Few symbols in today’s world are as laden and fraught as *sharia*, an Arabic-origin term referring to the straight path, the path God revealed for humans, the norms and rules guiding Muslims on that path, and Islamic law and normativity as enshrined in sacred texts or formal statutes. A number of historical and other factors help explain the heightened centrality of the term *sharia* in contemporary global discourse and the intensity of the emotions and imagery it evokes. One has to do with the emergence in recent decades of violent fringe groups such as Boko Haram in Nigeria and the Islamic State (ISIS) in Syria and Iraq. These groups seek the instantiation of *sharia* as the law of the land, much like the Taliban in Afghanistan and the global network known as al-Qaeda, all of which continue to wage armed struggle against military forces from a number of allied nations.

Another relevant factor is the rise in the new millennium of Muslim terrorist cells in Europe and elsewhere whose disaffected members sometimes claim allegiance to ISIS and do, in any event, exercise a disproportionate influence on Westerners’ understandings of and attitudes towards the world’s 1.8 billion Muslims, the religion of Islam, and *sharia* in particular. It is largely because of the outsized influence of such groups and networks that politicians and journalists in the West have sometimes seized on *sharia* as a preeminent threat to their own liberal-democratic societies. Some have argued that even its limited accommodation in the form of state recognition of “*sharia councils*” formed to help manage marital disputes and other conflicts in Muslim communities in Western nations, typically through mediation, negotiation, and compromise, is an exceedingly dangerous, slippery slope that must be avoided at all costs. And a number of them have sponsored legislation to that end. This despite the fact that such councils as have been
established in the United States and United Kingdom, for example, typically lack formal powers of adjudication (Bowen 2012). Arguably more relevant is that most Western constitutions already categorically prohibit the prioritizing of religious laws over their ostensibly secular counterparts, thus rendering the proposed legislation altogether redundant and unnecessary (Emon 2016; Broyde 2017). It would appear that “anti-sharia activists” operating in Western contexts are more concerned to stoke and rally fear than to achieve meaningful legislative change.

The widespread Western view that the existence of sharia is a dilemma that needs to be resolved, ideally by its elimination, is sharply at odds with most Muslim perspectives on sharia, though this should not be taken as support for the largely discredited “clash of civilizations” thesis. Muslims typically view sharia as a repertoire of sacred resources bequeathed to them by God for the management or solution of problems, and a guide for life’s uncertainties, precarities, and rewards, not a problem in need of resolution. And for many (perhaps most) of them a key challenge, at once spiritual, ethical, and sometimes political, is how to safeguard its majesty and ideally revive it in the face of strong historical and contemporary pressures arrayed against it. Relevant in this context is that in most Muslim-majority countries, the jurisdiction, power, and prestige of courts involved in the implementation of sharia have long been seriously constrained in relation to the systems of civil courts established by colonizers and other modernizing elites throughout the Muslim world during the high period of European colonial rule from 1870 to 1930. Indeed, present-day sharia courts are commonly confined to matters of Islamic “family law” and other personal status law; this is often all that remains of an historically male-dominated religious community’s “collective right to religious liberty and their sovereignty over a domain in which they are understood to have jurisdiction” (Mahmood 2012, 56). Campaigns by political and religious elites and “ordinary Muslims” (defined as those who are not in the forefront of political or religious movements) to expand the jurisdiction of the sharia are thus part of efforts, increasingly common throughout the Global South and the West alike, to reclaim the glory and majesty of a real or imagined past along with the cultural authenticity and political sovereignty imaginatively associated with it.

