EMT 3873HS/EMT 6873 HS Law, Ethics and Society

Course Outline

General Information
Instructor: Nevin Reda El-Tahry  
E-mail: nevin.el.tahry@utoronto.ca  
Office Hours: W 11:00 – 12:00  
Office: EM 215  
Class time: R 11:00 – 1:00  
Classroom: EM 205

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: Readings, oral presentation, mid-term test, and a final paper.

Learning 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.

Required Textbooks

Evaluation and Assignments
*Each student should know from the outset that this course requires daily reading, both written and oral assignments and regular class participation. More than two unexcused absences will negatively affect the student's grade. Any student with more than four unexcused absences will receive an automatic failing grade, without possibility of supplemental examination.*

<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. 25</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 7 @ 11:00 a.m.</td>
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All essays and assignments must be handed in on time. Penalty for late assignments is 2% reduction in mark per day of lateness. Assignments will not be accepted after two weeks of the due date. Academic accommodation will only be considered when appropriate documentation (an official U of T medical certificate) is provided within ONE week of the due date. At all time, students are expected to do their own work. Plagiarism—to represent as one’s own any idea or expression of an idea or work of another in any academic examination or term test or in connection with any other form of academic work—is a serious academic offense and will not be tolerated. Students who plagiarize run the risk of suspension and other sanctions. For the definition of “academic work,” tribunal procedures, and more, see http://www.governingcouncil.utoronto.ca/policies/behaveac.htm.

For *advice on academic writing*, go to 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/tutormalservices/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.

Normally, students will be required to submit their research papers to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site.

A link will appear on the course website under “Course Materials,” which will enable you to submit your papers. Students not wishing to submit their work through Turnitin will need to contact the instructor and set up a meeting by September 17th in order to discuss alternative arrangements. For the definition of “academic work” and more, see http://www.governingcouncil.utoronto.ca/policies/behaveac.htm. See also http://www.socialwork.utoronto.ca/students/policy/plagiarism.htm.

a. Attendance and Class Participation
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. A course wiki will be provided for your use, if you should choose to work on these terms together with your colleagues. Your wiki participation can reflect a sense of collegiality and a generosity of spirit. It also reflects an ability to work in a group environment together with others in preparation for classroom discussions. Your class participation mark will reflect your participation in classroom discussions and a brief oral presentation on your research paper topics. A handout is not necessary for this presentation.

b. 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. Please ensure that you email me a copy 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.

c. Mid-Term Test
This test will cover all required readings of the first five classes, including all those in the Hallaq and Kamali textbooks. The first question consists of a map. For the second 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. They may or may not be chosen from the words on your course wiki. For the third question, you will be required to fill in the blanks. The fourth question is an essay question and you will receive a choice of one out of two questions. No aids are allowed in this test.

d. Research Paper
This research paper must address a current legal and/or ethical dilemma in the area of Islamic law and/or ethics. You should include more than one perspective in your analysis. For example, if you plan to address the ethical/legal dilemma of abortion, consider including ethical/legal perspectives that allow it and ones that don’t, looking at the nuances and diversity within the law. You must also ensure that your paper reflects methodological awareness. For example, if you choose to discuss a topic in the area of Islamic bioethics, you must indicate awareness with the theory of the objectives of the law (maqasid) and the principle of “no harm/no harassment.” This paper should be 12-15 pages (counting bibliography) in double-spaced 12 pt Times New Roman font. Footnotes and bibliography should consistently follow either Turabian’s Manual of Style or Chicago Manual of Style. 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. 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. Primary and secondary literature should always be distinguished.
Grading scale

