

## **Pedagogy of Islamic Law in a Diverse Student Cohort: The Challenges and Approaches to Teaching and Learning**

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### **Abstract**

Teaching Islamic law in a UK university is a unique experience. First, Islamic law is based on religious beliefs whereas UK universities offer teaching in a secular environment. Secondly, law schools are primarily meant to train lawyers and Islamic law in its purest form is not practically applicable in the UK or even in most Muslim majority countries. Thirdly, due to the series of recent events, such as those related to terrorism, Islamic law and Islam more generally has created certain anxieties making the teaching and learning of Islamic law a sensitive exercise. These sensitivities exist not only in the interrelationship of Islamic law with other legal systems, but also within Islamic law creating different viewpoints over the need to redesign the studies of Islamic law. The opposing views on interpretation of Islamic legal texts and their application in modern cultures and societies can potentially create frictions of thought and argumentation at the classroom level, which makes teaching and learning of Islamic law both interesting and challenging exercise. Most importantly, from the teaching and learning perspectives, the diverse background of students and their varying expectations makes the delivery of Islamic law teaching a complex exercise unknown to any other law subject. In these contexts, this article examines the implications for approaches to teaching and learning Islamic law from the standpoint of above identified challenges. By placing those challenges in the framework of existing pedagogical literature, the article addresses the UK Professional Standard Framework (UKPSF) requirements in the context of teaching and learning in Islamic law.

**Keywords:** *Teaching and Learning, Islamic Law, Higher Education, UK Universities, UK Professional Standard Framework (UKPSF)*

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## **Introduction**

Teaching Islamic law at a UK university has been a unique experience for a variety of reasons. Perhaps most importantly from the teaching and learning perspectives, the diverse background of students and their varying expectations makes the pedagogy and delivery of Islamic law teaching a complex exercise.

The key questions addressed in this article are as follows: What are the implications for approaches to teaching and learning Islamic law from the standpoint of above identified challenges? How to develop and systematically re-evaluate teaching of Islamic law for future teaching practice? As part of the author's own experiences of teaching and learning in Islamic law at the University of Sussex, this article reflects on the above challenges by placing them in the existing literature on Islamic law teaching and managing diversity in classroom. In doing so, the article addresses the United Kingdom Professional Standard Framework (UKPSF, 2019) requirements, namely, key areas of activity, core knowledge, and professional values. With the interest of precision and in order to remain focussed on the core requirements of the UKPSF, the discussion in this article is organised as follows: Part 2 analyses the nature and dynamics of diversity in Islamic law module; Part 3 examines key areas of teaching and learning activity; Part 4 probes various approaches to disseminate core knowledge; and Part 5 discusses ways forward for the development of professional values.

As the author is reflecting on empirical evidence based on experiences, responses, and reactions to teaching Islamic law module at the University of Sussex, the discussion throughout this article is presented in first person. The idea is to share personal experiences to broader audience and open a dialogue on teaching and learning Islamic law in a diverse environment, particularly in the universities based in non-Muslim majority countries. In turn the article provides useful insights into the pedagogical challenges and the possible ways to mitigate them.

## **The Nature and Dynamics of Diversity in Islamic Law Module**

There are two mainly types of diversity from the perspectives of delivery of teaching in a module: 1) diversity in the students; and 2) diversity of the aims and objectives of the offered modules.

As regards the student diversity, Islam is the fastest growing religion in the world today with approximately 1.5 billion adherents making nearly a quarter of the global population (Halkon, 2015). Although Muslims are in majority mostly in countries in Africa and Asia, Muslim population in European countries is constantly on the rise (Demographic Study, 2017). In 2018, the UK Office of National Statistics declared Muslims as the second largest religious group in the UK (Office of National Statistics, 2018). A research published by the Equality Challenge Unit (ECU) in 2011 found that 9.1% of the total number of students at the UK universities were Muslims (ECU, 2011).

The ECU research does not differentiate between home and overseas student but acknowledges that the “[diversification] process has been extended by a growth in the number of international students, who have brought an even broader range of religion or belief positions” (ECU, 2011).