Sometimes complicating such endeavors are the views of eminent scholars of sharia. Some of these scholars argue that current instantiations of sharia in Muslim-majority nations’ formal legal arenas bear no resemblance to the sharia of classical and other pre-modern times (An-Na’im 2008; Hallaq 2009, 2013); and that present-day attempts to create modern states whose constitutions and other institutions of governance are grounded in sharia are deeply misguided, if not potentially disastrous, judging from the experiences of places like Sudan (Mas-soud 2013). These, more generally, are some of the other reasons why sharia is a powerful, polyvalent symbol of past, present, and future, one that will likely galvanize the emotions of diverse groups—in diverse ways—for some time to come.
Clearly relevant as well is the florescence of Islamic piety and religiosity that we have seen since the early 1970s among ordinary Muslims, a trend that has gone hand-in-hand with diverse manifestations of a resurgent or revitalized Islam in public and private arenas alike. Certain forms of this Islam are oriented primarily toward cultivating more meaningful relationships with God through the refinement of techniques of prayer and worship and the development of various other technologies of the self that are key to ethical self-fashioning. Some of these are not particularly socially or politically engaged (Mahmood 2005; Hirschkind 2009; Hoesterey 2016). Others highlight one or another dimension of such engagement (Deeb 2006; Wickham 2013). Some of the latter are strongly activist; still others are occasionally (though not commonly) militant, and sometimes—though this is quite rare in a statistical sense when one considers the entire global population of Muslims—violent. The evidence thus adduced comes from most parts of the Muslim world. Scholars of comparative religion rightfully point out, however, that we see generally similar dynamics in predominantly Christian contexts, as well as among Jews, Hindus, Sikhs, and Buddhists (Casanova 1994; Juergensmeyer 2003; Luhrmann 2012), thus offering a vital corrective to the idea of modern “Muslim exceptionalism.” As with capitalist markets, modern states, and civil society, public religions may be here to stay. This despite their much-heralded demise in most of the literature bearing on modernization produced during the twentieth century, which posited both the decline of religious beliefs and practices and their relegation to marginalized private domains as a key signifier if not the *sine qua non* for joining the ranks of the modern (Asad 2003).

Many scholars have conceptualized these dynamics as manifestations of processes involving the deprivatization of religion or the desecularization of public life. Others, assuming they are dealing with Muslim-majority nations in which sharia has gained currency, refer to the Islamization or *shariatization* of legal systems, state structures, or national cultures (e.g., Hamayotsu 2002; Kepel 2002; Fealy 2005; Shaikh 2007; Salim 2008; Lee 2010; Liow 2009; Ricklefs 2012). Academic growth-industries, think tanks, and media circuses have sprung up in the wake of these processes. I would argue, though, that in many instances both the processes and their entailments are poorly understood. This is particularly so when one ranges beyond the conventional area foci of Islamic studies—the Middle East and North Africa—and engages data from Southeast Asian nations such as Malaysia, a religiously and ethnically diverse Muslim-majority country that in recent decades has experienced stunning rates of urbanization, educational attainment, and sustained economic growth that are probably second to none in the Muslim world. The Malaysian case is of further significance because in the 1980s and 1990s the nation’s political and religious elites enjoyed a reputation in much of the world for representing the best of Islam and modernity, if not the ‘shining light’ of moderate Islam” (Shamsul A. B. 2001, 4709; emphasis added), and also offered their
formula for national development as a model for the entire Global South (Hilley 2001). The questions thus become: How are processes of Islamization playing out in Malaysia? What types of discourses and dynamics characterize the operations of the *sharia* judiciary, which is an important player in a wide array of legal, political, and religious arenas? And what comparative-historical and theoretical insights can this material help generate?

One of the main arguments I develop in this book has to do with the heuristic value, in the Malaysian setting and elsewhere, of the term “Islamization,” which is commonly utilized to gloss the heightened salience of Islamic symbols, norms, discursive traditions, and attendant practices across one or more domains of lived experience. I suggest that as it is generally used by Western social scientists and other observers since the late 1970s and the 1979 Iranian Revolution in particular, the term obscures an understanding of recent developments bearing on Malaysia’s increasingly powerful *sharia* judiciary, especially those implicated in its actual workings and the directions in which it is currently moving. Many of these latter developments involve bureaucratization, rationalization, and corporatization, rather than a “return to tradition,” as the term “Islamization” is sometimes taken to imply. And they are heavily informed by common-law norms and sensibilities (associated with the legal traditions inherited from British colonizers); by the rebranding of long-standing Malay practices in specifically Islamic and Arabic terms; and, more recently, by Japanese systems of management and auditing that Malaysian state authorities have embraced. In order to make sense of the vicissitudes of change in the realm of Islamic law and governance, I find it useful to regard Malaysia’s *sharia* judiciary as a global assemblage in Ong and Collier’s (2005) sense of the term, especially if we keep squarely in mind that it is simultaneously “a project, a terrain and target” (Cohen 1995, 39), and that it is situated in a more encompassing juridical field (Bourdieu 1987) dominated by the civil judiciary, the secular constitution, and the global forces impinging on them.

