

Course Outline

Course: LAWS 4903A - Human Rights, Sharia Law and Islamic Legal System

Term: Fall 2015

Prerequisites: Fourth-year Honours standing

Class: Day & Time: Mondays 2:30- 5:30

Room: Tory Building Room 230

Instructor: Hossein Raeesi

Email: Hossein.Raeesi@carleton.ca

Office: Loeb D-488

Office Phone:

Office Hours: Mondays 9.30 -11.30 or by appointment

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://carleton.ca/pmc/students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

Course Description:

Many Muslim majority countries have made various reservations to international Human Rights Conventions. These reservations place limits upon the ratification and implementation of these treaties, leading critics and others to question the compatibility of Human Rights law and Sharia law. This course investigates this tension and asks if Sharia law contradicts Human Rights law. We will compare and analyze international Human Rights Law with the Islamic legal system, examining in detail specific Islamic states such as Saudi Arabia, Iran, and Malaysia. We will look in particular at the UDHR, ICCPR, ICESCR, CRC and CEDAW treaties in relation to Sharia law. Additionally, we will also analyze the role of all sides and the impact on the ratification in domestic practice in terms of legislation and implementation.

Grading and Requirements:

(All components must be completed in order to get a passing grade)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean

1) Research & Class Presentation	25%
2) Submission of Multiple Choice Questions for Mid-term (Due: October 19)	10%
3) Mid-Term Exam (Due: November 2)	15%
4) Class Attendance & Class Performance	20%
5) Proposal for Final Essay (DUE: Nov. 9)	5%
6) Final Essay (DUE: Monday, December 7, t 3pm in office hours)	25%

1) Research & class Presentation (25%): Working in groups, each student will be asked to present the main conceptual ideas of one of the weeks during class. Each presentation should be well planned, rehearsed, and executed. Presentation should employ a combination of PowerPoint and at least one class activity that engages fellow students to think through the issues of the week. A list of topics will be introduced in the first session.

2) Submission of Multiple Choice Questions for Mid-term (10%): Students will write and submit three multiple-choice questions that will potentially be included on the midterm exam. With a total value of 5% of the final grade, questions will be graded on the basis of clarity, complexity, and writing style (e.g. grammar, spelling, etc.). Each question should provide four possible answers with one correct option. Questions will have been submitted via the instructor's email or in class by October 5th. Each student is supposed to read his /her questions with the multiple choices provided in class on the session held on October 5th. The questions will be discussed and analyzed amongst students until arriving at the correct choice.

3) Mid-Term Exam (15%): The mid-term exam will be multiple-choice based on the questions offered by the students along with the questions posed by the instructor. The portion allocated to the students' questions will be 10% and that of the instructor's will be 5%. The exam will be taken on November 2th.

4) Class attendance & Class Performance (20%): A comparative study between international human rights conventions, Sharia Law and Islamic legal system in the Muslims states will be made. To get involved with the class discussion and to demonstrate the ability to make legal comparisons between the facts being studied is of crucial importance. It can be a good manifestation of the students' mastery of the comparative study. Thus, finding the compatibility and conflicts between the areas mentioned is regarded as a legal technique.

5) Proposal for Final Essay (5%): This is a short 2-page document that is due at the start of class on November 9. One page outlines the topic and main issues the paper will address. The second page includes a bibliography with at least 5 primary sources and at least 2 secondary sources.

6) Final Essay (25%): The final paper gives each student the opportunity to think about, and discuss, a theme related to the class content. More details on grading and expectations are followed. The final paper should be no more than 7 pages and is due on Monday, December 7th at 5:30 pm. Students will have the chance to submit their essays online. The deadline won't be extended.

Required Text:

Islamic Law and International Human Rights Law

Edited by Anver M. Emon, Mark Ellis, Benjamin Glahn, Oxford University Press, UK 2012.

Where to buy the texts? The required text has been ordered and is available for purchase at **Octopus Books** [116 Third Ave, Ottawa, (613) 233-2589]. Copies of the text have also been placed on reserve for you in the library. You will need **MY NAME** and the **COURSE CODE**.

For more information see: <http://octopusbooks.ca/book/course-book-faq>

(Tentative)

Class Schedule

September 4

Week 1:

- Introductory Class
- The definition of Sharia law.

