

## LAWS70105 Islamic Law and Politics in Asia

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2015, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Coordinator:</b>	Prof Tim Lindsey
<b>Contact:</b>	For more information: Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	Islam does not, in theory, recognise a distinction between religion and law because for Muslims both are derived from their god's revealed message. The result is the inevitable tension between Islamic beliefs and the modern (secular) nation state that lies at the heart of the politics of Islam in South-East Asia. It has become the subject of major global controversies and conflicts in recent decades, as religious and political leaders compete with, and – in most cases – accommodate, each other. This tension, and the legal, political and social controversies that result from it, are the focus of this subject, which is based on selected comparative case studies of efforts to achieve legal Islamisation from a range of countries in Australia's region. Teaching is led by a scholar who has conducted extensive fieldwork across South-East Asia and worked closely with Islamic legal institutions in the region. He is supported by

	<p>guest lecturers specialising on South-East Asia, who will bring their own perspectives to class discussions.</p> <p>This subject examines the relationship between the modern nation state and Islam in Asia, focusing on the 240 million Muslims in Australia's South-East Asian neighbourhood.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># How the original Arabic-derived legal thought has been adapted in new Asian homelands</li> <li># The essential position of Islamic legal traditions as an alternative authority to the contemporary nation state</li> <li># Current political and religious controversies arising in South-East Asia. These will be selected from a range that may include: <ul style="list-style-type: none"> <li># Islamic legal codes and laws for Muslims</li> <li># The Qadi, Islamic judicial traditions and courts for Muslims</li> <li># Islamic criminal punishment</li> <li># Interest-free banking, 'Islamic economics' and commercial law</li> <li># Islamic approaches to the status of women (fiqh Al-Nisa)</li> <li># Zakat and other forms of philanthropy</li> <li># Education and the role of Madrasa and Pesantren</li> <li># The introduction of revivalist Islamic codes</li> <li># Islamic radicalism and terrorist groups in South-East Asia, including Darul Islam, Jemaah Islamiyah and Al Qaeda.</li> </ul> </li> </ul>
<p><b>Learning Outcomes:</b></p>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the history and development of Islamic legal traditions and jurisprudence (<i>fiqh</i>) in South-East Asia, and key legal institutions of Islamic tradition, such as the Qadi, the mufti and ulama councils</li> <li># Be able to critically examine, analyse, interpret and assess these legal traditions and institutions, and, in particular, the tensions between Islamic scholarship, law and religious belief on the one hand and, on the other, the notion of the secular nation state</li> <li># Be an engaged participant in debate regarding emerging and contemporary issues in the field, such as the status of Muslim women in Islamic family law, the operation of Islamic banking, and the application of traditional Islamic criminal law, especially the hudud rule, among others</li> <li># Have a sophisticated appreciation of the how Muslim communities influence contemporary law and politics, with a focus on state-sanctioned legal institutions for Muslims in the South-East Asian region</li> <li># Have an advanced understanding of recent efforts at legal Islamisation in South-East Asia, including the role of state-sponsored codification</li> <li># Have the cognitive and technical skills to generate critical and creative ideas relating the implementation of Islamic principles in modern contexts in in South-East Asia</li> <li># Be able demonstrate autonomy, expert judgment and responsibility as a researcher and learner in the field of Islamic legal traditions.</li> </ul>
<p><b>Assessment:</b></p>	<p>Take-home examination (100%) (11-14 December) or 10,000 word research paper (100%) (10 February 2016) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
<p><b>Prescribed Texts:</b></p>	<p>Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.</p>
<p><b>Breadth Options:</b></p>	<p>This subject is not available as a breadth subject.</p>
<p><b>Fees Information:</b></p>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<p><b>Links to further information:</b></p>	<p><a href="http://www.law.unimelb.edu.au/subject/LAWS70105/2015">www.law.unimelb.edu.au/subject/LAWS70105/2015</a></p>
<p><b>Notes:</b></p>	<p>This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> (<a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://</a></p>

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