Brief clarification of the term “assemblage” will be helpful here. The *New Oxford American Dictionary* (Jewell and Abate 2001) explicates the concept with entries such as “a machine or object made of pieces fitted together” and “a work of art made by grouping found or unrelated objects.” Rough analogs include a conglomeration and a miscellany. Claude Lévi-Strauss’s (1966) notions of *bricolage* and *bricoleur* are both apposite, even though what Lévi-Strauss means by *bricolage* and what Ong, Collier, and the contributors to their edited volume mean by assemblage are very different, as are the contexts in which the terms are invoked and the objectives of their use. *Bricolage* is relevant because of its attention to processes and products of assembling, constructing, or creating “by means of a heterogeneous repertoire,” i.e., fiddling, tinkering, and, by extension, creatively utilizing “whatever is at hand,” regardless of its provenance or original purpose (Lévi-Strauss 1966, 17); *bricoleur*
because it emphasizes that the processes and products are the result of creative human agency involved in doing odd jobs, repairing. Of more immediate relevance is Deleuze and Guattari’s (1987) work, which builds on Marx, Kafka, and Foucault, and informs both the Ong and Collier (2005) volume mentioned above and this book. Deleuze and Guattari’s concept of assemblage highlights “diversity, differentiation, and mobility” as well as multiplicities, metamorphoses, and anomalies (1987, 503). Unlike Lévi-Strauss’s corpus, Deleuze and Guattari’s is practice-oriented, drawing attention to assemblages as power-laden and “imbricated heterogenous forms” that “may open onto and . . . [be] carried off by other types of assemblages” (1987, 509, 530–31n39), and that are in any event “contested, temporal, and emergent” (Clifford 1986, 19; Rabinow 1999; Latour 2005, 2010; Marcus and Saka 2006; Sassen 2008; Dovey 2010; Tsing 2015).

To characterize Malaysia’s sharia judiciary as a global assemblage is to suggest, further, that it is profitably viewed in relation to the global circulation of goods, services, discourses, and structural imperatives and constraints of various kinds, including those associated with neoliberal globalization. From this perspective, Malaysia’s sharia judiciary is composed of a congeries of contested sites characterized by the interplay of a number of heavily freighted, globally inflected discourses, practices, values, and interests of disparate origins. The content of this assemblage will be empirically unpacked as I proceed. Suffice it to add that its heterogeneities and contingencies, like its mutually contradictory transformations, are the “product of multiple determinations that are not reducible to a single logic” (Collier and Ong 2005, 12). To put some of this differently, the concept of global assemblage is valuable both because the sharia judiciary is a good example of a global assemblage, and because the notion of global assemblage helps us comprehend features of the judiciary that have been poorly understood or elided in most accounts of Malaysia’s Islamization and modernity.

A few words on the terms “globalization” and “neoliberal globalization” are also in order. Like sharia, albeit for other reasons, they are invoked by different scholars in different ways, certain of which involve starkly dissimilar assessments of their putative benefits and effects, some arguably utopian, others decidedly not. By “globalization” I refer to processes commonly held to date from the 1970s that have involved the rapid acceleration and increasingly pronounced (though locally variable) impact of transnational, planet-wide flows of capital, labor, goods, services, information, and discourses of various kinds. These processes entail deregulation—a weakening if not dismantling of the national and other barriers to such flows—as well as what David Harvey (1990) famously glossed as “time-space compression” (see also Comaroff and Comaroff 2000).

I use the term “neoliberal globalization” to designate the variants of these processes that are inflected by doctrines of neoliberalism. These doctrines extol the virtues
of a number of analytically distinct, sometimes mutually contradictory, phenomena; we are not dealing with a single, undifferentiated “it entity.” These include:

(1) the restructuring and reform of government or the paring back of social-welfare services and state agencies through business models developed in the private/corporate sector, or both;
(2) the privatization, corporatization, and commodification of enterprises, activities, and resources formerly owned or managed by the state;
(3) the shifting of wealth to those at the top of the social-class hierarchy;
(4) market-based technologies of governance coupled with policies geared toward “responsibilizing” citizen-subjects and fostering subjectivities conducive to self-management and self-actualization; and
(5) private enterprise pursued by innovative, risk-taking, flexible, adaptable selves.

