
John R. BOWEN, *On British Islam: Religion, Law, and Everyday Practice in Shari'a Councils* (Princeton, NJ, Princeton University Press, 2016)

Between 2010 and 2018, over 200 anti-shariah bills were introduced in 43 US states. On both sides of the Atlantic, politicians warn that shariah—draconian, atavistic, misogynistic—is creeping in, carried by immigrants and refugees from Muslim-majority regions. Such narratives not only strum perennial fears of the Muslim Other, but also spring from the more recent suspicion that shariah spreads like a virus in the water supply. According to this view, which has become remarkably common on the right, Muslim migrants are both Typhoid Marys and fifth-columnists. One day in the not-too-distant future, they will grab their swords, shout *Allahu akbar!*, and force shariah onto the liberal cuckold-state that let them in.

Cooler heads pooh-pooh such delusions. Surely shariah will never become the law of the land in Minnesota or Marseille, they laugh. Yet many in Europe and North America who consider themselves liberals or leftists, including quite a few Muslims, still feel anxious about shariah. They want to know if shariah really mandates stoning for adultery, silences infidel cartoonists with death fatwas, and commands women to hide their faces. In short, these people want to know whether shariah is compatible with liberal secular modernity.

Both groups tend to focus on what shariah “says.” So do many of the public commentators called on to assuage their anxieties. Allotted a precious few sound bites or op-ed paragraphs, they typically cite the Quran and the Prophet Muhammad to show that shariah condemns violence, commands tolerance, empowers women, and is generally benign. Lost in the mix is the matter of how real Muslims in Western countries actually “do” shariah. In academia too, the day-to-day practice of shariah in Europe and North America has received relatively little attention (though this is starting to change).

John R. Bowen’s *On British Islam* is therefore a timely intervention: it shows how some British Muslims *do* shariah. It is not a survey of religious practices. Rather, adopting a broadly pragmatist epistemology, it shows how shariah is institutionalized and operationalized in real settings, and with what practical consequences. As its primary institutional setting, the book examines shariah councils: tribunals of

experts who answer Muslims' questions about matters of Islamic law. It traces how these experts arrive at their decisions and justify them. It explores the authority that shariah can have in Britain as non-state law, and examines controversies about shariah in the British public sphere. All of this is situated in the history of Britain's Muslim communities and their ties abroad, especially to South Asia.

Through these various strands of inquiry, Bowen hopes to explain "how and why Islamic institutions developed as they did in Britain" [3]. The book implicitly contrasts Islamic institutional arrangements with those in other countries, especially France, the subject of his previous book. (Bowen occasionally makes the Britain-France comparison explicit too.) His methodology is both genealogical and ethnographic, and it straddles disciplines. Bowen is an anthropologist by affiliation, but this book fits comfortably within anthropology, sociology, and religious studies. Many historians of modern Britain, philosophers of law, and geographers will also find it speaks their language. Overall, the gambit is ambitiously multidimensional, but it succeeds. Bowen has produced a thought-provoking and important work—an indispensable account of how real communities of Muslims do shariah in a Western country, and why they do it the way they do.

Bowen chooses to study shariah councils not only because they have become a lightning rod in the British media, but also because "they represent a prolonged and unique experiment in meeting Islamic needs in a Western country" [3]. He sees the councils as Islamic institutions with British characteristics. They spend much of their time granting Islamic divorces. Bowen therefore sits in on divorce proceedings, observing how council members decide whether to grant couples the right to separate. Roughly half of the book comprises an ethnography of shariah councils and related institutions, supplemented by interviews. The councils' proceedings stand apart from British civil proceedings. Rather, they are comparable to Jewish, Anglican, and other bodies that grant divorces that are valid within a religious tradition. However, they attract more public scrutiny than their non-Islamic counterparts, as I discuss later.

Even though the shariah councils' decisions lack enforcement power, they have many practical consequences. Shariah treats marriage as both a moral and economic commitment. So in their proceedings, shariah-council members delve into the details of petitioners' relationships, as well as nuances of *fiqh* (Islamic jurisprudence), to determine not only whether to grant divorce, but also to sort out who owes what to whom.

On British Islam is divided into four parts. Part 1, “Pathways,” adopts a genealogical lens. It is a historical sociology of Britain’s present-day Muslim communities and Islamic institutions, with special focus on migration patterns and efforts by Muslims to build their own mosques, schools, and service-providing institutions in Britain. It also presents an excellent capsule history of the three most influential Sunni Islamic movements in South Asia—the Deobandi, Bareilvi, and Ahl-e-Hadith—and explains how they have shaped institutions, communities, and intergroup boundaries among British Muslims.

