Course Syllabus
EMT 3873/6873 HS Law, Ethics and Society
Emmanuel College
Toronto School of Theology
Winter 2017

Instructor Information
Instructor: Nevin Reda, PhD, Assistant Professor
Office Location: EM 215
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E-mail: nevin.el.tahry@utoronto.ca
Office Hours: Thursdays, 10:00 am – 11:00 am or by appointment (not during reading week)

Course Identification
Course Number: EMT 3873/6873HS
Course Format: In-class
Course Name: Law, Ethics and Society
Course Location: EM 108
Class Times: Wednesdays 11:00am – 1:00pm
Prerequisites: None

Course Description
The seminar will undertake to study the Islamic legal theory (usul al-fiqh) and practice (fiqh) in conjunction with Islamic ethics, which serves as an integral part of the juridical tradition of Islam. The sources of law like the Qur’an, the Tradition (Sunna), consensus (ijma’), analogy (qiyas) and reason (‘aql) will be examined in connection with the process by which legal decisions in Islam are made. The course will provide an opportunity to students of comparative ethics and law to learn about one of the well-developed religious-ethical systems in Abrahamic traditions. In addition, this course will offer a study of interaction between faith and history in Islam which has impacted upon the development of ethical-legal judgments in the Shari‘a. Assessment: Class Participation (15%), oral presentation (15%), mid-term test (25%), and a final paper (45%).

Course Resources
Required Course Texts/Bibliography
Course Website(s)

- Blackboard https://weblogin.utoronto.ca/

This course uses Blackboard for its course website. To access it, go to the UofT portal login page at http://portal.utoronto.ca and login using your UTORid and password. Once you have logged in to the portal using your UTORid and password, look for the My Courses module, where you'll find the link to the website for all your Blackboard-based courses. (Your course registration with ROSI gives you access to the course website at Blackboard.) Note also the information at http://www.portalinfo.utoronto.ca/content/information-students. Students who have trouble accessing Blackboard should ask [xxx] for further help.

- Personal Website http://individual.utoronto.ca/jsmith

Course Learning Objectives/Outcomes

Upon successful completion of the course, students are expected to:

Religious Faith and Heritage

- Demonstrate knowledge of religious heritage, and articulate clearly their own theological positions (as related to pastoral practices).
- Interpret scripture and religious texts using a variety of methods, sources, and norms.
- Identify and respect the diversity of theological viewpoints and practices within their religious tradition.

Culture and Context

- Demonstrate critical understanding for one’s area of specialization of the relationship between faith practices and cultural contexts.
- Employ diverse methods of analysis in relating to one’s cultural contexts of one’s specialization.
- Give evidence of critical self-awareness with regard to their own and—and others’--faith perspectives and practices of educational ministry.

Ability with Scholarly Tools and Skills

- Demonstrate competence in the use of a library and in the construction of a bibliography
- Demonstrate familiarity with pertinent web-based resources and skills.
- Demonstrate competence in the following skills:
  - Clear and effective communication in both oral and written forms;
  - The construction of a logical argument;
  - The making of informed judgments on complex issues;
  - The use of standard conventions of style for scholarly writing.

Ability to carry out specialized research

- Demonstrate competence in the area of Islamic law, its theories and practices.
- Give evidence of an understanding of the nature and processes of research.
Evaluation

Requirements

The final grade for the course will be based on evaluations in four areas:

1. Attendance and Class Participation (15%)
   Class begins at 11:10am sharp. Three late arrivals in class will count as one absence. Attendance is mandatory. More than two unexcused absences will negatively affect a student’s grade. More than four absences without proper documentation (an official U of T medical certificate provided within one week of the absence) will receive an automatic FZ. Students are expected to attend class and to come prepared.

   You should expect to devote 3 hours or more outside of class for every hour of classroom instruction. Use this time to prepare the required readings and primary texts in advance. Always be ready to provide a brief summary of each reading, list the main points and explain how the readings relate to one another.