It is useful, following James Ferguson (2009), to distinguish between neoliberal doctrines and neoliberal cultures, projects, and techniques. This is partly because elites may profess fealty to neoliberal doctrines but may not necessarily evince a commitment or ability to realize the full range of such doctrines in the projects or techniques of governance they implement. Malaysian political and economic elites, for example, are generally speaking strongly (but at times ambivalently) committed to many doctrines widely associated with neoliberalism, but they do not embrace all of them. One they do not embrace has to do with the notion that state agencies should be trimmed back; another involves the idea that the primary responsibility for redressing poverty (e.g., among Malays) and the redistribution of wealth (e.g., from non-Malays to Malays) lies with “the market,” and that the state should play a negligible role in these matters.

The heterogeneity of projects and techniques implemented in ostensible accord-ance with neoliberal doctrines leads some scholars to speak of neoliberal or global assemblages (Ong and Collier 2005; Ferguson 2009; see also Tsing 2015). I find this approach useful, partly for reasons mentioned earlier. I consider it all the more valuable in light of the fact that the “anthropology of Islam” (Asad 1986; Eickelman and Piscatori 1996; Osella and Soares 2010; Bowen 2012) has only recently begun to seriously engage neoliberalism (notable exemplars of such engagement include Rudnyckyj 2010; Fischer 2016; Hoesterey 2016). Even when doing so, moreover, it has not usually engaged neoliberalism’s punitive features, their pastoral counterparts, or the mutually constitutive nature of these phenomena.

Scholars in a number of academic fields have shown that neoliberal globaliza-tion is commonly associated with, and perhaps directly entails, a “punitive turn” in both cultural-political and more narrowly legal realms (Garland 2001; Pratt et al 2005; Wacquant 2009; Alexander 2010 [2012]; Lancaster 2011). The surge in punitiveness is by no means uniform across cases or within them, and is variably
evident in a number of analytically distinct domains. These include: the expanded scope and force of technologies of surveillance, discipline, and control; the criminalization of activities previously held to be legal; harsher punishments and increased rates of incarceration; the expansion of post-detention regimes of surveillance and shaming; the erosion of presumptions that persons formally charged with or merely suspected of crimes are innocent until proven guilty; and increased fears and anxieties bearing on Others, Otherness, and attendant indices of potentially menacing irregularity (Lianos and Douglas 2000).

The correlation between the onset and entrenchment of neoliberalism and a rising tide of punitiveness is strongly positive but not universal; Canada, Scandinavia, and Italy are among the exceptions that prove the rule (Pratt et al 2005). Might Malaysia be yet another exception that proves the rule? In the 1980s and 1990s, after all, it enjoyed a previously noted reputation for representing the best of Islam and modernity. And what kinds of evidence from Malaysia’s *sharia* judiciary might help us answer this important and generative question?

The short answer to the first of these questions is that like many Western nations (the United States, the United Kingdom, France) Malaysia has indeed become more punitive in recent decades. We see abundant evidence of this if we examine continuities and transformations in micro-political processes in the *sharia* courts over the past few decades. It is important to appreciate, however, that a rising tide of punitiveness commonly goes hand-in-hand with developments that Foucault (1979 [2000], 2007) refers to as “pastoral.” The latter term designates types of care, leadership, and governance that emphasize beneficence, salvation, and the well-being of both the unique individual and the group as a whole. In his analysis of the workings of the postcolonial state in India, Akhil Gupta (2012) argues that the pastoral face of some government programs in rural areas distracts citizen-subjects’ attention from, and in this and other ways helps legitimize, a wide variety of highly unsavory state effects. Some of these entail bureaucratized structural violence on an exceedingly large scale, resulting in more than 250 million and perhaps as many as 427 million persons living below the poverty line and the “excess deaths,” due to poverty, malnutrition, and largely preventable diseases, of some two million Indians annually (2012, 1, 5). In her work on Southeast Asia, Aihwa Ong (1999, 2006) takes a different approach, emphasizing “graduated sovereignty” and the kindred notion of “graduated citizenship.” Both of these involve the state “making different kinds of biopolitical investments in different subject populations, privileging one gender over the other,” for example, and “in certain kinds of human skills, talents, and ethnicities” (1999, 217), some of which are encouraged and rewarded while others are effectively punished. Whether one focuses on state effects and structural violence or on clines of sovereignty and citizenship, the cautionary points are clear: the punitive and the pastoral are different sides of the same coin of governance, and, as such, should not be viewed in zero-sum terms.
The same is true of punitive and rehabilitative (or restorative) justice, though in any given empirical case one may be hegemonic in relation to the other(s). Phrased more generally, because punitiveness and pastoralism, like social justice and pluralism, are invariably graduated, our investigations must be attentive both to the intricacies of context and to their sometimes subtle historical transformations.