Please read: Part I of the textbook (Articles 4 and 5)

September 7th Labour Day – No classes- Happy Labour Day

September 14

Week 2:

- The connections between human rights law particularly [UDHR](#), Sharia, domestic law and legislation,
- The comparative study of UDHR and the [Universal Islamic Declaration of Human Rights](#)

Please read:

- [Human Rights and Islamic Law](#).
- Part I of the textbook, Islamic Law and International Human Rights (Articles 1-6)

September 21

Week 3:

- A comparative study between [ICCPR](#), [ICESCR](#), [CEDAW](#) principles and the legal system in such Muslim countries as Iran, Saudi Arabia and Malaysia.
- The case study of Iran, Saudi Arabia and Malaysia based on Amnesty International annual reports

Please read:

- Amnesty International Annual Reports 2014/15 on [Iran](#), [Saudi Arabia](#) and [Malaysia](#).
- Part I of the textbook, Islamic Law and International Human Rights (Articles 1, 4 and 6).

September 28

Week 4:

- Sharia law and criminal justice, fair trial, procedure law and evidence in Muslim countries versus international human rights principles.
- The criteria in choosing judges in Islamic judicial system.
- The investigation of the arguments proving crime in Islamic laws

Please read:

- [An Introduction to Islamic Criminal Justice.](#)
- The Rights to Fair Trial under Saudi Law of Criminal Procedure. [A Human Rights Critique.](#)

October 5

Week 5:

- A comparative study between Sharia law, [CRC](#) and criminal responsibility in particular
- The case study of children's rights such as underage marriage, forced marriage and Children's execution. (My client's case including all the three mentioned cases.)

Please read:

- [Prison Journal of a Child Bride](#)
- [Rights of the Child in Iran.](#)

October 12 *Thanksgiving Day - National Holiday- Enjoy the week.*

October 19

Week 6:

- The rights of life, deserving death, honor killing, death penalty in Islam and human rights principles.

- The kinds of deliberate murder and its following death penalty based on Sharia law in Islamic countries, the compatibility or incompatibility of such death penalty with Article 6 of ICCPR.

Please read:

- [International Human Rights Law, Islamic Law and the death penalty.](#)
- The class discussion of the mid-term questions submitted by the students
- [The Case of Mohsen Amir Aslani](#): the chronicle of an execution

October 26 Fall Break, No Classes- Enjoy the week.

November 2

Week7:

- Mid-term exam
- A video regarding Sharia law and human rights debate.

Human Rights in Islam: Just or Unjust? - DEBATE

<https://www.youtube.com/watch?v=DwcwJcUsnNw>

November 9

Week 8:

- Sharia law and women's rights, the discrimination between men and women, the superiority of Muslims over non- Muslims in Islamic countries.
- A comparative study between women's rights in Sharia law and those in human rights, CEDAW in particular

Please read:

- Part IV of the textbook, Gender Equality (Articles 14-17)
- [Islam and the Challenge of Human Rights](#), Chapter III, IV and III Reservation to Human Rights Treaties.

November 16

Week 9:

- Sharia Law, freedom from religion, freedom of religion, conversion and apostasy.
- The case study of two conversions from Islam to Christianity in Iran defended by the course instructor (Two priests called Arash and Mahmoud)

Please read:

- Part II of the textbook. Freedom of Speech (Articles 10 - 13)
- [Law of Apostasy and Freedom of Religion in Malaysia](#)

Apostasy and Iran's Criminal Law: A Legal Commentary, By Hossein Raesi

November 23

Week 10:

- Homosexual rights, the criminality of same-sex behavior in Sharia law and Muslim states
- The case study of gay sex and death penalty in Iranian criminal code

Please read:

- The Lesbian, Gay, Bisexual and Transgender Community of Iran Examining Human Rights From Religious perspectives. Dusseldorf Germany, August 2014. ([Here](#) is the link)

November 30

Week 11:

- The students' submission of the proposal of the final essay.
- The comparison of Muslim countries in terms of the acceptance or refusal of [ICESCR](#)
- The case study of family law in such Muslim countries as Iran and Saudi Arabia

Please read:

- Part IV of the textbook, Gender Equality (Article 17).

- [The Sharia, Islamic Family Laws and International Human Rights Law, Examining the Theory and Practice of Polygamy and TalaQ.](#)

December 7

Week 12

- Course Overview and Concluding Reflections

Final Essay: DUE on Monday, December 7th 5:30pm

The instructor will hold office hours so you can hand in your final paper directly to him.

Also you will have the chance to submit it online.