

Summer School on the Economics of Family and Succession Law

Hamburg, August 5 – September 9, 2020

Economics of Family and Succession Law (23. August- 31. August)

Part :2

Economics of Succession Law in Muslim Societies: The Inheritance Question

(Dr. Ahmed Fikri)

About the instructor:

Dr. Ahmed Ibrahim holds a BA from al-Azhar University, an MA from the American University in Cairo, and a PhD in Arabic and Islamic Studies from Georgetown University (2011). His research interests center on Islam and modern human rights discourses. He has recently completed a research project on religion and mental health with focus on Islam at the Douglas Research Centre. In 2020, he completed a Bachelor of Civil Law at Cairo University and is currently conducting research for an upcoming book on major transnational epistemological shifts in modern Islamic family law. His previous research has been funded by the Fonds de recherche du Québec—Société et Culture and the Social Sciences and Humanities Research Council of Canada. He is the author of *Pragmatism in Islamic Law: A Social and Intellectual History* (Syracuse University Press, 2015), and *Child Custody in Islamic Law: Theory and Practice in Egypt since the Sixteenth Century* (Cambridge University Press, 2018).

Course Content:

- 1) Introduction to Islamic law
 - a) Legal theory in the formative period
 - b) Period of maturity
 - c) Rationality of the law
 - d) Analogical reasoning
 - e) The case of the second caliph, Umar
 - f) Modernity

- 2) Introduction to inheritance law in premodern Islamic law
 - a) Inheritance as a right of the heirs
 - b) Ecology of laws related to inheritance
 - i) Maintenance of wife
 - ii) Maintenance of female relatives
 - iii) Patriarchal power structures

- c) Premodern strategies to avoid inheritance laws
- 3) An overview of the Muslim family
 - a) The premodern Muslim family
 - i) Extended family structure
 - ii) Polygamy
 - iii) Slavery
 - iv) Child custody
 - b) The modern Muslim family
 - i) The nuclear family
 - ii) Urbanization and women's labor
 - iii) Mass education
 - iv) Colonialism
 - 4) Islamic inheritance laws and human rights discourses
 - a) Convention on the Elimination of All Forms of Discrimination Against Women
 - b) Argument that Islamic law privileges women
 - 5) The way forward
 - a) Question of legitimacy: Why is Islamic law based on
 - b) Possibility of hermeneutic reform: *Qiwama* verse
 - c) How to read the Qur'anic text? (Historically conditioned or universal?)
 - d) Pragmatic solutions (gifts)
 - e) What does the universality of the Qur'an mean?
 - f) Can we change the law without Islamic hermeneutics?
 - g) The Tunisian experience
 - h) Muslims in the West
 - i) Do we have to change the entire ecology of family law?

Zoom Meeting: will take place after the end of the online course (exact date and time: see summer school program)

List of Readings:

- **Intro to Islamic inheritance:**
http://www.sistersinislam.org.my/files/downloads/inheritance_reform_on_rights.pdf
- **Response to critique** <https://www.youtube.com/watch?v=RUJARcYjWoM>
- **Response to critique** <https://www.dar-alifta.org/foreign/ViewArticle.aspx?ID=120&>