Editorial

Contracts and their Repairs

This issue of *Comparative Islamic Studies* contains four articles that perfectly illustrate the journal’s aims: to show how theoretically grounded analysis of Islam contributes to the general study of religions; and how “comparative” may mean comparison not only between Islam and other religions, or between different Islamic traditions, but also between disciplines.

In interesting ways, this issue continues the theme of mind–body relations and their epistemic and methodological implications that was introduced in the previous issue (9.2 2013). The four case studies here illustrate the practical implications of conceptualisation with reference to law, contract, conflict, and national identity in Islamic societies as well as in the international society. The collection thus teases out the fact that the ways in which conflicting parties and their claims are conceptualised shapes courses of action. This perspective re-actualizes the classical *emic-etic* or insider-outsider problem within Religious studies, or, in philosophical terms, the quarrel between realism and social constructivism.

The two first articles suggest that incorrect or too narrow understanding of a subject matter may perpetuate conflict-generating practices. First out, Ronald Gardner’s “Widening the Comparative Theoretical Framework of Interstate Conflict and Conflict Resolution” echoes the current conflicts in Syria and Iraq, and the many failed attempts at conflict resolution. Noting a problematic correspondence between the fact, that comparative research on western and Islamic conflict resolution has ignored western theories on social-psychological and religious perspectives, and western politicians’ attempts to broker peace through government and societal elites to the exclusion of civil society and non-elite strata of society, Gardner surveys comparative conflict resolution theories. Some theorists have built in the premise that western societies are individualistic and Islamic ones collectivistic, which also affects analysis of the nature of conflicts and feasible resolution strategies. Haris Durrani in “Space Law, *Shari’a*, and the Legal Place of a Scientific Enterprise: The Case for a Parallel Challenge of Sovereignty” develops a cross-disciplinary approach, which allows him to establish a synergetic relationship between the transnational reach and
use of space-related arms, such as drones, and calls for universal Sharia. Space law is supposed to regulate relations between nations in space, and is thus a universal law. Sharia is also in its legacy and practice a universal law. In a situation where space law has failed completely to regulate the global big powers’ use of space technology dependent arms against Muslim populations, irrespective of international laws of national sovereignty and war, transnational Sharia represents the only viable universal law that protects the rights of Muslim peoples.

Religion, national identity, nation formation and social contract theory is another theoretical field relevant for the understanding of current affairs. First out is Jacqueline Gottlieb Brinton’s ‘Religion, National Identity and Nation Building: Muḥammad Mitwalli Shaʿrāwī’s Concept of Islam and Its Ties to Modern Egyptian Politics’. Brinton treats the popular Egyptian ’ālim Shaykh Shaʿrāwī (d. 1418/1998), also called “the father of Islamic TV preaching,” and analyses how he constructed a state-approved Islamic identity for the modern Egyptian nation, grounded in Sufism, and constituted as an alternative to the Muslim Brotherhood’s competing one. Because of Shaʿrāwī’s function as provider of state-sanctioned Islamic national identity, the Egyptian state, Christian and other anti-Morsi media outlets re-screened his TV-sermons after the military coup in 2013, as part of efforts to de-legitimize the Muslim Brotherhood and reassert the old regime in power. Thus, concepts of ‘the nation’ are immediately related to policy and actions against “others.” The second article is Joost Jongerden’s and Michael Knapp’s ‘Communal democracy: the social contract and confederalism in Rojava’, one of the Kurdish regions of Syria. While the study contains no Islamic materials, it is of great comparative value. The authors analyse the PKK leader Abdulla Öcalan’s current political theory, which draws heavily on the ‘ecological anarchism’ of the New York activist, Murray Bookchin (d. 2006), and which is applied by the PYD (Democratic Union Party) in Rojava. The PYD social contract is ideologically non-state, built around local popular committees, and it is non-religious, lacking affiliation with any religious institution. It thus breaks with the state- and religion-centred ideologies that dominate in the Middle East. While this article does not assess the practical implications of the Rojava social contract, it is interesting to note that its theory rests on popular power and representation.

The nature of the Rojava social contract takes us back to Gardner’s observation that western-led conflict resolution strategies in the Middle East have focused on the elites. It would be easy to assume that a universal social contract built on popular representation and power sharing must be secular. Brinton’s study suggests that some Islamic social contract theories and national identities are indeed elite constructions. However, Durrani’s article suggests there may be other Islamic contract theories that are universal in scope, both horizontally
and vertically. It will be interesting to follow future research in this field.

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