According to my own informal survey conducted during six consecutive years of teaching in the Principles of Islamic Law module at the University of Sussex, there are three reasons why students opt for this module: 1) identify themselves as a Muslim but have never had formal education in Islamic law; 2) identify themselves as Muslims and have previously learnt Islamic law in formal settings in their prior education; and 3) do not identify themselves as Muslims and have never had formal education in Islamic law. All three types of students have stated that they were interested in learning about Islam more generally, which motivated them to opt for this module. There is also diversity based on the school of thought followed by Muslim students. On average in each cohort, there are about 87-90 percent students belonging to Sunni school and 10-13 percent to Shi’a school, with small numbers also belonging to other sects.

In terms of diversity of aims, the Islamic law module is mostly offered in universities across the UK as an option to the undergraduate law students. Despite its frequent offering, the aims and objectives of this module at different universities are far from being uniform and consistent. At Warwick Law School, the Islamic law module “aims to familiarise students with the application of religious law in Muslim jurisdictions as part of the law of the state” (Warwick Law School, 2021), whereas at Exeter Law School, the focus has been on “the basics of Islamic law in different fields ranging from family law to criminal law” (University of Exeter, 2021). Other law schools in the UK have taken various approaches from the historical power relations and theoretical underpinnings of Islamic law (University of Leeds, 2021), its role in international law (University of London, 2021), and how Islamic law is applied in different countries including in the UK through judicial decisions (SOAS, 2021). Where these few examples highlight the variety of its aims and objectives, a common emphasis in most of these module outlines is on finding the relevance of Islamic law in the modern age and its importance as part of the legal system in modern States.

The existing diversities in the student composition and the aims and objectives of Islamic law module offered in different law schools poses unique types of challenges with regards to possible conflicting opinions and pre-existing beliefs that are hard to contest and debate. These ‘sensitive’ topics require development of suitable approaches to support students. In modules that are either fully focused on, or have elements within them, which may be upsetting for participants need some careful handling. To address these challenges and concerns, the approaches taken included the use of various forms of precautionary expressions to ‘alert’ students to upcoming issues and also sometimes formal dialogues about creating ‘brave spaces’ and the principles and conditions that are needed to underpin that. Other key aspect includes ‘guidance’ to students as to what they

might do if they are upset by something. This can be done through special ‘content warning’ announcements in class regarding sensitive material or controversial issues.

In addition to the above approaches, the experience reveals that it is important for the Islamic law module tutor to ensure his personal ‘neutrality’ on a given sensitive or controversial topic. The students tend to enquire the tutor’s view on those topics and a ‘detached’ answer explaining all sides of the argument and all possible interpretations is usually most satisfying for students.

### **Key Areas of Teaching and Learning Activity**

The difficulties in teaching Islamic law in non-Muslim majority countries are not new, and there is some interesting literature on the challenges faced with teaching modules in Islamic law (Lama, 2004; Lawan, 2013; Van and Chris, 2008; Moore, 2012; Ali 2011). Abu-Odeh argues that reading materials assigned to students in Islamic law courses tend to provide particular construction of Islamic law that ultimately produces a fantasy effect that Islamic law is a foundational category for anyone attempting to understand law in the Islamic world (Lama, 2004). In fact, the UK Higher Education Academy (HEA) has in the past funded a research on teaching Islamic law in the UK law schools, which published its report in 2012 (Van Engeland, 2012). However, the scope of HEA funded research was limited to designing module outline and reading materials and did not cover the pedagogical challenges I have highlighted above.

When I joined the Sussex Law School, I was requested to develop the module in Islamic law because of my education and previous experience in the subject. It was anticipated that there is high demand for this area of study because the labour markets’ need for lawyers trained in Islamic law has evolved not only in the UK but also globally. The module was designed as a 15 credits option offered to 3<sup>rd</sup> year LLB students. The demand anticipation proved true and about 16 students took up this module in the first year of its launch in 2014.

