

## ***The Role of Legal Educators in Bridging the Cultural Gap Between the West and Islam***

A Draft\*

### ***A. The Underlying Rationales***

The thoughts expressed in this paper are based on the following assumptions:

1. The crisis between Western societies and the Muslim World contains a severe threat to the safety of human beings. The worst possibility is a full scale war between the West and the Islamic world. On the other hand we, the legal academy, should assume that despite the current difficulties and tensions, there is a chance that the crisis can be settled and that we, the legal educators, have a role to play in its solution.
2. Two major reasons for the tension between East and West are: the reciprocal ignorance between the two cultures; and the huge economic gap between the West and the majority of the Muslim countries.
3. The security of Western society itself is constantly being threatened by extremist elements.
4. Legal education may contribute to ease the above tension by exposing Muslim legal scholars, lawyers and businesspeople to the democratic values and modern economic systems of the West; and Western scholars, lawyers and businesspeople to the Arab world's economic and cultural systems and to the principles of the Islam.
5. The legal academy has opportunities to help cope with the above threat by strengthening the democratic elements in the countries and communities of the region. This may be done most effectively through education of present and future community leaders, and of

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business and legal professionals in these societies. A large proportion of such leaders have traditionally come from within the legal profession.

6. U.S. law schools can serve as a bridge between the two cultures; it is their social responsibility to do so.
7. The chance for "a new Middle East" provides an array of business opportunities for the region's developed and developing countries. These opportunities will increase the need for United States and European lawyers as well as lawyers from the Arab countries who may operate in the new Middle East environment in the fascinating fields of transnational trade and international diplomacy.
8. An effort should be made by Western law institutions such as the AALS to develop reciprocal international legal education programs that will focus on the Islamic world in general, and specifically on the Middle East.
9. There are several possible ways to do this:
  - a. Exchange programs between U.S. law schools and Arab law schools: These programs would involve exchanges of faculty and students. The purpose would be to create a reciprocal exposure of legal professionals on a personal level, as well as an exchange of knowledge and ideas that enrich both parties.
  - b. Graduate programs focusing in the West-Islam relationships such as: LLM in International Trade in the Middle East; LLM in Human Rights in the Middle East; and LLM in IP in the Middle East.
  - c. U.S. and Middle Eastern law professors should teach these programs. The teaching programs should be offered both in Middle Eastern countries (one semester and if needed a summer session as well) and the in the U.S. (one semester and if needed a summer session as well).
  - d. Financial scholarships for outstanding graduates from Arab law schools to study at LLM programs in the U.S..
  - e. Invitations to leading law professors from Arab countries to teach in the U.S. about Arab legal issues, and to learn about the Western legal system.

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- f. Establishment of research centers in the Middle East *e.g.*: to explore the possibility of developing a Common Market in the Middle East; or to enhance and strengthen the concept of Universal Human Rights and to monitor their violations in Middle Eastern countries.
10. Once these programs are established, an effort should be made to invite European and Far Eastern law schools to join the program.
11. As an initial matter, a major effort should be made to initiate cooperation with law schools in the following countries: Turkey, Egypt, Jordan, Lebanon, Morocco, Tunis, Iraq, and Palestine in the Middle East (depending on the political situation we should also consider later on including Iran, Syria, and Libya); and Malaysia and Indonesia in the Far East. In addition, we should look for participation from the Islamic republics that emerged after the collapse of the Soviet Union.
12. Israel should be considered as having a central and critical role in these programs. Israel is a Western Democracy with, on the one hand, a modern legal system and developed bill of rights; and on the other, a growing Israeli-Arab legal community that understands the Arab legal, economic and cultural systems. Israel can serve, at least at the first stage, as a solid base for such programs.
13. The University of Haifa Law School, with its unique location ("The City of Tolerance"), its integrated community (Israeli Jews and Arabs), and its diversified faculty of well known experts could serve as the Middle East connection between the two cultures.

## ***B. LLM program in Human Rights in the Middle East: Case Study No. 1***

### ***1. The Objective:***

The LLM program's objective will be to expose students from Middle Eastern law schools to Western legal systems, and United States and European students to Arabic and Middle Eastern legal and social systems and to the foundation of the Islam. It will provide students with the tools to succeed in the international arena, and strengthen legal institutions and the democratic process in the countries of the area.

