COURSE DESCRIPTION

What is Islamic law and how does it influence the way Muslims live? Depending on who you ask, you may receive one of many answers to this question. Looking at the origins and evolution of Islamic law around the world, this course introduces students to important concepts in the study of Islamic law (e.g., sharī’a, fiqh, usūl al-fiqh, qiyās, ijtihād, etc.) and their development from the classical period up to the present. During the first four weeks of the term, we will learn the origins, foundations, and theoretical underpinnings of Islamic law. In the second part of the class, we will then consider the evolution of Islamic law and legal practice through the medieval and early modern periods as institutions emerged and legal procedure developed. The final portion of the course focuses on contemporary issues and their interpretation. The specific topics and issues considered in the final weeks of the course will vary, depending on student interest (and current events). Group presentations during this portion of the class will provide students with an opportunity to try their hand at Islamic legal interpretation and to share their analyses with the rest of the class. Throughout the semester, we will practice Islamic legal reasoning, build confidence in the use of technical vocabulary, and address differences and diversity across the Islamic world.

COURSE LEARNING OUTCOMES

By the end of this course, students will be able to:

- Outline the history of Islamic law from its origins to its modern manifestations
- Define and deploy technical terms central to the study of Islamic law
- Describe the key features of the major Sunni and Shi’ī schools of jurisprudence
- Investigate Islamic legal questions using the relevant sources and interpretive methods
- Understand and explain with empathy and sensitivity the meanings and importance of shariah for Muslims living in Muslim-majority and Muslim-minority countries today

Essential Course Information

Meets: T/Th 2:30–3:45 p.m.
Location: Social Sciences 6240
Course Website: https://canvas.wisc.edu/courses/119127

Instructor: Dr. Elizabeth Lhost
Email: elizabeth@wisc.edu
Office: University Club, 332
Office Hours: W 2–4 p.m., or by appointment

Credits and Instructional Mode:
3 credits
This class meets in-person with face-to-face instruction for two 75-minute class periods each week over the fall semester. Students are expected to work on course activities (reading, writing, class preparation, etc.) for about 6 hours per week.
REQUIRED TEXTBOOKS

Students are required to purchase the following textbooks and to bring them to class on days when they are assigned. These books are available for purchase at the University Bookstore on Library Mall and from other local and online retailers. Other readings will be provided as electronic documents through the course Canvas site.


ASSIGNMENTS AND ASSESSMENT

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Attendance and Participation (includes On-Calls)</td>
<td>15%</td>
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<tr>
<td>Group Project and Presentation</td>
<td>20%</td>
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<tr>
<td>Exam 1</td>
<td>20%</td>
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<td>Exam 2</td>
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<td>Book Review</td>
<td>10%</td>
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<tr>
<td>Discussion Board Posts (Reading Responses)</td>
<td>20%</td>
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<tr>
<td>Glossary Contributions and (SWENTK) Oral Answers</td>
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Exam 1: **Map and Key Term Exam (20%)**: The first exam (Oct. 4) will focus on geography and terminology. The exam will include a map identification section, a key term definition section, and a short-answer section. The collaborative glossary exercise and maps displayed in class will help students prepare for this examination.

Exam 2: **Big Questions (20%)**: The second exam (Dec. 18) will consist of short-answer essay questions based upon the "Big Questions" addressed throughout the semester. A preliminary list of questions will be made available at the beginning of the semester. Students may find it useful to organize their reading and lecture notes according to these questions during the semester in preparation for the second exam. Students will respond to three of five questions on the second exam.

**Reading Responses (20%)**: Students will write reading responses and post them to the discussion board on Canvas for the days when their groups are on call. Reading responses should draw connections between the day’s readings and the “Big Questions” for the course; place the reading/s in relation to news, personal experiences, or other days' readings; ask questions about the reading (by highlighting parts that don’t make sense or by interrogating some of the underlying assumptions); and remind us about related points or issues that have come up in earlier readings. The purpose of these responses is to get started a conversation about the readings/topics that we may be able to continue during lecture, rather to summarize or restate the author’s main points. Students should organize their responses into coherent paragraphs and aim to write between 400 and 800 words for each reading response, which should be free from typos, spelling mistakes, sloppy punctuation, and should use sentence and paragraph breaks accurately and purposefully. Late responses will not be accepted; students are encouraged to read and respond their classmate’s posts, even for days when they are not “on call”.