The political and religious elites charged with overseeing Malaysia’s sharia judiciary and charting its (to them, ideally enhanced) future are clearly concerned with the dispensing of justice, both punitive and pastoral, as are judges and other officers of the court. Most of these elites are Malays who hold influential positions in (or have been carefully vetted by) the secular and religious bureaucracies of the state apparatus, although some are prominent in opposition parties, Islamist organizations, think tanks, advisory boards, and consultancies (Liow 2009; tan beng hui 2012; Sloane-White 2017). Operating under the watchful gaze of the Prime Minister’s Department, which has direct jurisdiction and control over the sharia judiciary, they also tend to share a pronounced concern with augmenting the legitimacy accorded sharia courts and sharia law generally both by members of the civil judiciary and by society at large, including, not least, the country’s non-Muslim citizenry. Non-Muslims, who are mostly Chinese and Indians, comprise nearly 40 percent of the nation’s population; in accordance with the Federal Constitution, they are not subject to sharia. But a number of controversial cases and high-profile programs introduced in recent decades, such as “The Harmonization of Laws,” formerly known, more controversially, as “The Islamization of Laws,” have made clear that their immunity from Islamic law and normativity is increasingly contingent, and that they could well come more squarely under the jurisdiction of sharia in the years to come. It is partly with an eye toward winning the hearts and minds of non-Muslims that state authorities, whom I sometimes refer to as social engineers, have undertaken a systematic rebranding of the sharia judiciary since the early 1990s. Kindred concerns to upgrade its image as a backwater or poor cousin in relation to the more powerful and prestigious civil judiciary are also in play, as is the goal of attracting the foreign capital necessary to secure Malaysia’s place at the center of global Islamic banking and finance, whose assets in 2017 were estimated to exceed US$2.1 trillion.

This rebranding is part of a story of cultural production, more specifically of juridical production in Bourdieu’s (1987) terms, and is a major concern of this book. So too is the relative efficacy of the rebranding and whether it might involve, as some critics suggest, what the business and advertising literature refers to as “ambush marketing” (Hoek and Gendall 2002). For our purposes, such marketing involves the promotion of a new product by capitalizing on the popularity, prestige, or legitimacy of one or more well-known entities—Nike athletic shoes; the Olympics; iPhones; Malaysia’s civil judiciary—in ways that are (contractually) illegal, unethical, or politically suspect.
Courts and more encompassing juridical fields almost everywhere are heavily
gendered spaces. The Muslim world is no exception: key laws and norms are
skewed in favor of men; most judges are men; most plaintiffs are women; and most
defendants are their current or former husbands (Hirsch 1998; Peletz 2002; Tucker
Circumstances such as these, along with mass-mediated accounts of “honor kill-
ings” and other real or imagined forms of Oriental excess and irrationality, help
explain why politicians, journalists, and others in the West often argue that “Mus-
lim women need saving” (Abu-Lughod 2013). One problem with these kinds of
arguments is that they gloss over gender biases in Western and other non-Muslim
legal arenas that provide the implicit comparative point of reference (see, e.g.,
Merry 1990, Conley and O’Barr 1998).

Partly so as to avoid the pitfalls of such arguments and the perspectives associated
with them, I start with a clean (gendered) slate and pose a series of questions deriving
from my ethnographic and historical research since the late 1970s. The most general
question is: How are we to understand changes (and continuities) in women’s and
men’s experiences in the courts, along with shifts in the courts’ engagements with
heteronormativity, since the late 1970s? Subsidiary questions concern whether women
are currently getting more (alternatively, less) justice than previously, and how these
developments might relate to the rise of an increasingly rigid heteronormativity in
sharia legal arenas and society at large. The punitive turn taken by the courts in recent
decades is relevant here inasmuch as the majority of defendants are men, and since
their mistreatment of their wives and children is more heavily penalized than in times
past. This is one of the grounds on which to argue that women are getting more justice
than in earlier decades (assuming they embrace increasingly salient strictures of “obe-
dience” and heteronormativity), though there are others, including the foregrounding
and valorization of women’s rights in discourse and practice alike.

