



Max Planck Institute for
Comparative and International
Private Law | Hamburg

AFTERNOON TALKS ON ISLAMIC LAW

Monika Lindbekk

University of Oslo

"Adjudicating Islamic Family Law in Egypt: Continuity and Rupture"

Thursday, 14 December 2017 – 4 pm

Conference Room 1, 1st floor

All employees and guests of the institute as well as other interested parties are cordially invited to the lecture.

Nadjma Yassari

About the Speaker:

Monika Lindbekk is a senior lecturer in History of Religions and Sociology of Law at the University of Oslo. Her PhD research focused on adjudication of Muslim and Orthodox Copt marriage and divorce law by Egyptian courts before and after the 2011 revolution. More generally, her research focuses on the intersection between law, religion, and gender in this field. She is also the co-organizer of an international research collaboration dealing with Gender and Judging in Muslim Courts under the Law and Society Association.

About the Topic:

Relying on ethnographic fieldwork, the presentation investigates adjudication of Muslim family Law by five Cairenese family courts during the period 2008-2013, a critical juncture in modern Egyptian history. Egypt is an interesting case in point worth dwelling on since it illustrates the complexity of normative pluralism in contemporary Muslim family law. Family courts are important sites for the cultivation of religious subjectivities by promoting definitions of family, marriage, and gender which differs from the discourses elaborated in the manuals of fiqh. Here, judicial discourse is in dialogue and interaction with ideas developed by 19th century Muslim reformists, as well as global discourse promoting the conjugal family. While the family codes and their implementation differ in important respects from fiqh, it is also important to point out that there were important continuities with traditional Islamic jurisprudence. The presentation explores how male and female judges on family courts construct idealized notions of family, marriage, and gender relations by drawing upon sources as diverse as legislation, custom, Quran, hadiths, uncodified fiqh, and international conventions in a way that is sensitive to context.