With regards to designing and planning of learning activities, I was particularly amazed to see students from a variety of backgrounds in the class. Some international students had already studied Islamic law as part of their previous education while some of them were new to the subject. However, this classroom diversity was well anticipated and taken into account while the module contents were designed, and the learning activities were planned. The module contents were designed keeping in view the three major strands of philosophical and political thinking on educational purposes as identified by Mary James and Andrew Pollard (2011), namely, the economic productivity, social cohesion, and personal development.

The teaching contents were specifically designed to reflect these educational purposes. To represent recent issues and the most desired areas of knowledge of Islamic law in contemporary times, the module handbook for 2014-15 specifically included topics such as *ijtihad*, democracy and governance in Islam and Islamic economic law. Based on the student comments in module evaluation, where a student indicated that it was necessary to structure the first introductory lectures better as we spent more time than was originally anticipated for them to fully grasp the basic concepts and explanations of the terms from Arabic to English, I redesigned the structure and contents of the introductory lectures for 2015-16. More specifically, considering the more theoretical nature of these topics, I abandoned topics which covered the classification of Islamic Law (*Hukm Shari*). Based on another useful feedback from a student in 2014-15 module evaluation, I replaced these topics with the topic on 'Contemporary Issues in Islamic Law (Muslims in the West)' to incorporate more contemporary issues. These new topics not only helped to better link the historical and theoretical Islamic law concepts with contemporary issues but also helped to realign with the 'fitness-for-purpose' of the teaching contents responding to significant global issues (Ashwin, 2015).

The biggest challenge in the development of teaching contents for this module has been, and still is, social cohesion. Due to the diversity of interpretations within Islamic law and its various schools of thought, the inclusion of different groups within society through teaching contents and delivery becomes a very difficult exercise. This is particularly the case at the moment with Muslim beliefs being frequently discussed in the news and politics. However, reflecting on my teaching experiences in 2014-15, I made a number of changes in the teaching contents to ensure a more balanced approach. For example, I included on-going debates on legal pluralism in order to ensure inclusion of all schools of thought within the curriculum. The students showed great interest in this topic, which led to a very interesting and productive discussion in the seminar. Another possible approach under consideration to address and accommodate diversity is to require students to search for current news items on each seminar topic and talk about a news item of their choice to reflect their own perspectives and open the topic for seminar discussion. This will contextualise the module contents for their modern application and implications and also open up free and frank seminar discussion.

There is overwhelming evidence of immediate contribution of this module to personal development of students. After taking initiative and direction from teaching contents of this module, one student wrote their LLB short dissertation on an Islamic law topic and published it in a peer reviewed journal. Another student has been offered an internship in a London based law firm's Islamic law specialism.

As I highlighted above, teaching Islamic law has posed significant challenges not only with respect to the diversity of students in their backgrounds but also with regards to planning, teaching and communication. I have highlighted my reflection on the basis of first year teaching in this module where I made several changes in the curriculum in

order to accommodate student diversity and ensure social cohesion. The implementation of this module was equally challenging. In this regard my teaching strategy is particularly shaped by both information transmission and conceptual change (Ashwin, 2015). Being mindful of the fact that the issues in Islamic law are open to debate, the most important aspect of my planning has remained on reframing perspectives, i.e., the conceptual change (McCune and Entwistle, 2011). The students appeared to have quickly learnt to adapt to this strategic approach and show a positive attitude towards learning and personal development.

The effective implementation of teaching in Islamic law required systemic development. During 2014-15 teaching I realised that the diverse group of students require deep intellectual, social, and emotional support in order to achieve the desired learning outcomes. Developing on my skills I ensured that all perspectives on a given issue were heard equally and discussed in detail in a balanced manner. This ensured exchange of broader views and ideas on the subject and led to substantial increase in the satisfaction level of the students as well. The challenge was to channel these ideas into a transformed way of thinking and hence apply this knowledge. Learning how to appreciate different views and perspectives was of course a desired learning objective of this module, which the students appeared to have grasped well for a subject that is termed as a 'troublesome knowledge' (Meyer and Land, 2006) area because of its foreign origin.

