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UCT to offer SA's first Masters course in Muslim Personal Law and Human Rights

Course is part of an interdisciplinary Masters degree in Human Rights

In July 2011, the University of Cape Town will offer South Africa's first university course in Muslim Personal Law and Human Rights at the Masters level – one of four courses that make up an interdisciplinary Masters degree in Human Rights.

Muslim Personal Law is highly topical in South Africa, especially in light of the Cabinet's recent approval of the Muslim Marriages Bill for consideration in the parliamentary process. This draft legislation is made possible by section 15(3)(a) of the Constitution, which enables government to enact legislation to recognise and/or regulate *inter alia* religious marriages or religious personal law systems. It also raises pertinent and complex questions relating to conflicting human rights, in particular the relationship between gender equality and religious freedom as well as issues involving legal pluralism.

The course is designed to address such issues in a systematic fashion. The first part of the course will explore the religious, ethical and moral underpinnings of Muslim Personal Law with particular attention to the sources of Islamic law and the different Islamic schools of thought. This will be followed by a consideration of prevailing theories of legal pluralism, including the different ways of incorporating Muslim Personal Law into secular legal frameworks. The course will undertake a comparative study of minority and majority Muslim contexts, including but not limited to the current debates in South Africa relating to the Muslim Marriages Bill, the controversies that surrounded the *Shari'a* arbitration tribunals in Canada and the role of a secular judiciary in interpreting Muslim Personal Law as is evidenced in the Indian context.

The co-convenors of the new course are Professor Abdulkader Tayob, who holds the National Research Foundation Chair in Islam, African Public and Religious Values in the Faculty of Humanities at UCT; and Dr Waheeda Amien, a lecturer in UCT's Faculty of Law. Dr Amien is a law graduate of UCT who did her Master of Laws degree at the University of the Western Cape and her PhD at the University of Ghent, Belgium. Dr Amien's PhD thesis on Comparative Muslim Family Law and Conflicting Human Rights reflects her work as an academic, activist and attorney. She is a leading member of the Recognition of Muslim Marriages Forum, which is a South African-based network of individuals and organisations that are campaigning for the legal recognition of Muslim marriages in South Africa. She is also co-founder and trustee of Shura Yabafazi ("Consultation of Women"), which is a collective of individuals that engage in issues relating to Muslim Personal Law.

Dr Muneer Fareed, a visiting lecturer at UCT and a member of the Fiqh Council of North America, the highest Islamic legal authority in the United States of America and Canada, will co-present the course with Dr Amien. Dr Fareed's speciality is Islamic Law. He is a trustee of the American Learning Institute for Muslims – a specialised academic institution where scholars, professionals, activists, artists, writers and community leaders come together to develop strategies for the future of Islam in the modern world.

The approach to the course will be participative: 25% of the course mark will be based on seminars presented by the students, 25% will involve written assignments and 50% will be based on a long paper, which could form the basis of the seminar presentations. The course entails a weekly three-hour lecture and/or seminar, which will commence in the week of 25 July 2011.

Muslim Personal Law will also be introduced in 2012 as an elective in the Bachelor of Laws degree at UCT.

For details on registration for the course on Muslim Personal Law and Human Rights, contact Sheryl.Ronnie@uct.ac.za. For details on the course content, contact Waheeda.Amien@uct.ac.za.

ENDS

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