



Court in Marakesh

› Organisation

Project A2-12 of the Cluster of Excellence: “Maxim Literature in Islamic Law: The Creation of Norms between Theological-Epistemological and Legal-Pragmatic Demands”

Project “Legal Pluralism in Muslim context - Conflict regulation in Muslim communities on the basis of customary and Islamic law and its relation to their legal environment”, facilitated by the Gerda Henkel Foundation

Prof. Dr. Norbert Oberauer
Tel. +49 251 83-24571
norbert.oberauer@uni-muenster.de

Yvonne Prief
Tel. +49 251 83-24571 | yvonne.prief@uni-muenster.de

Ulrike Qubaja
Tel. +49 251 83-24571 | ulrike.qubaja@uni-muenster.de

› Venues

Hörsaalgebäude des Exzellenzclusters
Johannisstraße 4, 48143 Münster

Public Evening Lectures: Room Jo 1

Workshop: Room Jo 101

› Registration

until 15.09.2016
ulrike.qubaja@uni-muenster.de
yvonne.prief@uni-muenster.de



A conference of the **Cluster of Excellence “Religion and Politics”** of the University of Münster. Some 200 academics from more than 20 disciplines in the humanities and social sciences and from around 14 countries deal with the relationship of religion and politics across epochs and cultures: from the world of ancient gods and Judaism, Christianity and Islam in the Middle Ages and the Early Modern Period to the current situation in Europe, America, Asia, and Africa. It is nationally the largest research association of its kind and of the 43 Clusters of Excellence in Germany, it is the only one to deal with religion. The German Federal Government and the Federal States support the project with 33.7 million euros in the Excellence Initiative’s second funding phase from 2012 to 2017.

Cluster of Excellence “Religion and Politics”

Johannisstraße 1
D-48143 Münster
Tel. +49 251 83-23376
Fax +49 251 83-23246

religionundpolitik@uni-muenster.de



WESTFÄLISCHE
WILHELMS-UNIVERSITÄT
MÜNSTER

Workshop of the Cluster of Excellence “Religion and Politics”

› Interdisciplinary Approaches to Legal Pluralism in Muslim Context

06. and 07.10.2016



Picture Credits: Symbols of Justice and Conciliation, Ahmad Nizar Ramadan; Freeimages.com/
Gabor Pallar; wikipedia; Vince Musi/The White House

> Interdisciplinary Approaches to

Legal Pluralism in Muslim Context

Legal pluralism has remained a contested concept. For many scholars of law and political studies, the notion of the parallel existence of more than one legal order poses a normative problem. Anthropologists, on the other hand, who study legal phenomena from an empirical perspective, tend to define law according to its actual social functions. This approach calls for the acknowledgement of factually existing legal pluralism.

Although normative and empirical perspectives fundamentally differ from each other, they are to some extent interdependent. Normative scientists depend on empirical data in order to assess how agents act in pluralist settings and to identify the threats and challenges posed by legal pluralism. Legal anthropologists, on the other hand, arguably approach legal pluralist settings with a set of questions informed by normative presuppositions.

Current research on legal pluralism in Muslim context mainly centers on two scenarios: On the one hand, many studies focus on strong states in which Muslim migrant populations form and address institutions of religious and customary law. On the other hand, scholars are particularly interested in weak states, which often have a long history of a parallel existence of state law, religious law and customary law.

The workshop aspires to cut across the above-mentioned division lines in scientific engagement with legal pluralism. We seek to provide a forum for exchange to scholars working on weak as well as on strong states, following normative as well as empirical approaches. We hope that this interdisciplinary and comparative perspective may be helpful in reviewing and advancing concepts and theories of legal pluralism.

> Programme

Thursday, 06.10.2016

08:15–08:45	Registration with Refreshments
08:45–09:00	Welcome Norbert Oberauer, Münster
09:00–09:45	Law in Context Fabian Wittreck, Münster
09:45–10:30	Muslim Legal Practice in the United Kingdom: The Muslim Arbitration Tribunal Yvonne Prief, Münster
10:30–11:00	Refreshments
11:00–11:45	Unregistered Muslim Marriages in the United Kingdom Vishal Vora, London
11:45–12:30	Not All Customary Laws are Religious: The Case of Secular Kurdish Alternative Law in Europe Latif Tas, London
12:30–14:30	Lunch Break
14:30–15:15	Muslims of Greece: A Legal Paradox and a Political Failure Konstantinos Tsitselikis, Thessaloniki
15:15–16:00	Sulh – Mandatory conflict settlement in and between traditional and modern societies Hendrik Fenz, Freiburg
16:00–18:30	Break

> Public Evening Lectures

18:30–20:00	Religious Legal Pluralism in Europe: A Call for a Critical Assessment of the Basic Principles in Force Marie-Claire Foblets, Halle An Institutional-Organisational Perspective on Legal Pluralism: Some Theoretical and Conceptual Premises Ido Shahar, Haifa
-------------	--

Friday, 07.10.2016

08:45–09:45	Muslim Legal Pluralism in Comparative Perspective: The Cases of Turkey, England and Pakistan Ihsan Yilmaz, Istanbul
09:45–10:30	Constitutional-recognised Islamic Law and Sharīa Courts in Ethiopia: State Attempts to Co-regulate the Highly Contested Family Law Arena Katrin Seidel, Halle
10:30–11:00	Refreshments
11:00–11:45	State Law, Customary Law and Religious Law in Hebron, Palestine: A Rational Choice Perspective Ulrike Qubaja, Münster
11:45–12:30	Palestine: The Qāḍī al-Quḍāt as Legislator: Legal Pluralism in Palestine Irene Schneider, Göttingen
12:30–14:00	Lunch Break
14:00–14:45	Legal pluralism and its limits. A polyparadigmatic view on Islamic law: comparative and historico-theological approaches Karen Meerschaut and Werner de Saeger, Brussels
14:45–15:30	Legal Pluralism in Indonesia: The Case of Interfaith Marriages Judith Koschorke, Göttingen
15:30–16:00	Final Discussion

Cover Picture: Symbols of Justice and Conciliation