   Ensure that you learn and memorize the most important technical terms you come across in your readings. Some students like to keep a notebook specifically for this terminology, defining the terms and giving examples. Other students prefer an electronic notebook. Your class participation mark will reflect your participation in classroom discussions and a brief oral presentation on your research paper topics, if time allows for this second presentation. A handout is not necessary for this presentation.

2. Case Study Oral Presentation
   Presentation topics and dates will be determined on the first day of class in accordance with the below schedule of readings. Ensure that you address relevant texts, principles and methodologies in your presentation. Students are expected to speak for 15 minutes and to respond to questions and comments after the presentation. You should have a 1-2 page handout for the class in point form. Some students like to prepare a PowerPoint. Please ensure that you email me a copy of your handout and PowerPoint (if you have one) by 5:00 pm one day before you present. This presentation counts as 15% of your final grade and is distinct from the research paper presentation which counts as part of your class participation above.

3. Mid-Term Test
   This test will cover all required readings of the first six classes, including all those in the Hallaq and Kamali textbooks. For the first question, you will receive a choice of five out of seven words, which you will be asked to define and to explain their significance in relation to Islamic law. For the second question, you will be required to fill in the blanks. The third question is an essay question and you will receive a choice of one out of two questions. No aids are allowed in this test.

4. Research Paper
   This research paper must address a current topic in the area of Islamic law and/or ethics. This paper should be 12-15 pages (counting bibliography) in double-spaced 12 pt Times New Roman font. Footnotes and bibliography should consistently follow Chicago Manual of Style (16th edition), which is available on-line through the library catalogue.
Your paper must include the following:

Title page. This includes the paper title, the student's name, the course code and name, the name of the instructor and the date of submission.

Introduction. The most important part of the Introduction is the thesis statement, setting out in the briefest possible form the exact proposition or hypothesis which the paper will demonstrate. The Introduction also provides the context necessary to show why the paper is important. To this end it identifies the research question and describes its broader setting in academic research. It gives attention to previous enquiry and available secondary literature (the status quaestionis). The Introduction should also include a description of the project as a whole (i.e. a one-paragraph road map outlining what you plan to do).

If you want, you can also include a section on method as part of the introduction, describing the relevant primary literature and the methods to be used for interpreting it. It gives a rationale for the method and indicates how it will be used to generate dependable conclusions and verify the thesis statement.

Your introduction should not exceed one page (not counting the literature review and the section on method). Some students like to write two or three paragraphs, one with the thesis statement: one with the road map, and one on the state of the scholarship.

Exposition. The main body of the thesis is the clarification, development, and demonstration of the thesis statement, using authoritative evidence. The exposition is typically organized as parts of an argument. The interrelationship of the parts of the exposition, and the direct relevance of each part of the exposition to the thesis statement, should be clear to the reader.

Conclusion. The thesis statement should be recapitulated, the demonstration should be summarized, the limitations of the demonstration and the remaining uncertainties should be acknowledged, and the implications of the study for the faith community, the wider scholarly community, and/or the world should be set forth.

Bibliography. Books, articles, and other sources that have been used must be listed. It is preferable to distinguish between primary and secondary literature in the bibliography.

Due Dates

<table>
<thead>
<tr>
<th>Component</th>
<th>Weight</th>
<th>Due Date</th>
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<tbody>
<tr>
<td>Class participation</td>
<td>15 %</td>
<td>N/A</td>
</tr>
<tr>
<td>Mid-term test</td>
<td>25 %</td>
<td>Feb. 28</td>
</tr>
<tr>
<td>Case study presentation</td>
<td>15 %</td>
<td>TBA</td>
</tr>
<tr>
<td>Research Paper</td>
<td>45%</td>
<td>April 4 @ 11:00 a.m.</td>
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Advice on Academic Writing

