

ABOUT THE CONFERENCE

The conference brings together scholars and researchers from various fields of social sciences, the humanities and law to share and exchange their experiences and research results with respect to the intergenerational transfer of property in Muslim jurisdictions. We are looking forward to offering new perspectives on the role of succession law in Muslim communities in the past and in the present, looking as well at its role for future generations.

The conference is organized in five thematic panels; each panel will connect the scholarship, discipline, methodological approach and theoretical perspective of the invited speakers by means of overarching topics that all speakers will address. Speakers will have ample space to present the main aspects of their research. At the same time, the panels are meant to serve as a vehicle to foster a focused discussion between the panelists and between them and the audience. Each panel will be chaired by a moderator who will guide the conversation, facilitate the exchange and create a common frame of reference.

SPEAKERS

Muhammad Zubair ABBASI, Bradford University, UK
Dilyara AGISHEVA, Harvard Law School, USA
Muhammad AL-MARAKEYB, Indonesian International Islamic University, Indonesia
Samy A AYOUB, University of Texas at Austin, USA
Abdulla Niruvan CHALIL, Jamia Millia Islamia University, India
Yitshak COHEN, Ono Academic College, Israel
Karim EL CHAZLI, Swiss Institute of Comparative Law, Switzerland
Beligh ELBALTI, Osaka University, Japan
Ahmed FOUAD, British University in Egypt
Maryam GHANIZADE BAFGHI, Kharazmi University, Iran
Magomed GIZBULAEV, independent scholar, Russia
Mennatullah HENDAWY, Ain Shams University, Egypt
Eirik HOVDEN, University of Bergen, Norway
Gürer KARAGEDIKLI, Middle East Technical University, Turkey
Necmettin KIZILKAYA, Istanbul University, Turkey
Monika LINDBEKK, University of Southern Denmark, Denmark
Najma MOOSA, University of the Western Cape, South Africa
Idris NASSERY, University of Paderborn, Germany
David POWERS, Cornell University, USA
Hüseyin SAĞLAM, Istanbul University, Turkey
Ari SCHRIBER, University of Toronto, Canada

Please register via <https://events.mpipriv.de/succession-in-islamic-law> until 20 March 2023.

Should you have any questions, please contact Tess Chemnitzer (chemnitzer@mpipriv.de) or Anja Hell-Mynarik (veranstaltungen@mpipriv.de).

Lectures, symposia and other events may be filmed or photographed for the Institute's own purposes.

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The institute is 20 minutes by taxi from the airport and five minutes walking distance from the railway station Hamburg-Dammthor, where most long-distance trains stop.

MAX PLANCK INSTITUTE
for comparative and international
PRIVATE LAW HAMBURG



SUCCESSION IN ISLAMIC LAW

International Conference at the Max Planck Institute
for Comparative and International Private Law, Hamburg

30 – 31 March 2023



THURSDAY, 30 MARCH 2023

10:00 Registration

10:30 Welcome and introduction
Nadjma Yassari, MPI

11:00 Panel I: Islamic succession law in practice: sources and methods

Chaired by *Dörthe Engelcke, MPI / Lena-Maria Möller, University of Münster*

Panelists

Ahmed Fouad, Mennatullah Hendawy, Monika Lindbekk, Idris Nassery, Hüseyin Sağlam

Themes

The panel investigates the motivations triggering reform and its actors as well as the methods and sources used to study these issues. Focusing on Egypt, *Mennatullah Hendawy* and *Monika Lindbekk* show the entanglement of law and social practice regarding women's land inheritance, while *Ahmed Fouad* lays out the socio-legal background of the legalization of bequests for heirs in Egypt. *Idris Nassery* shares his field research data on the adjudication of succession law under the Taliban after August 2021, and *Hüseyin Sağlam* analyzes the contributions to succession law by 16th century Chief Muftis in the Ottoman Empire.

