

## ORGANISATION

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University of Münster / Yale Law School (2023/24)  
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### Prof. Dr. Thomas Gutmann

Cluster of Excellence Religion and Politics (Project 'Dynamics of Modernization in the Relations between Politics, Law, and Religion')  
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## LOCATION

Senatssaal of the University of Münster  
Schlossplatz 2, Main Building, First Floor  
48149 Münster

## REGISTRATION

The conference is open to all interested participants.  
Please register by 3 July 2023 via email with Petra Wedeking  
([petra.wedeking@uni-muenster.de](mailto:petra.wedeking@uni-muenster.de))

Virtual participation via Zoom will not be possible

## CLUSTER OF EXCELLENCE “RELIGION AND POLITICS”

The Cluster of Excellence “Religion and Politics. Dynamics of Tradition and Innovation” has been investigating since 2007 the complex relationship between religion and politics across eras and cultures.

In the funding phase from 2019 to 2025, the 140 researchers from 20 disciplines in the humanities and social sciences analyze in transepochal studies ranging from antiquity to the present day the factors that make religion the motor of (or an obstacle to) political and social change. The research network is the largest of its kind in Germany; and, of the Clusters of Excellence, one of the oldest and the only one to deal with the issue of religion. It will receive funding of 31 million euros from 2019 to 2025.

### Cluster of Excellence “Religion and Politics”

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[www.religion-und-politik.de/en](http://www.religion-und-politik.de/en)

# ISLAMIC LAW IN THE CRUCIBLE OF THE MODERN STATE: PROBLEMS AND PERSPECTIVES

10–12 July 2023

Senatssaal of the University of Münster, Schlossplatz 2,  
Main Building, First Floor, 48149 Münster, Germany



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## ISLAMIC LAW IN THE CRUCIBLE OF MODERN STATE: PROBLEMS AND PERSPECTIVES

The conference intends to discuss Islamic law in the legal systems of Muslim-majority states in the world today. The alleged contradiction between Islamic laws and Islamic jurisprudence, on the one hand, and modern concepts of legal policy, such as the religious-ideological neutrality of the state, constitutionalism, the idea of democratic codification under the rule of law, and, in particular, the international human rights standards that have emerged since the Universal Declaration of Human Rights in 1948, are increasingly taking centre stage in discussions about Islamic law. This fact is not surprising in light of the significant role that Islamic laws play in shaping legislation and law enforcement, ethics, and the ethical discourse regarding fundamental issues such as human rights, dignity, and autonomy in Muslim countries. The increasingly vibrant, more substantive, and forward-looking debates address the fundamental question of whether Islamic values and norms, which have been adopted by Islamic states in different ways in their legal systems, can be reconciled with, or make their own distinct contributions to, the aforementioned concepts of normative modernity. The following six themes constitute the focus of the conference:

1. Islamic legal pluralism in the modern nation-state
2. Challenges that public interest (maslaha) is facing in the development of legal reforms in Muslim countries
3. The jurisprudence and theological dynamism involved in reforming Islamic law
4. The potential conflicts between the rule of law and the rule of the judge
5. The conflict between divine law and human law during the establishment of the modern nation-state in Islamic countries
6. Theoretical and practical tensions between Islamic laws and human rights

## PROGRAMME

### Monday, 10 July 2023

- 11:00–11:30 Arrival & Official Welcome  
**Thomas Gutmann (University of Münster) & Bahman Khodadadi (University of Münster/ Yale Law School)**
- 11:30–11:45 Introduction to the Conference  
**Norbert Oberauer (University of Münster)**
- 11:45–12:45 Reflexive Theses on the Study of Islamic Law  
**Anver Emon (University of Toronto)**
- Lunch break**
- 14:30–15:30 Islamic Jurisprudence and Rule of Law in the Time of Modern Nation-state  
**Sayed Hassan Akhlaq (Coppin State University)**
- 15:30–16:30 Adultery Stoning: A Missing Verse or a Forged Ruling? Textual Qur'anic Analysis  
**Abla Hasan (University of Nebraska–Lincoln)**
- 17:30–19:30 **Official Reception by Münster's Mayor at the Hall of the Peace of Westphalia and Guided City Tour**
- 19:30 **Welcome Dinner**

### Tuesday, 11 July 2023

- 10:00–11:00 The Relevance of Islamic Legal History for Modern Muslim States  
**Mohammad Fadel (University of Toronto)**
- 11:00–12:00 Assisted Reproduction Technologies in the Islamic Republic of Iran  
**Nadjma Yassari (Max Planck Institute, Hamburg)**
- Coffee break**
- 12:30–13:30 How Useful Are the *Maqasid Al-shari'a* in Understanding Islamic Law?  
**Oliver Leaman (University of Kentucky)**
- Lunch break**
- 15:00–16:00 Invalid *fatwās* and Court Rulings in Modern Shiite Legal Theory  
**Robert Gleave (University of Exeter)**

- 16:00–17:00 Islamic Constitutionalism as Constitutionalized Legal Pluralism: Why it is Important to Recognize a Nonstate Realm of Fiqh Diversity  
**Asifa Quraishi-Landes (University of Wisconsin)**

**Coffee break**

- 17:30–18:30 Epistemological Foundations of the Incompatibility of Islamic Law with Modern Law  
**Firouz Mahmoudi (University of Tehran)**

**20:00 Dinner**

### Wednesday, 12 July 2023

- 10:00–11:00 Entangled Narratives in Islamic Law: Norms, Juridical-Theological Cosmology and the Nation-State  
**Ebrahim Moosa (University of Notre Dame)**
- 11:00–12:00 The Arab Authoritarian State and its Gender Politics: Women's Mediated Citizenship  
**Elham Manea (University of Zürich)**
- Lunch break**
- 13:30–14:30 The Non-Execution of Divinely Ordained Penalties: Crisis and Opportunity Through Politico-Juridical Dynamics of Shi'ism  
**Bahman Khodadadi (University of Münster/ Yale Law School)**
- 14:30–15:30 Abortion, Autonomy, and Rights in Islamic & American Law  
**Rabea Benhalim (University of Colorado)**
- Coffee break**
- 16:00–17:00 Islamic Law before the European Court of Human Rights  
**Burkhard Berkmann (Ludwig Maximilian University of Munich)**
- 17:00 Closing address  
**Bahman Khodadadi (University of Münster / Yale Law School)**
- 20:00 Farewell Dinner**