<table>
<thead>
<tr>
<th>Letter Grade</th>
<th>Numerical Equivalents</th>
<th>Grade Point</th>
<th>Grasp of Subject Matter</th>
<th>Other qualities expected of students</th>
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<tbody>
<tr>
<td>A RANGE: Excellent: Student shows original thinking, analytic and synthetic ability, critical evaluations, broad knowledge base.</td>
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<tr>
<td>A+</td>
<td>90-100</td>
<td>4.0</td>
<td>Profound and Creative</td>
<td>Strong evidence of original thought, of analytic and synthetic ability; sound and penetrating critical evaluations which identify assumptions of those they study as well as their own; mastery of an extensive knowledge base.</td>
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<tr>
<td>A</td>
<td>85-89</td>
<td>4.0</td>
<td>Outstanding</td>
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<tr>
<td>A-</td>
<td>80-84</td>
<td>3.7</td>
<td>Excellent</td>
<td>Clear evidence of original thinking, of analytic and synthetic ability; sound critical evaluations; broad knowledge base</td>
</tr>
<tr>
<td>B RANGE: Good: Student shows critical capacity and analytic ability, understanding of relevant issues, familiarity with the literature.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>B+</td>
<td>77-79</td>
<td>3.3</td>
<td>Very Good</td>
<td>Good critical capacity and analytic ability; reasonable understanding of relevant issues; good familiarity with the literature</td>
</tr>
<tr>
<td>B</td>
<td>73-76</td>
<td>3.0</td>
<td>Good</td>
<td></td>
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<tr>
<td>B-</td>
<td>70-72</td>
<td>2.7</td>
<td>Satisfactory at a post-baccalaureate level.</td>
<td>Adequate critical capacity and analytic ability; some understanding of relevant issues; some familiarity with the literature</td>
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<tr>
<td>FZ</td>
<td>0-69</td>
<td>0</td>
<td>Failure</td>
<td>Failure to meet the above criteria</td>
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Accommodations
Students with diverse learning styles are welcome in this course. If you have a disability/health consideration that may require accommodations, please feel free to approach me and/or the Accessibility Office as soon as possible. It takes time to put disability related accommodations in place. The sooner you meet with a Disability Counsellor at Accessibility Services, the quicker s/he can assist you to achieving your learning goals in this course. The University of Toronto is committed to facilitating the inclusion of students in all aspects of university life. For more go to www.accessibility.utoronto.ca or accessibility.services@utoronto.ca.

Schedule of Readings (may be subject to change):
Week 1 (Jan. 14)

Introduction

Required Readings:

**Week 2 (Jan. 21)**

**The Formative Period**

**Required Readings:**

**Week 3 (Jan. 28)**

**The Leading Schools of Law**

**Required Readings:**
1. Hallaq, “The great rationalist-traditionalist synthesis; the formation of legal schools” and “Twelver-Shi‘ite Legal Theory” in *Sharī‘a*, pp. 56-71, 113-124.

**Week 4 (Feb. 4)**

**Legal Theory**

**Required Readings:**

**Week 5 (Feb. 11)**

**The Objectives of the Law**

**Required Readings:**

**Feb. 18**

**Reading Week—No Class**

**Week 6 (Feb. 25)**
Mid-Term Test

Week 7 (Mar. 3)

Principles of Healthcare Ethics

Required Readings:
1. Sachedina, “In search of principles of healthcare ethics in Islam” in *Islamic Biomedical Ethics*, pp. 25-76.

Week 8 (Mar. 10)

Health and Suffering

Required Readings:

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

Week 9 (Mar. 17)

Early Life

Required Readings:
1. Sachedina, “The Beginning of Life,” “Terminating Early Life” and “Recent Developments,” *Islamic Biomedical Ethics*, pp. 101-144; 195-12

Presentations/Case studies: Reproductive technologies and eugenics, abortion

Week 10 (Mar. 24)

Sexual Ethics

Required Readings:
3. Qaradawi, “The Islamic Principles Pertaining to the Lawful and the Prohibited” and

Presentations/Case studies: Circumcision/FGC; Sex change

Week 11 (Mar. 31)

Marriage and Divorce

Required Readings:

Presentations/Case studies: Adoption, domestic violence, (Contraception?)

Week 12 (Apr. 7)

Women in the Public Sphere: The Problem of fitna

Required Readings:

Research paper due

Additional Bibliography
29. Ghazali, Muhammad al-. *The Sunna of the Prophet: The People of Fiqh versus the People of Hadith,* translated by A.H. Bewley, M.I. Waley and Aisha Abdurrahman