Establishing filiation relationships in Islamicate contexts: A comparative perspective on the practice of Islamic positive law

The present paper is drawing on a broad project aiming to deepen our understanding of the phenomenon of the legal positivization of Islam through the comparative examination of an issue that was rarely legislated and thus largely remained in the hands of judges’ discretion: paternal filiation (*nasab*). It concentrates on the cases of Indonesia, Egypt, and Morocco. Of special importance was the question of the admissibility of DNA tests. After the description of these countries’ legal systems, family laws, and specific treatments of filiation establishment, and through a close look at what is called the “trajectory” of recent cases, the paper addresses the judges’ (competing) arguments, showing how much law cannot be studied but in its practice, which is both constrained by legal rules in the books and atuned to the many normativities at stake.