Developments such as these merit serious attention both in their own right and
in light of their implications for dynamics of kinship, gender, and sexuality. They
also provide useful counterbalance to my data and arguments bearing on Malaysia’s
punitive turn. As such they leaven the “dark anthropology that focuses on the harsh
dimensions of social life (power, domination, inequality, and oppression)” (Ortner
2016, 47), which presentation of this material necessarily entails. Put differently,
they make hope practical, to paraphrase Raymond Williams (1982) when he argued
that scholarly observers of the human condition have a moral obligation not just to
document dynamics conducive to social injustice and destruction, but also to draw
attention to possibilities that encourage hopefulness. I would not want to overstate
the point, however, by claiming that, overall, this book exemplifies an “anthropol-
ogy of the good” that centers on such themes as how our interlocutors in the field
engage “value, morality, well-being, . . . empathy, . . . [and] care” (Robbins 2013,
448) or freedom, virtue, dignity, and “the good life for humanity” (Lambek 2010, 6).
Readers will encounter material relevant to these important concerns in the pages that follow, but the thrust of the discussion lies elsewhere.

A final introductory comment bears on methodology. I conducted eighteen months of ethnographic fieldwork in Malaysia during 1978–80, by which time I had already attained good working proficiency in Malay (the national language); seven months in 1987–88; and seven months since then, primarily in 2010–13 and 2018. During the first two stretches of fieldwork I engaged in participant observation and carried out (mostly informal) interviews on a daily basis, and also undertook village-wide household surveys and archival research. In the second and third periods of fieldwork I observed and took extensive notes on approximately 185 motions and hearings in the sharia courts, chiefly in Rembau and Kuala Lumpur. During this time my research assistants observed another twenty-five sharia court hearings, providing me with relatively complete transcripts and other notes. In addition, I interviewed over sixty current and former judges, lawyers, and other officials in the sharia judiciary (many of them on multiple occasions), some of whom shared crucial historical perspectives and other longitudinal data discussed below. I also attended more than 120 motions and hearings in the nation’s civil courts for comparative purposes.4

ORGANIZATION OF THE BOOK

This book is composed of five chapters, in addition to this introduction and a conclusion. Chapter 1 lays out the case for viewing Malaysia’s sharia judiciary as a
global assemblage. It does this by describing and analyzing the empirical complexities and heterogeneity of the *sharia* judiciary and the multiple directions it is moving, especially in terms of its day-to-day operations and the ways that the nation’s social engineers and brand stewards are endeavoring to rebrand and otherwise represent it to variously defined publics. Here I begin to illustrate *sharia’s* complex entanglements with phenomena of highly variegated provenance that simultaneously highlight its relations of exteriority as distinct from its internal “essences” (DeLanda 2006). These phenomena include: myriad elements of common law, reflecting the legacy of British colonialism and the postcolonial centrality of the common law in the nation’s constitution and more encompassing juridical field; e-governance, an emergent feature of governmentality built around densely networked channels of electronic communication and surveillance; and a much celebrated system of Japanese management and auditing that authorities in the *sharia* judiciary and the governmental apparatus as a whole have recently embraced. I also develop the more general argument, subsequently fleshed out in more detail, that analytically distinct processes of bureaucratization, rationalization, corporatization, and neoliberal globalization are at least as relevant, and arguably far more salient, than those commonly subsumed under the gloss of “Islamization,” though I also make clear that by various criteria the *sharia* courts are “more Islamic” than they used to be.

Chapter 2, “A Tale of Two Courts,” provides ethnographic and historical perspectives drawn from two distinct periods of fieldwork separated by nearly a quarter-century. I begin with background material on the training of Islamic judges and then present an overview of micropolitical practices of conflict management in the *sharia* court of Rembau, a small town located about sixty miles south of Kuala Lumpur (the nation’s capital), as I encountered them in my fieldwork in the late 1980s. I proceed with a discussion of changes (and some continuities) in the appearance, discourses, and practices of that court that I observed during subsequent fieldwork conducted during 2011–13. Ensuing sections of the chapter include the transcript of a hearing that took place in 2012, followed by commentary aimed at highlighting its broad relevance. The remainder of the chapter engages the punitive turn that is evident in the latter case and in the transcript from a 2013 hearing involving a man’s unauthorized repudiation of his wife. The surge in punitiveness, as we shall see, is also apparent in new forms of criminality and what I refer to as “creeping criminalization.”