Bowen discusses historical trajectories and vicissitudes of state immigration policy that have concentrated particular communities and religious orientations in cities such as London, Birmingham, Leicester, and Bradford. He then uses the history and topography of Muslim migration to set the stage for his ethnography, and to explain why shariah councils receive so many divorce cases. Much of the time, these cases involve transcontinental marriages, with one spouse a British Muslim and the other born in Pakistan, and often still living there.

Part 1 also confronts a puzzle in the sociology of family. Many British Pakistani marry their cousins by some estimates, over half. Moreover, rates of close-cousin marriage among British Pakistani Muslims are increasing, and in fact, “Pakistanis become more likely to marry their cousins when they move to Britain” [20]. Bowen explains the growing frequency of cousin marriage by identifying it as a strategy for maintaining kinship networks in a global age. Families arrange transcontinental marriages between cousins in order to facilitate migration, maintain caste status, preserve culture and religion, and keep up family ties. By discussing the causes and consequences of cousin marriage in a matter-of-fact way, Bowen de-exoticizes it and confounds tired modernization narratives that paint it as a “traditional” practice that should disappear under “modern” conditions.

Part 2, “Practices,” is a philosophically informed ethnography of law. Bowen devotes several chapters to following shariah councils’ deliberations in divorce cases. Whether intentionally or not, he reproduces to some extent the instructional style of *muṭawwalāt* (supercommentaries) of classical *fiqh*. In these canonical tomes, legal experts present scenarios in which tensions arise between different legal principles, and then explain how different jurists have resolved them. But while *muṭawwalāt* can be a slog, Bowen’s case studies are engrossing. We see how shariah councils deal with issues like

extramarital affairs, domestic violence, and drug abuse. He curates the cases carefully and edits them parsimoniously, so they become accessible to neophytes in fiqh. They read with the pace and vim of a well-written ethnography.

Bowen asserts that Britain's shariah councils reflect enduring patterns of associational life that are characteristically British. For example, the British state has historically granted religious groups the right to construct diverse public institutions on their own, such as schools, banks, and religious tribunals. By the 19th century, using its relationship with the Church of England as a template, the state had extended the right to grant marriages and divorces to Quakers and Jews [52]. The shariah councils' involvement in divorce continues this pattern.

Yet they still do not operate completely autonomously from English law. Indeed, when deciding whether to grant an Islamic divorce, shariah councils generally consider whether a couple has already been civilly divorced. This raises all sorts of curious questions. Consider a Muslim couple that gets married, and then civilly divorced. The (ex-)wife now wants an Islamic divorce, perhaps so she can remarry Islamically. However, the (ex-)husband now declares that he is no longer Muslim, and hangs up when a jurist from the London-based Islamic Sharia Council (ISC) calls. Can the council unilaterally grant an Islamic divorce without the (ex-)husband's consent? In other words, does civil divorce imply religious intent [91-93]? In this case, the ISC jurist rules that it does, and grants the Islamic divorce on the spot, to the woman's relief. However, other Islamic jurists might disagree.

Here we enter the realm of performativity. In Chapter 6 ("Unstable performativity"), perhaps the book's most complex chapter in its engagement with legal detail, but also one of its most rewarding, Bowen asks precisely what act is performed by the Islamic Sharia Council when it dissolves a marriage at the request of the wife (in a type of Islamic divorce called *khul'*). The chapter deftly links Islamic legal theory and the philosophy of language through dramatic case studies. Bowen explores what J.L. Austin calls the "felicity conditions" for a performative speech act: the conditions under which declaring something brings it into effect (e.g., "I pronounce you married"). Bowen observes that in the ISC's cases involving *khul'*, it may not be clear who exactly is dissolving the marriages: the shariah council, the husband, or the couple jointly. Bowen ultimately shows that ambiguity arises partly because shariah councils lack state

authority. As a result, they cannot call witnesses or expend resources on fact-finding. Ambiguity also arises from the inherently decentralized character of Islamic jurisprudence worldwide: Sunni Islam has no clerical hierarchy or pope, and no Sunni jurist's opinion automatically trumps another's. It is often unclear whether a shariah council in Britain should acknowledge the decisions of courts or jurists in Jordan, Pakistan, or elsewhere—and vice versa. All of this ambiguity leads to financial disputes, confrontations with irate husbands and frustrated wives, and transnational paperwork pandemonium.