**Group Presentation (20%)**: For the group presentations, each group will select a topic from the list below or in consultation with the instructor; conduct research on the topic using printed and electronic resources, and give an oral presentation on the topic to the class. Possible themes are outlined on the reading schedule below, but may also include topics like Adoption, Banking, Employment, Food, Finance, Holidays, Inheritance, Insurance, Marriage, Medicine, Ritual, or other issues (in consultation with the instructor). Groups must finalize their topic before Thurs. Oct. 25.
Each group will prepare and present (1) a brief introduction to the topic for the class and its relevance or importance for Muslims today, (2) outline the relevant textual sources for interpreting the issue today, and (3) analyze competing or complementary interpretations. In addition to presenting this material in class, groups will also submit a 7–10-page “presentation report” document outlining their research, findings, and conclusions. Groups will be assessed according to the clarity, creativity, and informativeness of their presentations. Additional grading information and guidelines will be distributed in class.

**Book Review (10%):** Each student will select a scholarly monograph (from a pre-approved list, or in consultation with the instructor) and complete a book review for that book. The review itself will include a one-page worksheet identifying key pieces of information about the book, followed by a 2–3-page analysis essay that should

- summarize the content and main argument of the book;
- describe its research materials, archives, or methods;
- identify its purpose/intended audience/scholarly objectives;
- discuss the author’s background/areas of expertise/methodological training;
- point out strengths and weaknesses of the book’s argument or evidence; and
- provide a few concluding remarks on the book’s relation to the larger themes of this course.

Students will upload their book reviews as Word .docs by 12 p.m. (noon) on Thursday, November 8. Additional details about the assignment, including a list of pre-approved books, will be provided in class.

**Glossary Contributions and Oral Answers (5%):** During the semester, we will be using two interactive tools to help us remember and apply our new knowledge.

**Online Collaborative Glossary:** New vocabulary words for each reading will be added to the shared Google doc before each week and words will be assigned to students using the class roster. For each word you are assigned, provide a short definition of the word (along with a parenthetical page number reference to the reading—e.g., V15 for Vikor page 15 or S15 for SWENTK page 15) and update that definition in light of later readings or additional clarification or elaboration during lecture as the semester continues. The glossary will serve as a group study guide and will be a handy tool for exam preparation. Students will be graded on the timely completion of their definitions and willingness to update, revise, amend, and expand their contributions.

*Note:* If you wish to contribute to the definition of a term assigned to another student, you may do so by adding your name in parentheses before your contribution but you may not erase or rewrite other students’ entries.

**Oral Answers:** For each class, we will read and discuss 3–4 questions from SWENTK related to the topics for that day. During the semester, you will be responsible for reading, summarizing, and presenting orally one of these answers. You may use notes and visual aids, but your presentation should be no more than 5 minutes long. Presentations will be graded according to their accuracy and accessibility.

**Attendance and Participation (15%):** Attendance for this course is mandatory, and students who accumulate more than six (6) unexcused absences during the term will fail the course. Students are expected to be attentive during lectures and presentations and to participate regularly during discussions. Students who choose to use computers or tablets in class must sit in the first two rows of desks and are expected to use them only for class-related purposes (e.g., note-taking, referring to readings); students who repeatedly mis-use personal technology in the classroom will lose participation points and may be banned from using computers and tablets in class for the rest of the term. If your neighbor is using a computer or tablet for non-class-related activities, you may politely...
ask him/her/them to stop, or you may alert the instructor. **I reserve the right to change this policy at any time during the semester in response to student behavior.**

**On-Call Status:** This course will use punctuated lectures, meaning I will pause the lecture roughly every 15 minutes to ask questions, answer questions, solicit summaries or restatements of main points, or to expand upon complicated ideas. When they are on call, students should expect to speak during these moments. It is okay if you cannot answer a question completely, but you are expected to respond with something substantive when called upon. Students will be “on call” to answer questions according to their assigned groups and may be called upon without raising their hands on these days.