The student diversity and various perspectives and opinions on the issues included in the curriculum highlighted the need to encourage dialogue as an essential part of teaching strategy (Ashwin, 2015). This was implemented in seminars through group discussions which facilitated dissemination of learning objectives. From these group discussion settings, I have realised that a better strategy needs to be in place to form discussion groups representing different viewpoints. This led to the development of the student questionnaire, which I will discuss in more detail below, to better understand the learning needs of diverse group of students.

Assessment and feedback are pertinent on enhancing student experience, retention, completion, and satisfaction within a university (Eckel and King, 2004). An effective assessment and feedback includes both of the following: 1) a supported sequential process as an integral part of learning throughout teaching delivery; and 2) an end product as a consequence of performance information provided by a tutor regarding aspects of one's performance or understanding (Evans, 2013). The assessment and feedback scheme in this module cover both of the above types. Students are provided the opportunity to write a formative assessment by way of a coursework or essay on a given topic and receive feedback based on interactive one-to-one discussion session with the tutor. Students can then use this feedback while writing their summative assessment on a topic of either one of the pre-assigned questions or on a question/topic of their own choice formally discussed with and agreed by the tutor. The possibility to choose their

own question or topic of assessment is meant to allow flexibility to accommodate various learning objectives of diverse group of students.

The present assessment and feedback have developed over time and many changes have been made reflecting on the student experiences expressed in their module evaluations. Originally the module assessment was a 3 hours unseen exam at the end of term. However, this mode of assessment was not congruent with learning outcomes and processes (James and Pollard, 2011), because of the Arabic terms that students had to memorize (Cahill-Ripley, 2015). Therefore, I have now changed the assessment to three thousand words essay instead of the unseen exam, which will allow the students to explore their topic of interest in more detail and hence test their understanding rather than the memorising ability.

An effective learning environment is constructed by the four elements, namely: the learner, the mentor, the knowledge, and where this activity will take place. An effective learning environment would entail balanced interactions with students driven by both quality assurance processes and processes for maximising student learning (Cotterill, 2013). The teaching delivery in this module consists of lectures and seminars. However, instead of following the traditional lecture-seminar approach which is increasingly been seen as not supporting effective student learning (Cotterill, 2013), I ensured different flipped classroom activities including group discussions, debates, presentations, and individual and group assignments. These multiple channels of communication, engagement, and collaboration meant that a richly textured environment was provided to accommodate a full range of student needs and learning styles (Claudia, 2011).

The entire teaching planning and execution in this module has contributed to professional development of my pedagogy where I was able to incorporate not only my own research and knowledge in teaching, but also in the process identified my own learning needs and gaps which I resolved through constant engagement with students' learning needs. Another aspect in this regard was to constantly realign the module learning outcomes with the teaching contents and the methods of assessments.

### **Approaches to Disseminate Core Knowledge**

The key part of teaching methodology was to ensure that content, methods of delivery and learning materials met the defined learning objectives. As I discussed above, there is no uniform approach as to what areas/topics should be covered in an Islamic law module. This required me to develop my own teaching materials, methods, and approaches. I focused on a knowledge-as-student-understanding rather than a knowledge-as-curriculum approach (Ashwin, 2014) as I find this ensures a greater depth of understanding, critical thinking, effective communication, openness, and active citizenship (Ashwin, 2015). This was evident by the re-designing of the module handbook in 2015-16, which included a number of new topics such as legal pluralism

and Muslims in the west. I also ensured that this material covered wide ranging perspectives on the issues and ensuring that this was available to students in ample time to enable familiarity with it.

This module is a third year LLB option. Students have already developed a good knowledge of basic concepts and theories of law and have deep insight into the implications of legal practice in different areas of law. This requires the module teaching and learning strategy to reflect students' advanced learning needs bridging the gaps between theory and practice (Little, 2013). One important method that I adopted in this regard was to develop a link between Islamic law and other areas of law that are part of LLB core curriculum and emphasised how their knowledge and understanding of Islamic law will help them in their professional lives as a lawyer in the UK or abroad. This ensured building on the student's existing knowledge in order to achieve progressive learning and assessment objectives.

