culated given contemporary political realities, round-the-clock news coverage, and growing Muslim communities in Europe and North America. Poll after poll suggests that these terms, and the Islamic legal tradition more broadly, carry negative associations for many in the “West” (Green 2015). Even within the scholarly community, there is still too little understanding of, or interest in, the Islamic legal tradition. Thus, few are aware of the extent to which the English common law borrowed from the Islamic legal tradition (Makdisi 1998), the impact of Europe’s encounter with Islamic law on the development of international law (Pitts 2018), or the prominent role of Islamic law in global finance and commerce, both historically (Bishara 2017) and in the present (El-Gamal 2006). Indeed, with few exceptions (e.g. Quraishi 2006), there has been little comparative work across these legal traditions. Yet Islamic law, nevertheless, remains a persistent and vital feature of the global legal landscape.

Each essay in this special issue draws on a context-rich case study to shed light on a different aspect of the relationship

and the Sunnah, the normative example of the Prophet. However, there is no centralized institution to impose a common interpretation, much less a uniform legal doctrine.

In the first several centuries of the faith, schools of Islamic juris-

of centralized political authority, the Islamic legal tradition flourished despite—some say because of—the relatively weak institutional capacity of premodern governance (Hallaq 2009; Jackson 1996). To put this in Robert Cover's (1983) terms, the Islamic legal tradition is marked by a robust jurisgenerative capacity, which, in the early centuries of the faith, had not yet encountered the jurispathic force of the modern state.

Differences among jurists inevitably produced vigorous doctrinal debates. As if to guard against the centripetal force of their disagreements, jurists valorized diversity of opinion (ikhtilaf) as a generative force in the search for God's truth. The proverb, "In juristic disagreement there lies a divine blessing" underlines this aspiration (Hallaq 2001:241). To be sure, reality frequently diverged from this ideal. Historians will point to examples throughout history where jurists were harshly repressed with the complicity of their fellow legal scholars. Nonetheless, ikhtilaf was idealized as a core normative ethos.

Diversity of opinion was also sustained through a conceptual distinction between shari'a (God's way) and fiqh (understanding).[5] Although jurists considered the shari'a immutable, they acknowledged the diverse body of fiqh opinions as the product of human engagement with the textual sources of authority in Islam. In this dichotomy, God is infallible, but human effort to know God's Will with any degree of certainty is imperfect and fallible. The norm was so valorized in the writings of jurists that they frequently concluded their legal opinions with the statement " wa Allahu a'lam"(and God knows best). The phrase was meant to acknowledge that no matter how sure one is of her or his analysis and argumentation, only God

authoritative about the Hidaya to warrant its status as the basis of sharIa in early colonial India, but from the British point of view, it had one overwhelming virtue: it was brief (Hallaq 2009:375). Colonial governments used such codes to homogenize the law, layering

Mona Oraby shows in this issue how religious difference is regulated in modern Egypt by way of the state's legal and administrative machinery. She focuses on administrative suits filed by converts seeking to change their official religious status—straightforward requests that generate myriad legal questions and call into question public/private, secular/religious, state/non-state distinctions. Oraby further shows how, in conjoining precepts of the shari'a with the concept of public order, administrative judges and other actors address the legal questions generated by state regulation, yet in the process they further entrench the regulatory regime that yields those questions.

Similarly, Katherine Lemons's contribution examines the politics around Indian dar ul qazas (shari'a

shari‘atypically increases the space for claims-making, especially in countries where Islam or shari‘a is constitutionally recognized (Moustafa 2018). Because of its fundamental indeterminacy, shari‘a lends itself to a radically diverse array of agendas. As a result, legal actors on opposite sides of an issue may each findshari‘a-based claims an attractive way of pressing their case. For example, in Pakistan, where the constitution forbids any law from contravening shari‘a, public interest lawyers have successfully persuaded the Supreme Court that the principle of “Islamic justice” requires it to strike down illiberal laws and expand human rights (Kennedy 1992; Lombardi 2010). But citing the same constitutional provisions, other lawyers have succeeded in convincing the Court to uphold a criminal ban on membership in the heterodox Ahmadi sect of Islam, despite a constitutional right to freedom of religion (Mahmud 1995). These divergent outcomes reflect the fact that shari‘adoes not map neatly onto a liberal–illiberal binary. Indeed, Michael Peletz’s contribution to this special issue shows how Malaysian women have maneuvered to secure greater rights and better access to justice in their country’s shari‘acourts. To be sure, women do not have the same access to rights, but Peletz finds that, far from being a static or uniformly oppressive, the shari‘a courts have responded to a network of legal aid groups, women activists, and judicial watchdog organizations.

These findings raise important questions: If shari‘alends itself to

Muslims, shari'a is associated with principles of good government and an end to corruption. Lay Muslims may have little knowledge of or interest in the minutia of fiqh; rather their support for shari'a reflects a belief in its potential to produce ethical citizens and institu-

systems. Two important notes should be emphasized. First, for readers who are less familiar with the legal and political contexts of the cases under study here, the specific focus on religion in this

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