

Open space session: Pedagogy

Group report from:
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Our group started the discussion on pedagogy by stressing that students interested in Islamic law- whether they opt for a whole course on the topic or a course devoted to comparative legal systems- come from different backgrounds: they represent a wide religious, cultural or social diversity, and have different aims when coming to class. Thus, the teacher has to adapt his pedagogy and needs to disseminate knowledge in the most appropriate manner, taking into account students' needs and expectations.

The main issue is to know whether traditional teaching is adapted to Islamic law and to the needs of students or whether another approach could be developed. As one participant stressed, how do we teach Islamic law when we are not in a madrasa or a mosque? The discussion therefore focused on methods of delivery, learning outcomes, pedagogy and assessments.

We began by sharing our experiences in teaching Islamic law. At that point, several issues were raised pertaining to pedagogy. All began by stressing students' commitment to the option they opted for. Then, we moved to addressing students' participation in the classroom: our group was made up of teachers who were relatively opened to dynamic forms of teaching but we kept in mind that some of our colleagues prefer the traditional way of lecturing. Going down the path of innovation, we agreed that more room should be given to students so that we encourage the development of critical thinking. Students should indeed adopt a pro-active stance and make, for instance, presentations or debate with their peers. A colleague spoke of "learning by disputation"¹. This means that teaching objectives and assessments should be reformed as to meet these aims. In this framework, the teacher would act as a moderator and a guide. This could occur at the undergraduate and the postgraduate levels. Research into teaching was also stressed as a potential positive addition to the delivery of teaching. It is important to stress that we were aware that some colleagues would take this students' pro-active stance as a challenge. There are indeed several approaches to the way Islamic law is delivered in the classroom.

Then, our colleagues turned to the difficulty of designing a good legal pedagogy by underlining time constraints: Islamic law is a dense topic and it is challenging to train students and give them an expertise in the field in one or two terms, let alone two weeks. We can only but give (UG), develop (UG/PG) or enhance professional skills (PG). At this point of the discussion, there was a slight disagreement regarding learning objectives: some of us thought that Islamic law should be adapted to lawyers while others condemned the attempts of law schools to meet the requirements of the legal profession.

We moved to discussion teaching methods. Very few of us actually use case-law or fatwa to teach. Some of us not only use them but also refer to urf or shura decisions. One

¹ Abdul Paliwala, "Reclaiming Ancient Pedagogies in the Information Age of Learning", draft paper based on the paper delivered at the Learning in Law Annual Conference 2010.



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person mentioned the use of a moot court in the classroom, modelled after Frank Vogel's class at Harvard Law School. We also raised the possibility to use conflicts of laws between countries as a teaching method. This technique seems to be useful for those of us teaching a general legal course in which two weeks are devoted to Islamic law. Very few of us seem to do comparative Islamic law. Only one member of the group did and the others were quite reluctant when it comes to engage into comparisons between, for example, Shia law and Sunni law.

We ended our discussion by looking at forms of assessment. The discussion turned first to the issue of plagiarism: the general feeling is that plagiarism probably affects the field of Islamic law. However, since Turnitin does not include Islamic law sources yet, it is difficult for us to assess the level of plagiarism. A colleague made the following suggestions: to opt for individualised forms of assessment such as portfolio or to encourage students to devise their own essay question. This could be a way of circumventing the issue for the time being. It also goes down the path of encouraging students to be more critical.

The conclusion of the discussion was the need to elaborate a better pedagogy that could be included in unit forms. We suggested looking at the work that has been done by Professor Shaheen Sardar Ali² as well as two specific talks outlining current issues with pedagogy: Professor Gleave gave a talk at the inaugural event for the Islamic studies network in which he compared existing handbooks and looked at their faults.³ Mr Nick Foster built on his presentation to make new pedagogical suggestions.⁴ It would be interesting to work on these three projects to develop an Islamic law pedagogy that would be applicable to all, whether teachers opt for a classic delivery of the topic or a new one.

² Developing an Islamic Curriculum, UKCLE, Project leader: Shaheen Sardar Ali, University of Warwick, available at <http://www.ukcle.ac.uk/resources/teaching-and-learning-strategies/islamiclaw/>

³ Professor Robert Gleave, "Should we teach Islam as a religion or as a civilisation?", paper presented at the Inaugural event, Birmingham, 26 May 2010, available at http://www.heacademy.ac.uk/events/detail/2010/academyevents/25-26_May_2010_Islamic_Studies_Network_Event

⁴ Nick Foster, "The Dangers of Kryptonite: Living with imperfection in the teaching of Islamic law, draft of the presentation prepared for the inaugural meeting, Warwick University 10 November 2010.