

The Dangers of Kryptonite: Living with Imperfection in the Teaching of Islamic Law¹

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Teaching Law

Difficulties of teaching law:

- deals with the complexities of life – complex and vast;
- to be understood properly, needs experience of the world; and
- has its own reasoning processes.

Teaching the Law of a Familiar Culture

Teaching municipal law:

- one's own value-system and culture (or socialised into these);
- links between law taught and the experience of both teachers and taught;
- relatively autonomous;
- reasonably well defined aims; and
- a well-established resource infrastructure.

Teaching Another Kind of Law

Teaching the law of another value-system/culture involves additional challenges:

- lack of familiarity with underlying values and culture;
- boundaries and structure;
- variety of aims;
- variety of teachers;

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- variety of audiences and diversity within audiences;
- language;
- interaction with other systems (internally and externally) - comparative law;
- resources.

Very similar to the issues which arise in teaching comparative law.

The Kryptonian Trap

One trap (of many):

- aim for perfection; try to be a Kryptonian – Superwoman or Superman; but
- the path is strewn with blocks of Kryptonite, green (usually) and deadly.

The Kryptonite

Comes in various varieties:

- expertise required;
- diversity of audiences;
- diversity of courses;
- diversity of teachers.

The Expertise Required

Thorough knowledge of Islamic law and its environment:

- classical Arabic;
- the Koran and the Sunna;
- the various *madhahib*, both Sunni and Shi'i;
- in all areas covered by the shari'a;
- general Islamic history and legal history;
- the role of the shari'a today – its interaction with state law in Muslim-majority and Muslim-minority countries;
- the contemporary development of the shari'a and its adaptation to contemporary needs, eg in finance and related fields;
- therefore state law in those countries, comparative law theory and practice, especially methodology, pluralism, legal transplant thinking;
- sociology, anthropology, economics...

The Audiences

Diversity of students:

- culture;
- religion.

Diversity of personal resources:

- previous intellectual training (in particular, legal/non-legal);
- linguistic ability and knowledge;
- prior knowledge of Islam.

Diversity of areas studied:

- language;
- Islamic Studies;
- Area Studies;
- law;
- etc.

Diversity of aims:

- coverage and depth;
- future use of knowledge;
- geographical area.

The Courses

Diversity of courses:

- contents;
- aims;
- length;
- approach.

The Teachers

Diversity of:

- religion;
- culture;
- intellectual training (legal/non-legal);
- aims of research.

The Answer?

Consider carefully:

- resources:
 - teacher's expertise;
 - expertise of available colleagues;
 - time;
 - literature (bibliography; curriculum projects);
- students:
 - abilities;
 - needs.

We may be mere earthlings, but we have one advantage over Kryptonians. Kryptonite only affects them, not us.

Live with imperfection – realistic expectations, satisfactory outcomes in terms of resources available.