

## PREFACE

THE IDEA OF THIS BOOK first came to us in response to public debates in recent years about Islamic law and its relevance in our time, especially how the different positions in Islamic law respond to such issues as civil liberties, gender, ethnic and religious diversity, toleration and violence, freedom of expression, and the relationship between the sacred and the secular. The chapters in this volume address the role and the status of Islamic law (Shari'a) not only in Muslim societies, where it is partly incorporated into the civil and penal codes, but in a broader context of our time and in reference to issues of modernity. Despite its great importance for modern Muslim thought and for current international turmoil, contemporary Shari'a has rarely been covered in depth in the literature.

In recent years Western attention has turned to debates among Muslims on what Islam forbids, allows, or advocates. Moreover, it has brought into focus the problem of authority and representation: who is qualified to interpret the law, form opinions, and issue judgments. These discussions center largely on the content, applicability, and implementation of Islamic law. One can argue that the failure of many modern Muslim nation-states to live up to their initial promises led to a widespread debate on the need for a return to Shari'a as an idealized system whose application has yet to be fully realized. Muslim fundamentalists in particular claim that Shari'a and its sources, the Qur'an and the *hadīth*, constitute a divine law that regulates all aspects of Muslim life, as well as Muslim societies and Muslim states, in the most perfect and everlasting way. Muslim modernists, a far less audible voice these days, on the other hand, criticize the old approaches to Shari'a by traditional Muslim jurists as obsolete and instead advocate innovative approaches to Shari'a that accommodate more pluralist

and relativist views within a democratic framework. Moreover, multiple sources of judicial authority in the Muslim world pose obstacles to the formulation of Shari'a as a normative system and contribute to ambiguities concerning the meaning and usage of Islamic law. *Shari'a: Islamic Law in the Contemporary Context* addresses these implications and ambiguities, the current application of Shari'a, and the potential of developing into a modern legal system and, alternatively, the obstacles it poses as a barrier to Muslim modernity.

As co-organizers of the workshop in February 2003 on the theme of this volume, sponsored by the Council on Middle East Studies at the Yale Center for International and Area Studies (now the Whitney and Betty MacMillan Center for International and Area Studies at Yale), and as coeditors of this volume, we would like to thank the center's staff and particularly its anonymous donor for making the workshop possible that led to this publication. We also thank the other participants in the workshop and our students and colleagues at Yale for their contributions during the workshop. Special thanks go to Tanya Wiedeking, Fiona Ford, and the editorial staff at Stanford University Press for their help in improving chapters of this book.

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