The comparative-historical approach I adopt in this chapter and subsequently, along with insights generated by usage of a modified version of Bourdieu’s (1987) notion of the juridical field, allows us to productively situate some of the oftentimes abstract, hypothetical, and free-floating *sharia*-talk heard in different quarters of Malaysian society and globally. It is beyond the scope of my discussion to consider how and why *sharia*-talk often acquires these (abstract, hypothetical,
free-floating) qualities globally, but a few comments will be helpful in providing additional context for this chapter and those that follow. Part of the dynamic has to do with the heterogeneity of symbols, idioms, norms, moral registers, discursive traditions, and related phenomena that are associated with the Quran and hadith (see note 1). Additionally, both popular and elite Muslim understandings of what is congruent or compatible with such texts vary considerably through time and space, as do some of the ambiguities, ambivalences, and contradictions linked with them (An-Na‘īm 2008, Hallaq 2009, 2013, Ahmed 2016). Many contemporary interpretations of Islam and of sharia in particular, moreover, tend to be both “contingent and conjunctural” (Hefner 2016a, 3), embedded as they commonly are in the legal and ethical regimes of modernizing postcolonial states with unique histories (of legal pluralism and much else) and distinctive visions of and for the future. Amplifying these dynamics is the fact that sharia and sharia-talk (sometimes focusing on the higher principles and aims of sharia [maqasid al-sharia], other times on legal codes and their details) are increasingly pressed into service by different groups of Muslim political and religious elites (some absolutists, others not) to negotiate juridical fields and competing social imaginaries, and to advance diverse projects keyed to moral renewal, nation-building, and state formation. The twofold bottom line here is that, globally speaking, there is significant variation in the ways Muslims imagine, understand, and talk about sharia; and that sharia-talk is often rather radically untethered to—and otherwise free floating vis-à-vis—the empirical realities of the state-controlled sharia judiciaries that are tasked with managing key features of modern Muslims’ lives.

My approach also allows for a clear, explicitly historicized view of how the relevant discourses and social forces play out “on the ground,” in relation to an ever more corporate Islamic governmentality and the rise in punitiveness that is evident both in legal domains and in the nation’s cultural-political realms generally. My understanding of “relevant” discourses and social forces is quite broad. For as is true in other Muslim-majority nations, many of the crucial streams of thought and congeries of social forces bearing on sharia and ethics are of wildly disparate provenance and have less to do with debates over the intricacies of belief, ritual, and sacred text than with expansive questions of governmentality, asking how best to discipline and control the nation’s citizenry and help guide them to a more prosperous and secure future.

Chapter 3, “What Are Sulh Sessions?,” engages the pastoral face of the sharia judiciary. It focuses on sulh (mediation) sessions, formally introduced in the early years of the new millennium, that are designed to provide litigants, especially women, with a forum to air their grievances in their own voices, in a no-holds-barred sort of way. Social engineers and brand stewards have represented this juridical innovation to the Malay/Muslim public in heavily Islamic and Arabic terms, as a “return to (classical) tradition.” This despite its longstanding Malay precedents, formally unacknowledged; its heavy borrowings, also generally unacknowledged,
from the alternative dispute resolution (ADR) movement that has its proximate roots in the United States and dates mostly from the mid-1970s (Nader 2002); and the fact, also generally glossed over, that the push for mediation as an alternative to formal adjudication began to feature prominently in Malaysia’s civil-court arenas around the same time it began to take shape in their sharia counterparts. These latter dynamics are part and parcel of the global dissemination of Euro-American legal models to streamline legal proceedings, unclog the courts, and facilitate the flow of transnational capital (Dezalay and Garth 2002, 2010).

