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“SPACE LAW, SHARI’A, AND THE LEGAL PLACE OF A SCIENTIFIC ENTERPRISE: THE CASE
FOR A PARALLEL CHALLENGE OF SOVEREIGNTY”

Abstract

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This paper synthesizes questions of sovereignty in shari’a scholarship today with parallel challenges in the nascent field of space law. Space law’s focus on regulating political, economic, and social factors related to outer space—particularly its focus on “peaceful uses of outer space” against prevalent military applications—makes space law relevant to the “Muslim world,” where Euroamerican dominance of this military high ground represents a specific differential of violence, power, and authority. Using a comparative approach to bring together these two perceived ends of law, this paper investigates modern legal structures and their relationships to sovereignty and the state. Focusing on each field’s debated notions of “governance” and “law,” parallel legal contentions illustrate the challenge (or crisis) of modernity as a project of differentials of power across legal scopes. This shows further comparative interrogations of space law and shari’a can generate valuable questions about modern sovereignty and its legal structures.

Keywords: space law, shari’a, legal theory, militarization of space, legal pluralism