

Graduate Diploma in Islamic Legal Studies

1. Background

The Faculty of Law proposes to introduce a new specialist graduate diploma, to be titled 'Graduate Diploma in Islamic Legal Studies', within the Faculty's established Graduate Law Program.

Islam is the most legalistic of all major religions. Islamic religious belief is, in fact, is largely co-identical with Islamic law, or syar'iah. This means that to understand Islam it is essential first to understand Islamic law.

This is problematic, because classical Islamic law developed largely in isolation from the common law tradition underpinning Anglo-derived legal systems and with only limited interaction with the European civil law traditions found in the majority of other Western countries. Islamic law therefore has very few points of contact with Western legal traditions and has been almost completely neglected in Australian education, including tertiary legal institutions.

Major terrorist attacks on perceived 'Western' targets, committed over the last decade, purportedly in name of Islam and purportedly implementing syar'iah (for example, S/11, the Bali bombings, the Madrid bombings and the London bombings), have made it clear that a better understanding of Islamic law is required, both among Muslims and non-Muslims. These events have also made it clear that the West is poorly equipped to achieve such understanding, whether in the academic, intelligence or policy sectors due to a lack of Islam-literate lawyers. The result is a strong demand for accessible but high-level information and analysis of Islamic legal traditions from government officers, security officials and private students, including both Muslims and non-Muslims.

The Graduate Diploma in Islamic Legal Studies program responds to this need by consolidating existing offerings in the Faculty of Law's Postgraduate Program that deal with Islamic law and closely-related issues. These courses draw in strong expertise at the University, as exemplified in the University's new Centre for the Study of Contemporary Islam, as well as leading international 'best practice' expertise currently involved in the Graduate Program, such as Professor Frank Vogel of Harvard's Islamic Law Program and Professor Wael Hallaq of McGill University.

The target market for this Graduate Diploma is broad but focuses on 3 main groups: first, Australian government officials with responsibilities in relation to terrorism, Islam or Islamic societies (for example, DFAT, Department of Defence, Australian Federal Police, Australian Defence Force, AusAID, Attorney General's Department, Immigration and intelligence organisations); private citizens with a personal interest in understanding Islam; and Muslims, especially international students from Muslim countries such as Indonesia, Malaysia, Pakistan and Oman.

The only existing postgraduate courses in Australia specifically on Islamic law per se are taught in the Faculty of Law at this University. This proposal links these courses, which have had a consistent student support, with other courses in Faculty that deal with aspects of Law that offer theoretical or contextual material (for example, comparative law theory, law and economic development theory, law in Asia) relevant to understanding Islamic law today.

This Graduate Diploma program will raise the profile of the University at both international and national levels through the provision of a high-quality course tailored to the needs graduate students which is not available elsewhere in Australia and at only a few other institutions in Western world and which responds to a clear national need. In this way it will directly promote the strategic and operational goals of the University.

2. Entry Requirements

1. The Selection Committee will evaluate the applicant's ability to successfully complete the course using the following criteria –

- an undergraduate degree in law at honours standard leading to admission to legal practice, or equivalent; or
 - an undergraduate degree in a relevant discipline and at least one year of documented, relevant, work experience.
2. The Selection Committee may call for referee reports and employer references, conduct interviews and tests to assist with the selection process.

3. Course/Program Structure

The Graduate Diploma in Islamic Legal Studies is a four subject, 50 point program.

Students are required to undertake at least two (and up to 3) of group ‘A’ subjects and not more than two of the group ‘B’ subjects.

Group A

730-794 Current Issues in Islamic Law
730-795 Fundamentals of Islamic Law
730-726 Islamic Law and Politics in Southeast Asia

Group B

730-670 Banking and Debt Recovery in Asia
730-618 Comparative Law
730-866 Commercial Law in Asia
730-873 Constitutionalism in Asian Societies
730-777 Human Rights, Gender and Religion
730-736 Law and Economic Reform in Asia
Other subjects, subject to approval of the Director of Studies of the Graduate Diploma in Islamic Legal Studies.

*All subjects will also be made available as electives for students undertaking other courses within the Graduate Program

4. Availability of course

The course will be available to domestic and international fee-paying students on a full and part time basis from Semester 1, 2006.