My interests in sulh stem in part from these dynamics. They also reflect debates within the scholarly community concerning whether there is a distinctively “Islamic” mode of “doing” law. Many distinguished scholars have argued that a uniquely Islamic legal mode has long existed and was evident in classical sharia practice that prominently featured *ijtihad*, a polyvocalic term referring to judicial creativity (Rosen 1989, Hallaq 2009). Other eminent scholars contest this claim (An-Na’im 2008). Still others contend that whichever position may be more meritorious, the empirical operation of sharia in the Muslim world is so complex that it is exceedingly reductionist to confine one’s ethnographic and historical investigations to matters of “authenticity” (Agrama 2012, 179). I share this latter perspective, but I also think that aspects of the debates outlined here warrant consideration. Partly for these reasons, this chapter presents the transcripts of two sulh hearings I attended in 2013, along with commentary on each case as well as a discussion of officials’ views concerning both the merits of sulh and the ethical dilemmas of formal adjudication, which some regard as an unwelcome feature of the “culture of litigation imposed on Muslim societies during the colonial days” (Syed Khalid Rashid 2008, 10).

Chapter 4, “Discourse, Practice, and Rebranding in Kuala Lumpur’s Sharia Courthouse,” deals with the aesthetics and the legal, socio-spatial, and cultural-political dynamics of the new sharia courthouse serving Kuala Lumpur that opened in 2011. These phenomena provide valuable perspectives on nationwide developments both within and far beyond sharia arenas that have occurred or are likely to do so in the years ahead. This is largely because Kuala Lumpur, in addition to being the nation’s capital and largest metropolis, is the center from which formal enactments and promising juridical experiments “trickle down” to jurisdictions throughout the country. Especially noteworthy are three related sets of dynamics. The first is the ascendancy in Kuala Lumpur’s sharia courtrooms of lawyers, illustrated by the transcript of a hearing I attended in 2012. The second is lawyers’ effective sidelinining of litigants and (to some extent) judges in hearings, and the relative outsourcing and privatization of justice involved in these developments. The third is the state’s myriad efforts to rebrand the sharia assemblage, which are particularly evident in Kuala Lumpur though certainly not limited to the nation’s capital.

Building on themes taken up in earlier sections of the book, this chapter elaborates on how the state’s sartorial advisors and other social engineers have sought to
rebrand *sharia* judges and the courts over which they exercise relative dominion. One way they have done this is by introducing black business suits as judges’ new uniform, to replace their more “traditional” Malay attire. This rebranding operates on a number of contrasting though related levels. It involves the sharp demarcation of differences between new and old *sharia* judges and the simultaneous muting of dissimilarities between *sharia* judges and their more prestigious and powerful civil counterparts. It also effaces the distinction between loyalty to a specific ethnic group (Malays) and religion (Islam), and allegiance to a cosmopolitan, global (“trans-ethnic”) community that does not prioritize “primordial” sentiments associated with a particular language, culture, ethnicity/race, or religion. More generally, the rebranding aims to reassure non-Malays, especially the non-Muslims within their ranks, that the *sharia* judiciary embraces increasingly universal standards and normativities bearing on justice and due process, and that they need not be apprehensive about Islamization, *shariatization*, or the further advance of Malay supremacy. The concluding sections of the chapter examine the extent to which the rebranding has been effective and whether it might be said to involve subterfuge or “ambush marketing.”

Chapter 5, “Are Women Getting (More) Justice?” addresses themes that emerge in previous chapters, albeit in a more explicitly historicized and otherwise systematic way. A question here is why family law ostensibly grounded in religion is frequently represented by Western scholars, local activists, the international human-rights community, and others as deeply unfriendly to women, if not backward-looking and anachronistic. One goal of the chapter is to complicate this imagery by describing and analyzing a relatively “female-friendly” pattern of historical shifts in the domain of Islamic family law since the late 1970s. A second, related goal is suggested by John Borneman’s (1992, 75) research on kinship, family law, and belonging in Berlin shortly before the reunification of the city in 1990. To paraphrase, this involves illustrating how states endeavor to define, codify, and normalize particular kinds of relations and particular kinds of selves that political and religious elites see as essential to the constitution of citizens as subjects. In pursuit of this goal, I examine the role played by *sharia* courts, which are integral features of the state apparatus and the components of the state that I foreground in this chapter, in the cultural politics of marriage and gender pluralism as a whole.

The conclusion provides a summary of the book’s main arguments, particularly those concerning global assemblages, punitive turns, and rebranding, along with brief comments on some of their comparative and theoretical implications. It also addresses the value of the kind of historical-anthropological perspectives that I have brought to bear on *sharia*, law, and cultural politics, and offers some thoughts on useful directions for future anthropological research relevant to juridical fields, legal liberalism, and “extremism” in the Muslim world and beyond. In closing, it speaks to some of the limitations of the assemblage analogy.