are available for sale at UCEN Bookstore.

- Justin Gest, *Apart: Alienated and Engaged Muslims in the West* (Columbia, 2010) **GEST**
- Dominic McGoldrick, *Human Rights and Religion – the Islamic Headscarf Debate in Europe* (Hart, 2006) **McGOLDRICK**
- Kathleen Moore, *The Unfamiliar Abode: Islamic Law in the United States and Britain* (Oxford, 2010) **MOORE**
- John Tehranian, *Whitewashed: America’s Invisible Middle Eastern Minority* (NYU Press, 2009) **TEHRANIAN**

In addition required articles are accessible online at www.gauchospace.ucsb.edu and are listed below in the course schedule.

Gauchospace:

The Gauchospace web-based course management system will be used to post grades, messages and reading assignments in addition to the books. Discussion forums are available for you to use to communicate with fellow students; participation in at least two of these forums is required. Required readings (except for the four required books) are accessible on the website www.gauchospace.ucsb.edu.

Policy on cheating and plagiarism: Students are expected to adhere to the highest standards of ethical behavior when taking examinations and quizzes. Cheating on examinations and quizzes will result in failure in the course and referral to the Dean of Students for disciplinary action. A recent case of cheating in a LAWSO class resulted in the student receiving an “F” and a two-quarter suspension from the University.

Creating a Healthy Classroom Environment: Students are expected to conduct themselves in an appropriate manner with reciprocal respect for the opinions, ideas, values and thoughts of others.

Evaluation:

Your grade is based on how well you synthesize readings, lectures, and audiovisual materials. Success depends on your engagement with the materials. Coming to class prepared to discuss the readings is essential. Components of the grading scale are as follows (200 point scale):

Grades Points

Grading Scale

Midterm Exam 60

A: 177 -- 200

Final Exam	100	A-:	171 -- 176
Participation	40	B+:	165 -- 170
		B:	158 -- 164
		B-:	152 -- 157
		C+:	146 -- 151
Total:	200	C:	139 -- 145
		C-:	133 -- 138
		D:	114 -- 132
		F:	0 -- 113

Exams: The midterm (30% of course grade) and final exam (50% of course grade) will include fill-in-the-blank and essay questions. These exams will be on the reading assignments, lectures, and audio-visual materials introduced in class meetings and on the Gauchospace website.

Participation: Your participation (20% of course grade) will be evaluated on the basis of in-class discussions and two online discussion forums on Gauchospace. Instructions will be provided in class. Attendance at class is very important, since you cannot pass the course if you do not attend. You are responsible for materials presented in lectures and discussion.

To avoid any confusion, here is what I expect for various grades:

A: Superb ability to offer original and insightful analysis of the facts.

B: Solid, very good work. The facts have been grasped and significant moves have been made to analyze the materials.

C: Reasonable efforts made to attend class, and a fair grasp of the materials has been demonstrated. Analytical level is fair – not original, missing certain important facts, but essentially correct about the facts covered.

D: A simplistic familiarity with the material is demonstrated by the student's work, but much of what is presented could have been gleaned from media (not course assignments)

F: Little or no attempt made to engage with the materials, to respect the requirements of the course and its schedule, or to complete assignments on time.

Course Schedule

Sept 22 Introduction

Explanation of the class

Sept 27-29 Muslims in the American Legal System: the beginnings

Read: TEHRANIAN, chapters one through six

Oct 4-6 United States Prosecution of Jihadist-related Offenses

Read: TEHRANIAN, Conclusion; selections on Jihad Jane, Faisal Shahzad, and Anwar al-Awlaki, and Jessica Stern, "Muslims in America," *The National Interest* (May/June 2011), pp. 38-46, accessible on gauchospace

Oct 11-13 Post 9/11 Civil Rights and Anti-Muslim Discrimination in the United States

Read: MOORE, pp. 1-49, 81-101, 129-152

Oct 18-20 The United States and Britain in Comparison

Read: MOORE, pp. 51-79, 103-128, 153-157

Online forum discussion due October 20th (instructions provided in class)

Oct 25-27 Sociological Explanations for Diasporic Consciousness in Context: Bangladeshis in London's East End