Final grades will be assigned following the distribution outlined above and according to the university's scale:

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<thead>
<tr>
<th>Grade</th>
<th>Description</th>
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<tr>
<td>A</td>
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<td>AB</td>
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<td>C</td>
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<td>D</td>
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### GENERAL EXPECTATIONS

**Respect**
The material in this class touches upon some topics and ideas that seem different or difficult to understand. Our readings and discussions will ask you to consider perspectives, opinions, and ideas that are different from your own and may make you uncomfortable. That is okay. You do not need to agree with any of the ideas presented in the class or any of the opinions expressed by the instructor or your classmates. But you do need to respect these ideas.

Respect means listening attentively and trying to understand other viewpoints. Respect means showing up for class on time and waiting until the class ends to pack up your belongings to leave. Respect means refraining from using electronic devices in class and turning off noises and notifications before class begins. Respect means carefully thinking about what the readings mean and what your fellow classmates are trying to say and responding in a way that demonstrates your consideration for the other person's comments. If at any point during the semester, you feel like you are unable to express your views in the classroom or feel that the behavior of others in the class is making it difficult for you to feel respected and included in the class, please talk to me. Everyone's voice should be heard, and if you feel your voice is not being heard, I will work to remedy the situation.

**Communication**
One of my goals for this course is to help you learn to write carefully, thoughtfully, intelligently, and persuasively about complex issues, but effective communication also extends beyond formal course assignments to include electronic and email communication with the instructor and with your peers. The whys and hows of email communication are something we all must negotiate everyday, but practicing effective professional communication skills is also part of this course. Casual "heys" and "yos" or simply jumping into a question might be okay in some contexts, but when addressing a professor, boss, or colleague, such informality may be interpreted as immaturity—or worse, disrespect!

If you're unsure about how formal an email should be, err on the side of formality and professionalism. Begin professional emails with a salutation ("Dear so-and-so", "Hi so-and-so", or "Hello so-and-so" usually work well), followed by the person's name. If you don't know the person well, use a title (e.g., "Dr." or "Professor"). After writing your question/comment/issue, conclude the message (perhaps by saying "thank you" or "I look forward to hearing from you") and then use a sign-off ("Sincerely", "Best", etc.) and sign your name. You may address me as Dr. Lhost or Professor Lhost.
If you’re curious about how to write more effective emails, the University of North Carolina also has some good advice.

Other recommendations:
- Use “IslamicLawF18: [question about assignment, or another topic]” for the subject line, so that I know your message is related to the course and can give it the time and attention it deserves.
- Use your official university email (@wisc.edu) account. If the name on your student record differs from the name you prefer to be called, please use your preferred name when signing your message (if you think this will be confusing, you might consider setting up an email signature that uses your name of record for the footer of the message).
- Check the syllabus, course Canvas site, or past course emails before emailing. Answers are usually available in one of those places.
- Remember that I am human, not a chat bot, so I will respond to course-related email as soon as possible, but I might not be able to respond immediately. This is especially important to remember when writing with questions about assignments, as I cannot always answer questions immediately before an assignment is due.

Plagiarism and Academic Integrity
By enrolling in this course, each student assumes the responsibilities of an active participant in UW-Madison’s community of scholars in which everyone’s academic work and behavior are held to the highest academic integrity standards. Academic misconduct compromises the integrity of the university. Cheating, fabrication, plagiarism, unauthorized collaboration, and helping others commit these acts are examples of academic misconduct, which can result in disciplinary action. This includes but is not limited to failure on the assignment/course, disciplinary probation, or suspension. Substantial or repeated cases of misconduct will be forwarded to the Office of Student Conduct & Community Standards for additional review. For more information, refer to studentconduct.wiscweb.wisc.edu/academic-integrity.

Other resources on how to cite sources and attribute others’ ideas are available through the writing center and on Canvas. When in doubt, it is always better to cite the source; if you have further questions, just ask.

Accommodation
The University of Wisconsin-Madison supports the right of all enrolled students to a full and equal educational opportunity. The Americans with Disabilities Act (ADA), Wisconsin State Statute (36.12), and UW-Madison policy (Faculty Document 1071) require that students with disabilities be reasonably accommodated in instruction and campus life. Reasonable accommodations for students with disabilities is a shared faculty and student responsibility. Students are expected to inform faculty of their need for instructional accommodations by the end of the third week of the semester, or as soon as possible after a disability has been incurred or recognized. Faculty, will work either directly with the student or in coordination with the McBurney Center to identify and provide reasonable instructional accommodations. Disability information, including instructional accommodations as part of a student’s educational record, is confidential and protected under FERPA. Information about the McBurney center is available here.