13:30 Lunch

14:30 Panel II: Pluralities of normative systems: between hierarchy and autonomy

Chaired by *Nadjma Yassari, MPI*

Panelists

Muhammad Zubair Abbasi, Yitshak Cohen, Beligh Elbalti, Najma Moosa

Themes

This panel contextualizes the multiplicity of normative systems within a jurisdiction competing for application and forging hierarchies. *Yitshak Cohen* discusses the interplay of Islamic, Jewish and Israeli civil law with regard to the succession rights of the surviving wife. In the same vein, *Muhammad Zubair Abbasi* sheds light on the reform process giving a childless Shiite widow the right to inherit landed property. *Najma Moosa* reacts to the impact of transactions *inter vivos*, such as the Islamic *mahr* or the *lobola (mahadi)* of African customary law, on the right of Muslim women to inherit. Finally, *Beligh Elbalti* gives examples of the pluralities of laws within the greater context of private international law in Arab jurisdictions.

17:00 Coffee break

17:30 Keynote speech: Inheritance and political succession in early Islam

David Powers, Cornell University, USA

19:00 End of first day

FRIDAY, 31 MARCH 2023

9:00 Panel III: Succession by other means

Chaired by *Khashayar Biria, MPI*

Panelists

Karim El Chazli, Maryam Ghanizade Bafghi, Magomed Gizbulaev, Güler Karagedikli

Themes

The panelists analyze various tools of estate planning and examine how property is transferred between generations via wills, gifts and contracts in accordance with, in defiance of, or in addition to succession law. While *Maryam Ghanizade Bafghi* explores the *solh-e omra*, a contractual construction applied in Iran to exit property from the estate, *Karim El Chazli* explains the nature and function of gifts in modern Arab laws. *Güler Karagedikli* presents the results of his study of almost one thousand deeds of wills and donations recorded in Ottoman courts between 1700-1820, while *Magomed Gizbulaev* – focusing on the writings of Dagestani judge Muhammad 'Ali al-Chukhi († 1888) – adds the *nazr* to the many means of transferring property between generations.

11:30 Coffee break

12:00 Panel IV: The role of waqf in succession law (Part 1)

Chaired by *Dominik Krell, MPI*

Panelists

Muhammad al-Marakeby, Abdulla Niruvan Chalil, Eirik Hovden, Necmettin Kizilkaya

Themes

The panel explores the impact of family endowments within different family structures and regional contexts. *Abdulla Niruvan Chalil* argues that endowments are used in matrilineal families in South India to perpetuate the existing kinship system and to resist colonial-sanctioned private property rights. *Necmettin Kizilkaya* and *Muhammad al-Marakeby* provide contrasting perspectives on Muslim jurists' debates on the family *waqf*: while *Necmettin Kizilkaya* shows how Ottoman scholars of the late 19th and early 20th century instrumentalized the *waqf* to disinherit women, *Muhammad al-Marakeby* depicts how Maliki scholars invalidated family endowments dedicated exclusively to males to safeguard women's inheritance rights. Finally, *Eirik Hovden* analyzes how the family *waqf* was discussed in Zaydi *fiqh* texts with reference to the permissibility of a bequest to heirs.

13:30 Lunch

14:30 Continuation of Panel IV (Part 2)

15:30 Coffee break

16:00 Panel V: The encounter of various normative systems: a historical perspective

Chaired by *Shéhérazade Elyazidi / Arash Guitoo, MPI*

Panelists

Dilyara Agisheva, Samy A. Ayoub, Ari Schriber

Themes

The panel explores how colonial rule shaped Islamic succession in court practice. With a focus on women's inheritance rights, *Dilyara Agisheva* contrasts the practice of the courts in 18/19th century Crimea before and after Russian imperial rule. *Ari Schriber* discusses how colonial conceptions of religious law impacted the adjudication of Muslim inheritance in colonial Morocco of the early 20th century. Finally, *Samy Ayoub* sheds light on how Islamic judicial systems addressed the issue of inheritance and transfer of wealth in relation to manumitted slaves in 19th - 20th century Egypt.

18:00 End of conference