The module teaching content was designed specifically keeping in mind the best ways that students may take on board and learn this area of law which may be new to many. The necessity for an individual learning need assessment (LNA) was realised early on and hence I developed a student questionnaire enquiring about their background knowledge and any previous exposure to the study of Islamic law. The questionnaire will also be useful in order to ensure effective interdisciplinary interactive skills (Boys et al, 2015). The use of such LNA will give me a deeper understanding of the knowledge base of the group as well as target areas that may need covering in more detail. As highlighted above the core strategy for teaching and learning in this module is to factor in the diversity and the existing knowledge of the group and how this can be used for further professional development.

The need for technology enhanced learning cannot be overemphasised, however, there should be a clear link between the use of suitable technology and the underlying objectives that are meant to be achieved (Helen Beetham, 2013). So far, my use of technology in this module is limited to the PowerPoint presentations and the use of Study Direct. In addition, students themselves created a Facebook group for this module to engage with each other and have group discussions and disseminate important information, study materials and recent developments. I found the Facebook group very useful to achieve these objectives, however, think that this was equally possible on the Study Direct. Since students avidly use such more popular social media outlets, perhaps there is scope to explore their use further as part of teaching strategy in this module (Rob, 2014).

Both formal and informal feedback from students as well as from peers is necessary to ensure effectiveness of teaching (Nathenson, 1980). Students have the possibility to give formal feedback at the end of the term via Sussex Direct, and I have found some of their comments on the 2014-15 teaching very useful. As described above, I have used the

students' formal comments to make important changes in the module contents, teaching and evaluation methods. The peer observation of teaching also helped me identify some important aspects of my teaching that required improvement. For example, Dr Colin King advised me to not turn my back to students while presenting PowerPoint slides in order to ensure constant eye to eye contact. Similarly, Professor Lindsay Stirton praised me for taking up a balanced view on a contentious issue discussed in a seminar where I allowed all relevant perspectives of the students to be heard and explored in detail. These are some areas that I need to continue developing in by reflection.

Teaching students in this module constantly highlighted the importance of bringing quality material to the group during teaching and seminars. This was done both by me and by background reading from the students. This meant that discussions were of good quality and the information was pooled together to encourage development. Quality assurance is important to ensure that the information provided and supplied is standardised and validated. The material was thoroughly researched in preparation for the lectures and I ensured that practical applications of this knowledge were also highlighted. I am aware that quality assurance is important in improving educational quality and standards however kept in mind that sometimes combination of standards and excessive institutional control may result in a decline in the quality of teaching and learning, rather than a 'quality culture' and tried to avoid this pitfall (Brady and Bates, 2016).

### **Development of Professional Values**

Commitment to professional values is vital to teaching and learning. As David Carr has rightly summarised, "good planning is above all a matter of intelligence, understanding and judgement – of an *educated* appreciation of what is being taught, and an informed sensitivity to the needs of those being taught" (Carr, 2006). The educated appreciation is the key here in my opinion, which I intend to incorporate in my teaching of Islamic law. Based on my experience of two years of teaching in this module, I have developed a student questionnaire, which will give me insight into the students' educational needs and will demonstrate my commitment to the enhancement of my teaching skills and professional values.

Controversy on topics, for example, *ijatihad*, *jihad* and rights of women in *Shariah* is exacerbated by passionate disagreements among Islamic scholars, lawyers, and historians over the true nature of these concepts (Moore, 2013). The problems of interpretation provide an extremely important teachable moment because they go to the heart of crucial issues in Islamic law: Who speaks for Muslims and where does religious authority in Islam reside (Fay, 2010)? There is a need to further this diversity by establishing links with emotions and sensations (e.g. rape studies, and feminism) (Lama, 2004). However, diversity need not be a constraint on teaching nor a barrier to learning. It can be harnessed to facilitate learning by providing multiple perspectives on a given

issue. Reflection of the experience of students indicates an awareness of the value of diversity in the group leading to high engagement, increased confidence, and accommodation for difference of opinion. The following diversity factors have been identified in order to develop the student survey: religious sensitivity; social sensitivity; knowledge background; and gender neutrality. It is hoped that this student survey will help me to better understand and promote respect for individual learners and diverse learning communities. This will ensure learners' meaning-making in education is shaped by faith and culture and has the potential to expand their grasp of the expressions, implications and limitations of the constructivist hypothesis in education. In this sense it has an 'equality of opportunity' agenda by working to improve access to, and experience in Islamic law for diverse background students (Robottom and Norhaidah, 2008).