Diversity
Diversity is a source of strength, creativity, and innovation for UW-Madison. We value the contributions of each person and respect the profound ways their identity, culture, background, experience, status, abilities, and opinion enrich the university community. We commit ourselves to the pursuit of excellence in teaching, research, outreach, and diversity as inextricably linked goals.

The University of Wisconsin-Madison fulfills its public mission by creating a welcoming and inclusive community for people from every background—people who as students, faculty, and staff
serve Wisconsin and the world. Respect, diversity, and inclusion are critical to the success of this class and are everyone’s responsibility.

Additional information about the University’s commitment to diversity is available here.

**Sexual Harassment and Assault**

Everyone deserves to feel welcome and safe in our classroom and on campus. Unfortunately, sexual harassment and assault are major problems on college campuses today—and UW–Madison is no exception. If you or someone you know has been the victim of sexual harassment, assault, or other threatening and intimidating behavior, there are a number of resources on campus, including services designed to promote your physical, mental, and emotional well-being. Many of these services are also confidential. If you are in need of support or assistance, you are always welcome to talk to me. You may also find information about other resources on and off campus here.

**Writing**

Learning to write clearly and persuasively is an important part of this class. If you find yourself struggling with the assignments, additional assistance is available through the UW Writing Center. The Writing Center offers one-on-one tutoring and assignment assistance as well as workshops, style guides, guidance about plagiarism and citation, and a number of other resources. The History Lab in 4255 Humanities can also provide assistance with historical writing.

A list of websites and other resources with tips for written work for this class is available on Canvas under “Pages”. encourage everyone to look through these resources; even if you do not need them for this class, you might find them useful in the future. Send me a properly addressed/formatted email (see above) before September 10 with a link to your favorite writing resource/tool, a description of your favorite writing technique, or a note mentioning one how you’d like to improve in your writing to receive extra credit points.

See The Guide's section on Rights, Rights, and Responsibilities for additional policies covering this course.

**READING AND LECTURE SCHEDULE**

**Week 1: Introduction to the Course**

**THURSDAY, SEPT. 6:**
- Syllabus review, overview of course objectives, outcomes, assignments; Collaborative online glossary
- **Questions (SWENTK):**
  - "Why does Shariah carry deep spiritual and social meaning for Muslims around the world?" (12–14)
  - "What are Muslims asking for when they call for Shariah?" (19–21)
  - "Where does fear of Shariah come from?" (8–12)
- Preview: Vikør, "Introduction: Does Islamic Law Exist?", 1–19
- Homework: Sign up for SWENTK Questions online, complete first-day questionnaire


**Week 2: Founding Principles**
TUESDAY, SEPT. 11
- Vikør, “Introduction: Does Islamic Law Exist?”, 1–19; “From Practice to Method” (Chapter 2), 20–30
- Questions (SWENTK):
  - “What are the origins and meanings of Shariah?,” (32–34)
  - “How do Muslims whose countries do not follow shariah feel about it?,” (23–26)
  - “What are the different schools and where are they located,” (47–50)

THURSDAY, SEPT. 13
- Vikør, “The Koran and Sunna as sources” (Chapter 3), 20–52
- Questions (SWENTK):
  - “What are the sources used to develop Islamic law?,” (36–38)
  - “How did scholars and jurists create Islamic law from Shariah principles,” (41–42)
  - “Do Sunnis and Shia share the same shariah?,” (38–41)
- In-Class: Interpreting Hadith

Week 3: Approaches to Interpretation

TUESDAY, SEPT. 18:
- Vikør, “Elaborating the Sources: Qiyās and Ijtihād” (Chapter 4), 53–72
- Questions (SWENTK):
  - “Who is considered an expert?,” (58–62)
  - “Is more than one interpretation of Shariah possible?,” (21–22)
  - “What are the status, rights, and responsibilities of Muslims in non-Muslim states today?,” (166–168)
- Review key terms / update collaborative glossary in class
- On Call Group 1

