

### **British Islam's creativity**

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**Through a rich ethnography of three shari'a councils, American anthropologist John Bowen shows convincingly that in the UK, the real debate about Islam is not between non-Muslims and Muslims, but among Muslims themselves.**

Robert Bowen, *On British Islam. Religion, Law, and Everyday Practice in Shari'a Councils*. Princeton, NJ: Princeton University Press, 2016.

John Bowen is an American anthropologist whose studies of Muslims in Indonesia and France are highly respected and widely cited, but his latest book deals with aspects of the life of Muslims in the UK. His anthropological gaze remains constant across all three countries and is enriched by perspectives that draw on sociology, law and religious studies. As a result, his work attracts the interest not only of scholars in a variety of disciplines but also of activists, politicians and policy-makers who are concerned about the public and private lives of Muslims. Indeed, his scholarship engages robustly with some of the most pressing questions concerning Islam in settings where Muslims constitute either a majority or a minority of the population. This was most clearly the case with his 2007 book *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (Princeton University Press).

#### **Creating Muslim institutions in a British context**

Although the principal focus of *On British Islam* is on deliberations about divorce in shari'a councils, the opening chapters provide a wealth of background information not only about the settlement in Britain of Muslims from different countries, with different ideologies, at different times but also about changes in British immigration policies which have tended to work to the advantage of local mosques and Islamic schools. Nevertheless, Bowen insists that the development of dense networks of local-level Muslim organisations has taken place in conjunction with persisting links to the immigrants' countries of origin – mainly in Pakistan, India and Bangladesh – as well as to transnational networks associated with what he calls the three 'religious pathways' of Deobandi, Ahl al-Hadith and Barelvi traditions. The lines of division between these "South Asian pathways have become the institutional armature of Sunni Islam in Britain today" (p.30); and, he argues, they have hardened, along with ethnic tensions, in recent years. This hardening of divisions is also reflected in the ideological underpinning and practices of different mosques and shari'a councils. Nevertheless, much of the originality of Bowen's work lies in his claim that the "fractured" character of Islam in Britain helps to make it "institutionally creative" (p.6) – especially in comparison to the markedly less divided and less creative character of Islam in France. He sums up his main contention as follows: "British Muslims, most of them anyway, are in the long and messy process of creating institutions that make sense in Islamic terms and also in British ones" (p.6).

Having established the topography of Muslims in Britain and the complexity of their ethnic and religious pathways, Bowen outlines the colonial origins of legal and administrative

arrangements for regulating various rights in accordance with what the British rulers of India considered to be communal norms. These ideas about the communal framing of personal status, notably marriage and divorce, eventually shaped the jurisprudential thinking of Muslims in Britain who began in the early 1980s to lay the foundations of the Islamic Shari‘a Council. This organisation, attached to a mosque in the inner-London suburb of Leyton since 1997, remains the best known shari‘a council in the UK, but it is possible that as many as twelve other such councils are now in operation – each of them rooted in one or more of the main doctrinal and juridical traditions of Islam. Bowen’s sensitive ethnography, conducted between 2007 and 2013, provides an exceptionally fine-grained picture of the day-to-day operation of several different shari‘a councils in different parts of the country, each of which maintains connections with like-minded groups in South Asia and transnational networks. In a manner reminiscent of Bruno Latour’s study of France’s *Conseil d’État*<sup>1</sup>, Bowen emphasises the importance of processing files and seeking “procedural fairness” (p.77) in a recursive fashion “revising their procedures and doctrinal stances as a result of interaction with clients and with multiple publics, including the legal system” (p. 87). But he also shows that the outcomes can be unstable when, in the absence of statutory legal authority, shari‘a councils have to contend with competing modes of justification in terms of, say, the welfare of parties involved in a dispute or conformity to particular rules in Islamic jurisprudence. Tensions between Sufis and Deobandis, as well as engagement with South Asian legal practices, can also aggravate this instability.

One of the book’s major contributions to scholarship about Muslims in Britain is its painstaking demonstration of the wide variety of institutions and activities that fall into the loose category of shari‘a councils. For example, the shari‘a council attached to the Central Mosque in Birmingham, Britain’s second city, is organised largely by women, although male scholars sit on the panel, and is limited to hearing claims for an Islamic divorce only in cases where a divorce has already been granted by a civil court. It also functions more broadly as a centre for advice on marriage guidance and domestic problems. A strikingly different type of council, however, is the Muslim Arbitration Tribunal which operates in a small town in the English midlands as part of the Hijaz community in the Naqshbandiyya Sufi tradition. Its implementation of shari‘a is less bureaucratic than some other councils and more dependent on the charisma attributed to the community’s hereditary Sheikh, “saint” or spiritual guide, although he also happens to be a fully qualified barrister in the English legal system.

### **Muslim and British at the same time?**

The final sections of Bowen’s book use his ethnographic insights as a platform for debating some of the legal, ethical and policy-oriented questions that arise in connection with Muslims living in countries with liberal democratic political systems where the rule of law is widely regarded as sacrosanct. Some of the debates are highly technical; others are more discursive. For example, to what extent does English law actually “recognise” shari‘a? How far are English courts prepared to take account of the deliberations and decisions produced by shari‘a councils? And in what areas of public life in Britain are Islamic institutions accepted as British? Bowen’s response to this last question is a judicious grading from mosques (as the most acceptable institutions), through Halal certification practices and shari‘a finance to shari‘a councils and state-funded Muslim schools (as the most contentious). His reasoning is that these last two institutions are perceived by the British public as strengthening the segregation of Muslims from non-Muslims and perpetuating the subjection of Muslim

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<sup>1</sup> Bruno Latour, *La fabrique du droit. Une ethnographie du Conseil d’Etat*, Paris, La Découverte, 2005.

women. But Bowen's master stroke is the counter-intuitive claim in the final chapter that "The real debate about Islam in Britain is taking place elsewhere, among Muslims" where "A flourishing of liberal cultural activists square off against their conservative opponents" (p.209) especially over the boundary between conservative and liberal in matters such as gender relations, patterns of dress, forms of education, and marriage and divorce. And it is precisely among Muslims in Britain that Bowen detects evidence of public reasoning that he calls "practical convergence" or a form of "adaptation to a British context" (p.227) which nevertheless draws on normative resources within different interpretations of shari'a. This is not a Rawlsian translation of Islamic thought into secular propositions: rather, Bowen sees practical convergence as a creative attempt to devise institutional mechanisms such as shari'a councils which try to be responsive both to their British context and to Muslims' demands.

*On British Islam* concludes at a fairly high level of theoretical or philosophical generality, but most of the book is a highly readable narrative of empirical descriptions enlivened by a few light-hearted anecdotes. Bowen's skill as a self-aware ethnographer enables him to combine gossip and scatological observations with careful analysis of legal, historical and theological backgrounds. The result is a rich account of the creative work that three particular shari'a councils have been performing in Britain in recent decades. The analysis is pitched mainly at the institutional level where distinctive processes of practical reasoning and justification can be observed and inferred from documentary sources. Yet, the emotional dimension of shari'a councils' hearings can also be sensed in extensive quotations from interviews and transcripts of deliberations.

Bowen's analytical focus is squarely on discourse, reasoning and justification at the level of shari'a councils as institutions operating in a British context. This institutional focus – which is reflected in a volume that he recently co-edited on *European States and their Muslim Citizens. The Impact of Institutions on Perceptions and Boundaries* – is a promising inter-disciplinary development in studies of the changing public face of Islam. I suggest that a productive next stage in this development would be closer integration with research on Muslim chaplaincies and educational institutions in different national settings.

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