



Seminar

MIRJAM KÜNKLER

Fellow, SCAS.

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Constitutional Migration and Creative Adaptation: Islam and Republicanism in Iran's 1979 Constitution

Tuesday, 4 October, 11:15 a.m.

In the Thunberg Lecture Hall
SCAS, Linneanum, Thunbergsvägen 2, Uppsala
www.swedishcollegium.se

S W E D I S H
C O L L E G I U M
for ADVANCED STUDY

ABOUT MIRJAM KÜNKLER

Mirjam Künkler holds an MA in Political Studies from the University of Cape Town and a Ph.D. in Comparative Politics from Columbia University, New York. She taught Near Eastern Studies at Princeton University and has been a Senior Research Fellow at the Berlin Graduate School of Muslim Cultures and Societies (BGSMCS), the Royal Netherlands Institute of Southeast Asian and Caribbean Studies (KITLV) in Leiden, and the Lichtenberg-Kolleg in Göttingen. In 2014, she was a PI for a six-month research group on Constitutionalism and Religion at the Zentrum für interdisziplinäre Forschung (ZIF) in Bielefeld. She has held visiting posts at the Department of Politics and International Relations at the University of Oxford, the Faculty of Social Sciences at the University of Tehran and at the Islamic State University, Makassar.

Künkler's books are *Democracy and Islam in Indonesia* (Columbia University Press, 2013); *Law, Religion and Democracy in the Thought of Ernst-Wolfgang Böckenförde* (Oxford University Press, 2016 [Vol. I] and 2017 [Vol. II]); and *A Secular Age Beyond the West* (Cambridge University Press, 2016).

Künkler has guest-edited special issues of and symposia for the journals *Cambridge Journal of Law and Religion* (January 2013), *Party Politics* (March 2013), *Modern Asian Studies* (March 2014), *American Behavioral Scientist* (July 2016), and *Asian Studies Review* (December 2016).

At SCAS, Künkler will be continuing her work on constitutionalism in the Islamic Republic of Iran and female religious authority in contemporary Islam.

ABSTRACT

The lecture focuses on the relation between religious and secular law: how does the 1979 constitution define it and on which sources is it based: e.g. is the constitution of the Islamic Republic of Iran entirely based on Shiite legal principles or is it also derived from other religious and non-religious sources? How has the relation between religious and secular law evolved since 1979? Can we discern a general dominance of religious over secular law in constitutional law, and if so, how does this translate into the various areas of law, for example, in family law and criminal law? And if legal reform is meant to proceed predominantly on the basis of Shiite legal principles, how is it effectuated if many parliamentarians are actually not experts in religious law?

The discussion of and response to these questions will be embedded in a comparative perspective with other Muslim countries. The example of the Iranian 1979 constitution has particular relevance in the context of the Arab Spring, in the aftermath of which several constitutional projects have recognized Islamic law as a source of public law, and in some cases elevated principles of Islamic law to the “most important” source of law. Reflecting on this development, a new field in comparative constitutional law speaks of “Constitutional Islam” (Stilt). The lecture will make references to this literature in particular, as well as that of “Constitutional Migration” (Choudhry).