THURSDAY, SEPT. 20:
- Vikør, “Getting Social Sanction: Ijmāʿ and Authorization” (Chapter 5), 73–88
- Questions (SWENTK):
  - “Are Shariah and Islamic Law the Same Thing?,” (34–36)
  - “Does Islamic law prescribe a single model of government,” (132–135)
  - “Do shariah principles allow social renewal and reform?,” (42–46)
- On Call Group 2

Week 4: Schools of Thought

TUESDAY, SEPT. 25:
- Vikør, “The Four Schools of Law” (Chapter 6), 89–113
- Questions (SWENTK):
  - “Why do we have different schools of Islamic law?,” (46–47)
  - “Are jurists required to abide by the rulings of their law school alone?,” (50–52)
  - “Are Muslims required to abide by the rulings of only one law school?,” (19–21)
- Preview: Vikør, “Beyond the Four Schools” (Chapter 7), 114–139
- Exam Study Guide distributed in class; On Call Group 3

THURSDAY, SEPT. 27:
- Vikør, “The Court and the law: The Muftis and legal development” (Chapter 8), 140–167
- Questions (SWENTK):
  - “What is a Shariah court and how does it work?,” (62–64)
  - “What kinds of cases are governed by Shariah courts?,” (64–66)
  - “What is a fatwa and how does it differ from a court sentence?,” (69–72)
- Preview: Vikør, “Beyond the Four Schools” (Chapter 7), 114–139
- On Call Group 4
Week 5: Legal Professionals

TUESDAY, OCT. 2:
- Questions (SWENTK):
  - “What is the difference between a qadi and a mufti?,” (66–69)
  - “Can the decision of a shariah court be appealed?,” (78–81)
  - “What are the strengths and weaknesses of shariah courts?,” (87–90)
- Preview: Vikør, “Beyond the Four Schools” (Chapter 7), 114–139
- On Call Group 5

THURSDAY, OCT. 4:
- In Class: Exam 1 (Map, Key Terms, Short Answers)

Part II. Institutions and Evolution

Week 6: Expanding Institutions

TUESDAY, OCT. 9:
- Vikør, “The Court and the State” (Chapter 10), 185–205
- Questions (SWENTK):
  - “How is shariah different from other legal systems?,” (81–84)
  - “How do shariah courts compare to secular courts?,” (84–87)
  - “How have shariah courts changed over time?,” (90–93)
  - “What are the rules of evidence and testimony in a shariah court?,” (72–76)
- On Call Group 1

THURSDAY, OCT. 11:
- Guest Speaker: Julia Stephens, Rutgers University

Week 7: Diversity & Legal Pluralism in Islamic Empires

TUESDAY, OCT. 16:
- Vikør, “Law Courts in the Ottoman Empire” (Chapter 11), 206–221
- Optional: Barkey, “Aspects of Legal Pluralism in the Ottoman Empire,” in Benton and Ross, Legal Pluralism and Empires, 1500–1800, 83–108
- Questions (SWENTK):
  - “How does Islamic law relate to civil law?,” (142–3)
  - “Is Islamic law compatible with pluralism and democracy?,” (143–)
  - “Is leadership by a caliph or ayatollah required in Islamic law?,” (135–138)
- On Call Group 2

THURSDAY, OCT. 18:
- Vikør, “Islamic Law in the Modern Period” (Chapter 12), 222–253
- Questions (SWENTK):
  - “How do Muslims in the West feel about shariah?,” (22–23)
  - “Can Muslims in the West be loyal citizens?,” (26–30)
  - “How does Islamic law differ from Jewish Law or Christian (Roman Catholic) Canon law in the United States?,” (15–17)
- On Call Group 3

Week 8: Law in Action
TUESDAY, OCT. 23:
• Vikør, "Implementing the Sharīʿa" (Chapter 13), 254–278
  Questions (SWENTK):
  • "How does Islamic law cover public and personal areas of life?" (54–56)
  • "What five categories describe a range of human behavior in Islamic law?" (56–58)
  • "Why don't Muslims practice separation of religion and state?" (139–142)
• On Call Group 4