Creating opportunities means removing obstacles and ensuring that everyone in the class is on a "level playing-field", to use another of the clichés of the discourse. A recent research has concluded that a teacher should be able to engineer situations that create equal opportunities for both males and females in all aspects of classroom interaction provided they are equipped with a good syllabus and a good methodology (Shehadeh, 1999). Because of the diversity factors highlighted above, ensuring equal participation of individuals has been my top priority in this module. Enabling students to actively participate in lectures and seminars, and to bring forth their own perspectives and experiences requires active listening skills and identifying and encouraging quieter voices. Instead of didactic teaching, I focus on activity-based learning through different flipped classroom methods, such as group discussions and debates.

The entire teaching planning and execution of this module has contributed to the professional development of my pedagogy where I was able to incorporate not only my own research and knowledge in teaching but also in the process identified my own learning needs and gaps which I resolved through constant engagement with students' learning needs. For example, in my lecture on legal pluralism in the UK, I used the most recent case where the UK courts found Muslim parents guilty of child abuse because they exposed their children to extremist ideologies. Discussion on these cases not only gave the students an opportunity to bring forth their own perspectives on the topic but also facilitated a very productive debate on the future of legal pluralism in the UK. Another aspect in this regard was to constantly realign the module learning outcomes with the teaching contents and the methods of assessments.

As indicated above, all three major strands of philosophical and political thinking on educational purposes as identified by Mary James and Andrew Pollard (2011), i.e., the economic productivity, social cohesion, and personal development, were considered. This is clear from the module outline. The new topics included after the 2014-15 experience based on student evaluations of the module not only helped to better link the historical and theoretical concepts with contemporary issues but also helped to realign

with the 'fitness-for-purpose' of the teaching contents responding to significant global issues (Ashwin, 2015).

## **Conclusions**

Teaching Islamic law requires an understanding of the multiple challenges posed and an effective strategy to deal with them. Although there is a need driven by both economic and social factors for lawyers to study Islamic law, the curriculum design and objectives and methods of assessment need careful development. Following the UKPSF standards this reflective narrative gives specific examples by which Islamic law modules may be developed in a UK law school. The module contents should consider the economic productivity, social cohesion, and personal development of students.

Implementation of this module is equally challenging and requires constant re-evaluation based on student feedback to ensure dissemination of a balanced view on contested issues to bring about positive conceptual change. Similarly, the mode of assessments needs regular re-evaluation to meet the needs of a diverse group of students with a very different background knowledge on this subject. Different teaching techniques such as activity-based learning, group discussions and debates should be made part of teaching strategy for effective delivery of knowledge to meet the learning objectives and student needs. A focus on a knowledge-as-student-understanding rather than a knowledge-as-curriculum approach ensures a greater depth of understanding, critical thinking, effective communication, openness, and active citizenship. One important method that works well is to develop a link between Islamic law and other areas of law that are part of LLB core curriculum. This ensures building on the student's existing knowledge in order to achieve progressive learning and assessment objectives.

Another useful tool to assess individual student's needs can be through a learning need assessment which will help identify the diversity in pre-existing knowledge of the student. Peer observation, formal and informal student evaluations are valuable tools to ensure continuous positive development, streamlining the study material and improving teaching skills. Quality assurance without excessive standards and institutional control is important in improving educational quality and standards. Diversity in the group has the potential to lead to high engagement, increased confidence, and accommodation for difference of opinion. Active listening skills, identifying and encouraging quieter voices in a group is essential to ensure equal opportunity is given to each student in a diverse group. Bridging the gap between theories and practice and linking it to current developments in Law is crucial in order to incorporate evidence-informed approaches and outcomes from research, scholarship and continuing professional development. It is important to relate historical narratives with most recent developments in order to bridge gaps between theory and practice and ensuring fitness for purpose reflecting on global developments.

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