The program will emphasize teaching the following skills and abilities:

- To transform and implement political theory and social policy into reality, primarily by means of the legislative process
- To use the legal system to create social and political change for the improvement of the welfare of society
- To approach problem solving through methods of negotiation and mediation
- To become familiar with the region's different cultures and customs, and to gain a command over the respective languages

A special LLM program will be designed to attain the above objectives by exposing interested students from all over the world to the special environment of the Middle East.

### ***2. The Student Body***

The student body will include candidate lawyers and Human Rights activists, as well as potential leaders who are interested in democracy, rule of law, international public law and civil rights, from the following regions and states:

- Arabs countries, Israel (Jews and Arabs) and Palestine
- United States
- Europe
- Neighboring countries (Greece, Cyprus, Malta, Turkey)

### ***3. Academic Aspects***

An Academic Steering Committee will be created and composed of senior legal scholars from the United States, Europe, Turkey and other Arab countries and Israel. The Committee will oversee academic programs that will employ a multidisciplinary staff of professional teachers in the fields of economics, sociology, political science, religion, and Middle East studies.

The teaching faculty will be full time faculty members of the participating Law Schools, supported by visiting and adjunct professors from the United States, as well as European and Arab law schools.

The curriculum will be comprised of required introductory courses in United States, European, Israeli and Middle Eastern law, as well as courses in Middle Eastern history, culture, sociology, economics, politics and religion. An emphasis will be placed on an interdisciplinary approach to law.

### ***4. Tentative Instruction Program:***

The duration of study will be one year, composed of two parts; each part will include one full semester and a short session. Students will be required to earn 30 academic credits (12 hours per full semester, plus six hours during the 4-week short sessions). The short session will be held during the summer in the USA and during the month of January in the Middle East. The full semester will be held during the fall Semester in the US and during the spring semester in the Middle East. During each semester, students will take four 3-credit courses (out of seven offered) in traditional Constitutional/Human Rights and International Human Rights. In addition, some introductory courses will be offered to students during the short session.

### ***5. Participating Law Schools***

The proposed program is based on the assumption that students will divide their studies between two locations. Initially, the location of the first part of the program will be in the U.S. and the second part in the Middle East, preferably at Haifa University during the early stages. The first

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part will have both a summer session and a fall semester in the U.S.; and the second part will have a spring semester and summer/winter short session in the Middle East (Haifa University, at least at this first stage).

Later on, we will consider having the first part of the program meet in a European country and the second part in one of the Arab countries.

As for the first part of the proposed program: U.S. law school participant schools will offer the program, recruit students, and provide the courses to the students. During the second part, all the students from all the U.S. law schools will come and study together in Haifa. Each U.S. law school will grant its own LL.M. degree to its own students. If we find that there is a need for a joint degree with a foreign country, the degree will be "(Name of the U.S. Law School) - (Name of the Foreign Law School) LLM in Human Rights in the Middle East".

## ***6. Financing***

The financing of the studies will come from student tuition\* and from contributions from foundations, governments, and industries. A scholarship fund should be established for exceptional students who demonstrate financial need, or exhibit exceptional leadership potential in their country of origin.

### ***C. “The Middle-East Human Rights” Research Center: Case Study No. 2***

In addition to the academic studies, a **Research Center** should be established with a goal to focus on the following areas:

- The development of Human Rights and the rule of law in the Middle East
- expansion and monitoring of Human Rights movements in the Middle East
- Study and promotion of legal mechanisms for the stabilization of the peace process
- The enhancement of democratic forces in region

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\* Since Under the U.S. federal Tax Law the cost of such studies, including the travel and away from home expenses may be tax deductible we believe there will be enough U.S. students who will be interested in the program

*D. “The Middle-East Common Market” Research Center as a Case Study No. 3*

In addition to the academic studies (LLM in “International Trade in the Middle East”), a **Research Center** should be established with a goal to focus on the following areas:

- The development of a Common Market for the Middle East (political and economic)
- Expansion and monitoring of Human Rights movements in the Middle East
- Study and promotion of legal mechanisms for the stabilization of the peace process
- The enhancement the democratic forces in region.