THURSDAY, OCT. 25:
• Vikør, "Family Law" (Chapter 15), 299–325
  Questions (SWENTK):
  • "Does Islamic law enable a man to have multiple wives?" (111–3)
  • "Is child marriage sanctioned by Islamic law?" (116–7)
  • "Does Islamic law require women and men to dress or groom themselves in certain ways?" (127–31)
• Group presentation topic due (if you wish to change your group’s topic, you submit your proposed topic no later than today in order to receive confirmation from the instructor before the end of the week)
• On Call Group 5

Week 9: Families and Nations

TUESDAY, OCT. 30:
• Vikør, "Criminal Law" (Chapter 14), 280–298
  Questions (SWENTK):
  • "Does Islamic law demand harsh punishments like amputation and stoning?" (189–95)
  • "How does Islamic law define and respond to cases of personal injury?" (222–224)
  • "Are honor killings permissible under Islamic law?" (203–6)
• On Call Group 1

THURSDAY, NOV. 1:
• Hallaq, "Modernizing the law in the age of nation-states," Shariʿa, 443–450, 473–476, and read about one particular country: Egypt (476–482); Pakistan (482–486), Iran (486–493); Indonesia (493–499)
  Questions (SWENTK):
  • "What is apostasy and how is it treated in Islamic law?" (224–228)
  • "What does Islamic law say about illicit sex (fornication, adultery)?" (195–200)
  • "What is the Islamic legal view of homosexuality?" (200–203)
• On Call Group 2

Week 10: Minority Rights and Personal Status Laws

TUESDAY, NOV. 6:
• Hallaq, "The law of personal status and the new patriarchy," Shariʿa, 450–473.
• Listen to Iza Hussin interview on the New Books Network
  Questions (SWENTK):
  • "How does Islamic law treat domestic violence?" (206–209)
  • "How does Islamic law handle cases of rape?" (209–213)
  • "What does Islamic law say about female genital mutilation/cutting?" (213–215)
• On Call Group 3

THURSDAY, NOV. 8:
• Book Review Assignment Due (upload to Canvas by 12 p.m.)
• Work on Group Presentation

Part III. Contemporary Issues
Week 11: Science, Technology, and Medicine

TUESDAY, NOV. 13: SCIENCE & TECHNOLOGY
• Group 1 Presentation
  Esposito and DeLong-Bas, “Science, Bioethics, and Human Life,” 259–295

THURSDAY, NOV. 15: HEALTHCARE AND BIOETHICS
• Rispler-Chaim, “Cosmetic and Sex Change Surgeries,” in Islamic Medical Ethics in the Twentieth Century, 44–49
• Group 2 Presentation

Week 12: Islamic Finance

TUESDAY, NOV. 20: FINANCE & BANKING
• Vikør, “Economy, taxes and property” (Chapter 16), 326–344
• Esposito and DeLong-Bas, “Islamic Finance in a Global World,” 231–258
• Group 3 Presentation

THURSDAY, NOV. 22: THANKSGIVING (NO CLASS)

Week 13: Islamic Law in International Frameworks

TUESDAY, NOV. 27: JIHAD AND JUST WAR
• Esposito and DeLong-Bas, “War, Peace, and the Common Good,” 168–185
• Hallaq, “Jihād,” Sharīʿa, 324–341
• Munir, “Suicide attacks and Islamic Law,” International Review of the Red Cross, 90, no. 869 (March 2008), 71–89
• Group 4 Presentation

THURSDAY, NOV. 29: GENDER, EQUALITY, AND HUMAN RIGHTS
• Esposito and DeLong-Bas, “Freedom and Human Rights,” 147–167
• Group 5 Presentation

Week 14: Islamic Law and contemporary politics

TUESDAY, DEC. 4:
• Readings TBA
  • Anti-Sharīʿa bills in the US
  • Religious arbitration in the US, Canada, and UK
• On Call Group 4

THURSDAY, DEC. 6:
• Readings TBA: Current Events / Discussion / Wrap-up
• On Call Group 5

Week 15: Big questions and Conclusions

TUESDAY, DEC. 11:
• Vikør, “Introduction: Does Islamic Law Exist?”, 1–19
• Big Questions / Exam Review

Final Exam

December 18 [see registrar’s schedule for time and location]