Read: GEST, pp. 1-125

Nov 1-3 MIDTERM NOV 1

In-class Screening of "Bloody Cartoons" NOV 3

"Filmed across the Middle East, BLOODY CARTOONS looks at how and why 12 drawings in a Danish newspaper drew a small country into a confrontation with Muslims all over the world... Goes beyond the controversy to investigate the roots of the crisis and in the process examine the need for freedom of speech in democratic societies" – from the container of "Bloody Cartoons" (2008)

Nov 8-10 London and Madrid in Comparison

Read: GEST, pp. 127-231

Nov 15-17 France

Read: Mosque Establishment in France; and Burqa Debate, Phyllis Chesler, "Ban the Burqa? An Argument in Favor" and Amanda Knief, "Burqa as a Pro-Choice Issue," accessible on gauchospace

In class screening of "They Call me Muslim: A Documentary" (2006)

"Two contrasting profiles of Muslim women who have made opposite decisions about wearing the traditional Muslim article of clothing, the Hijab. One in France has chosen to wear the hijab in defiance of French Law. The other skirts the law in Iran, by wearing it as little as possible." – container of DVD

Nov 22-24 Thanksgiving Break

Nov 29-31 the Headscarf Debate in Human Rights Discourse

Read: McGOLDRICK

Online forum discussion due Nov 29th (instructions provided in class)

Final exam questions distributed the last day of class. Take-home due by 5 p.m. on Dec 8th.

Course Policies

Make-up Exams: Make-up exams will be allowed only in the event of a medical or family emergency and with advance notification. Documentation is required for all make-up exams. As soon as you know that you will miss an exam you need to get in touch with me to schedule a make-up. A long delay in informing me of your situation may result in not being allowed to take a make-up.

Attendance: Your presence is expected at every class. You are required to turn in your weekly paper in class (I will not accept electronic submissions) and to contribute to in-class discussions.

Extra Credit: Extra credit work will not be allowed. If you perform poorly on an exam, you are encouraged to place additional effort toward doing better on the next exam.

Assistance: Please visit during office hours; make an appointment, or e-mail if you require assistance or wish to discuss the class material further.

Electronic Gadgets in the Classroom: Turn off all cellphones and other noise making devices before class. You are allowed to bring a laptop computer to class for the purpose of taking notes. Laptops may not be used for other purposes, such as checking e-mail or surfing the net. If I determine that laptop use is becoming too much of a distraction in class, I will ban their use for the remainder of the quarter.

Frequently Asked Questions

1. Do you hand out a “study guide” before the exams?

- No. I strongly encourage you to make your own study guide. Since creating a study guide is a skill I want you to develop, I will not do it for you. I would be glad, however, to help you. After you make a study guide, bring it to my office and I will look over it and make suggestions. This must be done during office hours or by appointment. I will not review study guides submitted via email.

2. I missed class. Did I miss anything important?

- Yes, if I did not have anything important to say, I would have cancelled class.

3. OK, what did I miss?

- First, get the notes from a classmate for the class you missed, then (and only then) we can go over the parts that you do not understand during office hours.

4. I did poorly on an exam. Can I retake it or do any sort of extra credit work?

- No. You should place all your efforts into doing better on the next exam. If you need help, you should take advantage of my office hours, or make an appointment to see me.

5. I am only one point away from a C (or D, B, or A). Since I am so close, is there anyway you can just give me the extra point?

- No, it would not be fair to the rest of the class to give you an undeserved extra point.

6. I need to talk to you, when would be a good time?

- During my office hours. If you cannot make my office hours, please email me to set up an appointment. Suggest some times that will work for you.

Due Dates

Oct 20	online discussion
Nov 1	Midterm
Nov 29	online discussion
Dec 8	Final exam due (take home)

Important Dates

Sept 22	First Day of Class
Sept 30	Last Day to Drop Course (w/o \$3 fee)
Nov 22-24	Thanksgiving Holiday, no class
Nov 31	Last Day of Class
Dec 6-11	Final Exams Week
Dec 8	Take home final exam due by 5 p.m.
Dec 20	Grades accessible on GOLD