Part 3, "Variants," introduces two shariah councils other than the London ISC. We see that the practice of shariah and the granting of Islamic divorces can look radically different from one Muslim community to another. Part 3 also offers a methodological meta-lesson: that to understand how shariah intervenes in the lives of British Muslims, we cannot just study doctrine and points of law; we must examine institutions. Specifically, we must look at individual shariah councils and the lines of spiritual and religio-juridical authority that operate through them and into different communities.

One of the two councils explored in Part 3, the Birmingham Shariah Council, grew out of a women's crisis center and is staffed largely by women. It integrates Islamic legal services with social work and relationship repair. Unlike the London ISC, its frontline staff delve into the lives of its petitioners. In addition to offering Islamic legal counsel, they dispense wisdom: a recently divorced young woman seeking to remarry in Pakistan is gently encouraged to get to know this husband better before bringing him to England; another woman is told to see a gynecologist [129-130]. The second shariah council, situated in a country estate in rural Warwickshire, is led by a charismatic Sufi leader. Venerated as a living saint, the leader's office is a one-stop shop for his followers. It grants Islamic divorces, but also provides secular legal services (the saint is a licensed barrister), mediation of business disputes, career and relationship advice, blessings to ward off evil, and talismans to heal the sick.

Bowen uses comparison to underscore the centrality of institutions and the role of individuals and communities in building them to meet their needs. For example, he stresses that the difference between the Birmingham council and the London council is not one of "liberal" versus "fundamentalist" or anti-patriarchal versus patriarchal Islam. Rather, Bowen locates the difference in the institutional history of the two councils, showing that the spirit of their founders has become embedded in the way they administer shariah. We see that matters like

Islamic divorce can proceed very differently when carried out by different organizations.

While Parts 2 and 3 were largely ethnographies of institutions that deal with shariah, Part 4, “Boundaries,” zooms out and surveys the place of shariah and Islamic institutions in British society. Bowen ponders whether Muslims can ever gain “full cultural citizenship” in Britain—something Christians, Jews, and atheists have long enjoyed [194]. He concludes that “the jury is still out.” Newspaper articles, television “exposés,” and even a performance at the National Theatre have denounced Britain’s shariah councils as a parallel quasi-legal system that condones wife-beating and grants Muslim women fewer rights than non-Muslim women [205–208]. Bowen dismantles such misconceptions and argues that they stem partly from the British media’s yen to distinguish good, “liberal,” modern Muslims from bad, “fundamentalist,” backward Muslims. The majority of petitioners who approach shariah councils are socially conservative, as are the councils’ members. Many uphold traditional gender roles. This accounts for some of the bad press that shariah councils get, and for the anxieties that many Britons across the political spectrum continue to have about shariah. But Britain’s Orthodox Jews, and many of its Christians, are also socially conservative on matters such as gender—yet do not face the same scrutiny. Moreover, as Bowen shows consistently throughout the book, binaries juxtaposing “modern” against “traditional” forms of Islam are inaccurate and reductive.

In Part 4, one chapter explores which Muslim institutions cause moral panic in Britain. Bowen finds that mosques come in for relatively little criticism because they have a clear, familiar analogue: churches. Likewise, halal certification looks similar to kosher certification and operates according to a familiar “secular logic” of guaranteeing truth in advertising [197]. Islamic finance too exemplifies the “banality of shariah” [198] in Britain, perhaps because it is pitched as an ethical form of finance—and perhaps because it makes money for the City of London. In contrast, shariah councils are much more controversial; so are state-aided Muslim faith schools. In 2013–2014, for example, a letter purportedly laying out an Islamist plot to take over Birmingham schools sparked a furor. National-level politicians, including Theresa May, stumbled over one another to portray themselves as being the toughest on extremism in schools. Ultimately, the Birmingham “Trojan horse” letter turned out to be a likely hoax. Nonetheless, it spotlighted how differently the British state treats its

11 state-funded Muslim schools from its 4,598 state-funded Anglican schools and 2,010 state-funded Roman Catholic schools [201].

I would like to have seen a clearer thesis as to why Muslim schools and shariah councils arouse more concern than halal certification or Islamic banks—a tall order, but one the chapter invites. The chapter's strength, however, is that it convincingly documents differences in treatment and links them to deep-seated concern that socially conservative (or "extremist") Muslims seek to impose an agenda incompatible with "British values" like democracy, toleration, and equality. The catch is that these values are aspirational: they do not reflect actual social life in Britain, and yet they become the standard against which Muslims are measured.