For advice on academic writing, go to [http://www.writing.utoronto.ca](http://www.writing.utoronto.ca). If you wish to book an appointment with a writing instructor for individual help, go to [http://www.vic.utoronto.ca/students/tutorialservices/Writing_Centre.htm](http://www.vic.utoronto.ca/students/tutorialservices/Writing_Centre.htm). Make sure you book your appointment as early as possible. Advanced degree students in a conjoint degree program are encouraged to use [http://www.sgs.utoronto.ca/currentstudents/Pages/English-Language-and-Writing-Support.aspx](http://www.sgs.utoronto.ca/currentstudents/Pages/English-Language-and-Writing-Support.aspx).
**Grading System**

- A+ (90-100)
- A  (85-89)
- A- (80-84)
- B+ (77-79)
- B  (73-76)
- B- (70-72)
- Failure

Please see the appropriate handbook for more details about the grading scale and non-numerical grades (e.g. SDF, INC, etc).

**Late work.** Students are expected to hand in assignments by the date given in the course outline. [The instructor should stipulate the penalty for late work.] This penalty is not applied to students with medical or compassionate difficulties; students facing such difficulties are kindly requested to consult with their faculty adviser or basic degree director, who should make a recommendation on the matter to the instructor. The absolute deadline for the course is the last day of classes. Students who for exceptional reasons (e.g., a death in the family or a serious illness) are unable to complete work by this date may request an extension (SDF = “standing deferred”) beyond the term. An SDF must be requested from the registrar’s office in the student’s college of registration no later than the last day of classes in which the course is taken. The SDF, when approved, will have a mutually agreed upon deadline that does not extend beyond the conclusion of the following term. If a student has not completed work but has not been granted an SDF, a final mark will be submitted calculating a zero for work not submitted.

**Course grades.** Consistently with the policy of the University of Toronto, course grades submitted by an instructor are reviewed by a committee of the instructor’s college before being posted. Course grades may be adjusted where they do not comply with University grading policy ([http://www.governingcouncil.utoronto.ca/policies/grading.htm](http://www.governingcouncil.utoronto.ca/policies/grading.htm)) or college grading policy.

**Policies**

**Accessibility.** Students with a disability or health consideration, whether temporary or permanent, are entitled to accommodation. Students in conjoint degree programs must register at the University of Toronto’s Accessibility Services offices; information is available at [http://www.accessibility.utoronto.ca/](http://www.accessibility.utoronto.ca/). The sooner a student seeks accommodation, the quicker we can assist.

**Plagiarism.** Students submitting written material in courses are expected to provide full documentation for sources of both words and ideas in footnotes or endnotes. Direct quotations should be placed within quotation marks. (If small changes are made in the quotation, they should be indicated by appropriate punctuation such as brackets and ellipses, but the quotation still counts as a direct quotation.) Failure to document borrowed material constitutes plagiarism, which is a serious breach of academic, professional, and Christian ethics. An instructor who discovers evidence of student plagiarism is not permitted to deal with the situation individually but is required to report it to his or her head of college or delegate according to the TST Basic Degree Handbook and the Graduate program Handbooks (linked from [http://www.tst.edu/academic/resources-forms/handbooks](http://www.tst.edu/academic/resources-forms/handbooks) and the University of Toronto Code of Behaviour on Academic Matters [http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=4871](http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=4871). A student who plagiarizes in this course will be assumed to have read the document “Avoidance of

**Other academic offences.** TST students come under the jurisdiction of the University of Toronto Code of Behaviour on Academic Matters [http://www.governingcouncil.utoronto.ca/policies/behaveac.htm](http://www.governingcouncil.utoronto.ca/policies/behaveac.htm).

