

Friday 15<sup>th</sup> November

**Substantive law aspects**

09:00 -9:30 Valentino Cattelan (Oxford): “Contractual doctrines and legal devices (*hiyal*) in classical Islamic law: dominance of commercial practice or materialization of legal theory(-ies)? A comparative study of Sunni madhāhib in the light of *fiqh* normative pluralism”

09:30-10:00 Janina Safran (Penn State University): “Fiqh Discourse and Legal Practice in al-Andalus: The Religion of Children Follows the Father”

10:00-10:30 *Coffee*

**Beyond *dār al-islām***

10:30-11:00 Jean-Pierre Molénat (Paris): “Peut-on voir une application de la Loi islamique dans les documents arabes chrétiens de Tolède des XII<sup>e</sup> et XIII<sup>e</sup> siècles?”

11:00-11:30 Mohamed Ouerfelli (Université d’Aix-Marseille): “Entre la règle et la pratique: les *fuqahā*’ maghrébins et les relations avec le monde chrétien”

**Lunch**

Friday 15<sup>th</sup> November

**Judicial and juridical practices**

14:00-14:30 Borham Atallah (Alexandria): “The application of *fiqh* in Sicily from the ninth till the twelfth century AD”

14:30-15:00 Ayang Utriza Yakin (Jakarta): “The Qadi Records (*sijill*) of “Kiyahi Pēqih Najamuddin” of the Sultanate of Banten (Indonesia) in the XVIII<sup>th</sup> Century”

15:00-15:30 *Coffee*

15h30-16:00 Ismail Warscheid (Berlin): “Négociier l’application de ce qui est ‘in-négociable’: la justice islamique dans le grand Tuwāt (Sahara algérien) à l’époque moderne (XVIII<sup>e</sup>-XIX<sup>e</sup> siècles)”

**Final Discussion**

**RETHINKING CLASSICAL ISLAMIC LAW:  
CAN *FIQH* BE APPLIED LAW?**

INTERNATIONAL CONFERENCE

13 – 15 November 2013



**CENTRE JACQUES BERQUE (CJB)**

**Rabat/Morocco**



## Wednesday 13<sup>th</sup> November

09:30-10:00 **Introduction** by Christian Müller (Paris)

### Approaches

10:00-10:30 Baudouin Dupret (CJB Rabat): “Shari‘a and the concept of law”

10:30-11:00 Christian Müller (Paris): “*Šarī‘a-fiqh* and ‘Islamic legal system’ from the perspective of legal documents”

11:00-11:30 *Coffee*

### Documents and Islamic Law

11:30-12:00 Yossef Rapoport (London): “Taxes and Shari‘ah in the medieval village: The Evidence of the Fayyum Tax Register, 1243 AD”

12:00-12:30 Amalia Zomeño (Madrid): “Public Treasury as heir in 15th century Granada”

### Lunch

## Wednesday 13<sup>th</sup> November

### Legal Litterature

14:30-15:00 Éric Chaumont (Aix-en-Provence): “L’*autorité des textes au sein du šāfi‘isme ancien*”

15:00-15:30 Jessica Mutter (Chicago): “Ibn Abī Zayd’s *Risāla* and the Medieval Mālikī Pedagogical Canon”

15:30-16:00 *Coffee*

16:00-16:30 Bsissa Dhaou (Tunis), “*al-Fatāwā bi-Tūnis bayn 1574 wa 1601: siyāq intāġihā wa-ahdāfihā*”

### Discussion

## Thursday 14<sup>th</sup> November

### Umayyad law?

09:00-09:30 Lena Salaymeh (Berkeley): “*Fiqh* is applied law: the case of medieval Islamic courts”

09:30-10:00 Steven Judd (New Haven/Connecticut): “Al-Awzā‘ī and the ‘theory-practice dichotomy’”

10:00-10:30 *Coffee*

### Doctrinal development

10:30-11:00 Mariam Sheibani (Chicago): “Before the Qawā‘id Fiqhiyya: The Systematization of Legal Precepts”

11:00-11:30 Elias G. Saba (Pennsylvania): “Highlighting an Creating Difference: The Early History of Legal Distinctions (*al-furūq al-fiqhiyya*)”

### Lunch

## Thursday 14<sup>th</sup> November

### Interaction between *fiqh* and legal documents

14:00-14:30 Moez Dridi (Paris): “L’*obligation juridique (al-iltizām)* dans le droit musulman: ses diverses ramifications à partir des documents légaux et les avis juridiques (*fatāwā*)”

14:30-15:00 Lahcen Daaif (Paris): “L’*istibdāl* dans la justice mamelouke: les documents légaux examinés à l’aune des règles du *fiqh*”

15:00-15:30 *Coffee*

15h30-16:00 Stefan Knost (Beirut): “The Alienation of Waqf Property between ‘theory’ and ‘practise’: A Comparative Study of Aleppo, Damascus and Jerusalem in the Ottoman period”

16:30-17:00 Presentation of the database “Comparing Arabic Legal Documents” (CALD)

### Discussion