In the end, Bowen leaves us with a hopeful prescription. He ties the book together by asking how socially conservative Muslims can carve out a place for themselves in the British public sphere. Scholars of multiculturalism have wrestled with this question for some time, but Bowen offers a fresh perspective. The pessimistic possibility is that Britain's socially conservative Muslims must renounce shariah and recast their Islam as liberal in order to be accepted as true Britons. Striking a more optimistic note, Jürgen Habermas has proposed that citizens making arguments based on religion "translate" those arguments into "generally accessible arguments" [225]. For example, Catholic, Muslim, and non-religious opponents of abortion could translate their reasons, regardless of source, into the universal principle that one should not kill. Bowen challenges Habermas here. The issues that spur anxiety about Muslims in Britain are not simply translatable claims, he argues, but "entire ways of organizing life" that subsume "gender relations, ways of dress, patterns of socializing, ideas about education and faith, artistic practices, and pronouncements about marriage and divorce" [226]. The real challenge is not commensurating *ideas*, but finding policy solutions that work across different *cultures* that some perceive as incommensurable.

Instead of trying to generate an abstracted and modernized form of each religion, Bowen proposes "finding points of convergence" and "working toward shared outcomes" pragmatically [227]. For example, Indonesian courts handling divorce cases formally preserve the gender asymmetry present in classical interpretations of shariah, which gives men the power to divorce unilaterally but requires women to ask a judge to dissolve their marriage. However, those courts also require both men and women to prove one or more of the same grounds for divorce. Formal asymmetry remains, but substantively, women and

men enjoy the same possibilities to divorce. Bowen's suggestion is not to seek this kind of formal-substantive accommodation every time, but to accept and respect the incommensurability of different communities' starting points while working for convergent endpoints. Instead of abstracting away from scripture and religious roots in the hunt for shared *principles*, as Habermas seems to propose, Bowen calls us to search for shared *practices*.

My primary criticism of *On British Islam* concerns its use of comparison. Across most dimensions—British cities, Islamic traditions, shariah councils, types of institutions—Bowen deploys comparisons thoroughly and convincingly. However, what promises to be the grandest comparison of all lurks behind the entire book without being fully developed: the Britain-France comparison. It receives explicit treatment on two pages of the Introduction and one more in the Conclusion, and only in passing elsewhere. Bowen argues that French Islam, forged in the heat of republicanism and *laïcité* and reflecting Maliki juridical homogeneity in North Africa, displays little institutional innovation. French Muslims, he asserts, have tended to reproduce institutional forms developed by other faith communities—French halal practices replicate French kosher practices, for example—or by Muslims in North Africa. He contends that British Islam, on the other hand, demonstrates great institutional diversity and innovation thanks to the British state's inclination toward granting religious communities autonomy, and also due to the pluralistic nature of imperial legal administration in India and the fragmented nature of North Indian Islam [6]. This is a tantalizing thesis, and its prominence in the Introduction and Conclusion excited me. However, *On British Islam* only proves its British half. For the French case, we are gently pointed toward Bowen's previous work, especially his book *Can Islam Be French?* [2010]¹, which indeed confirms the stated thesis. The underdeveloped comparison risks making *On British Islam* feel like something of a companion volume—even though it stands brilliantly on its own in all other respects. The book already has 13 chapters; adding one more elaborating the French case would have made *On British Islam* a self-contained comparative whole.

Nonetheless, the book is a major achievement. With *On British Islam*, John Bowen accomplishes something difficult. He demonstrates how the practice of shariah is both transnational yet locally specific, and continuous with longstanding traditions yet shaped by recent events. He shows that the application of shariah to divorce in

¹ John R. Bowen, 2010, *Can Islam be French? Pluralism and Pragmatism in a Secularist State* (Princeton, NJ, Princeton University Press).

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Britain is produced by living humans and inflected by the concerns, needs, and trajectories of British communities, yet grounded firmly in sacred texts and a hermeneutic tradition almost as old as Islam. He illustrates how British Muslims manage divorce in ways that are distinctively Islamic and distinctively British, yet similar to approaches found in other systems of law in their balance of pragmatism and principle. In other words, Bowen demonstrates the universality of specificity and the specificity of universality. He does not shy away from taking a stand on controversial matters, including the question of whether there is space in Britain for socially conservative understandings of religious virtue. (He believes there is.) That he does all this with sensitivity, warmth, open-mindedness, subtlety, and an eye for storylines confirms his status as one of the most perceptive, innovative, and readable observers of contemporary Islam.

RYAN CALDER