**Back-up copies.** Please make back-up copies of essays before handing them in.

**Obligation to check email.** At times, the course instructor may decide to send out important course information by email. To that end, all students in conjoint programs are required to have a valid utoronto email address. Students must have set up their utoronto email address which is entered in the ACORN system. Information is available at [www.utorid.utoronto.ca](http://www.utorid.utoronto.ca). The course instructor will not be able to help you with this. 416-978-HELP and the Help Desk at the Information Commons can answer questions you may have about your UTORid and password. **Students should check utoronto email regularly** for messages about the course. **Forwarding** your utoronto.ca email to a Hotmail, Gmail, Yahoo or other type of email account is not advisable. In some cases, messages from utoronto.ca addresses sent to Hotmail, Gmail or Yahoo accounts are filtered as junk mail, which means that emails from your course instructor may end up in your spam or junk mail folder. Students in non-conjoint programs should contact the Registrar of their college of registration.

**Email communication with the course instructor.** The instructor aims to respond to email communications from students in a timely manner. All email communications from students in conjoint programs should be sent from a utoronto email address. Email communications from other email addresses are not secure, and also the instructor cannot readily identify them as being legitimate emails from students. The instructor is not obliged to respond to email from non-utoronto addresses for students in conjoint programs. Students in non-conjoint programs should only use the email address they have provided to their college of registration.

**Course Schedule (may be subject to change)**

<table>
<thead>
<tr>
<th>Week 1 (Jan. 10)</th>
<th>Introduction</th>
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<td><strong>Required Readings:</strong></td>
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<tr>
<th>Week 2 (Jan. 17)</th>
<th>The Judiciary Coming of Age</th>
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<tr>
<td><strong>Required Readings:</strong></td>
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**Week 3 (Jan. 24)**

**Legal Theory**

**Required Readings:**

**Week 4 (Jan. 31)**

**The Leading Schools of Law**

**Required Readings:**

**Week 5 (Feb. 7)**

**The Objectives of the Law**

**Required Readings:**

**Optional Readings:**

**Week 6 (Feb. 14)**

**Health and Suffering**

**Required Readings:**

Optional Readings
5. Mohammad Ghaly, “D3S1 Physicians as Co-Muftis?” (videorecording)

https://www.youtube.com/watch?v=CGz8mQp5eCg

Presentations/Case studies: End of life decisions; organ donation

Reading Week
No Classes on Feb. 21

Week 7 (Feb. 28)
Mid-Term Test

Week 8 (Mar. 7)
Early Life

Required Readings:
1. Sachedina, “The Beginning of Life,” “Terminating Early Life” and “Recent Developments” in Islamic Biomedical Ethics, pp. 101-44; 195-220.

Presentations/Case studies: Reproductive technologies; abortion; (eugenics)

Week 9 (Mar. 14)
Marriage, Money and Sex

Required Readings:

Presentations/Case studies: Adoption; contraception; (surrogate motherhood).

Week 10 (Mar. 21)
When Things Go Wrong:
Divorce and Illicit Sex in Islamic Jurisprudence
Required Readings:

Optional Readings

Presentations/Case studies: Domestic violence; (child custody); (zina)

Week 11 (Mar. 28)

Sexual Ethics

Required Readings:
3. Sachedina, Islamic Biomedical Ethics, pp. 190-4.

Optional Readings:
5. “Liwāt” EI2 (Encyclopedia of Islam, 2nd ed., available on-line through the library catalogue)

Presentations/Case studies: FGC; sex change; Circumcision

Week 12 (Apr. 4)

Women in the Public Sphere: The Problem of fitna

Required Readings:

Additional Bibliography


——. *Religion and the Liberal State: The Case of Islam*. [Toronto]: Faculty of Law, University of Toronto, [2008].

——. *The True, the Good and the Reasonable: The Theological and Ethical Roots of Public Reason in Islamic Law*. [Toronto] : University of Toronto, Faculty of Law, [2006].


—. “Was the Gate of Ijtihad Closed?” *International Journal of Middle East Studies* 16, no. 3 (1984), pp. 3-41.


Omar, Sara. "From Semantics to Normative Law: Perceptions of Liwāt (Sodomy) and Siḥāq (Tribadism) in Islamic Jurisprudence (8th-15th Century CE),” *Islamic Law and Society* 19, no. 3(2012), pp. 222 – 256.


