Legal Theory (LAW 225)

Credit Hours: 4

Course Pre-Requisites: Not Applicable

Instructors: Asad Farooq , Abdul Rehman Mustafa

Schedule: Monday to Friday (3 – 5.50 PM)

Course Description: Legal theory is a new course which combines elements from two previous offerings dealing with the philosophy of law: i) Jurisprudence; and ii) Islamic Jurisprudence. This course offers a coherent narrative as to the nature, scope and limitations of the workings of law in and on our daily lives. Accordingly, we shall explore various theoretical understandings of law that undergird, or have preceded, our current legal context and assess them in relation to their social, political, economic, gendered, colonial and other contexts, origins and effects. To this end, we shall firstly study selected theories including, without limitation, the natural theory of law, the positive theory of law and Islamic theory of law. Specifically, in relation to Islamic law, this course will seek to develop awareness about the aims and objectives of law in Islam vis-à-vis the requirements of changing needs of various societies and allow students to generate the ability to critically evaluate the issue of the relevance of fiqh in judicial and legislative law- making processes within modern states. To this end, we shall discuss various critical perspectives that have emerged in response to the normative claims of these theories and then move on to discuss, in relation to existing non-legal normative practices, if the limitations of the dominant legal regime can somehow be circumvented; and if not, what other ways, if any, of structuring social life for just and fair resolutions of conflicts are imaginable.Please note that this syllabus is subject to change over the course of the semester. You are encouraged to keep track of emails and LMS-course site for updates.