

Chapter 13

Ethics and Affects in British Sharia Councils: “A Simple Way of Getting to Paradise”

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I remember a very touching question I was asked once. It was some young woman who rang, she said: “Can you just give me a simple way of getting to paradise?”

Usama Hasan, imam and former presenter of *Journey Through the Koran*, a Q&A weekly TV programme about Islamic law broadcast on Islam channel. (Personal communication, February 2011)

In February 2008, a speech given by the Archbishop of Canterbury, Rowan Williams, at the Temple Church in London sparked the beginning of a long controversy that suddenly put Sharia councils, which had operated informally since the 1980s, in the spotlight of the media. In his speech, he declared that “the integration of some elements of Sharia law within the British legal system is inevitable” (Williams 2008). A moral panic immediately ensued, with journalists and politicians signaling the threat of social disintegration and Muslim secessionism. The debate over the nature of the interaction between Muslims and the British legal system represented a clash of a given set of values, identities and claims of interest by state law and the Muslim community. This occurred in the context of increased suspicion regarding British Muslims’ loyalty toward the state post-7/7 and a broader questioning of the values of liberalism and multiculturalism as a framework for integrating cultural diversity (Lentin and Titley 2011; Triandafyllidou et al. 2011; Bowen 2012). If this debate was particularly intense in the UK, it gradually reached other European countries such as the Netherlands (Berger 2009), Austria (EuropeNews 2010) and, more recently, Germany (Spiegel Online 2012), where opinion polls and journalists’ reports warned against increasing demands for a vaguely defined notion of Sharia among European Muslims. Similar debates had taken place a few years earlier in the province of Ontario in Canada (CBCNews 2005).

In the Western imagination, the word “Sharia” triggers images of brutal corporal punishments such as stoning, limb cutting, public lashing and, more generally, systematic discrimination against women. The recent Arab revolutions and the calls for Sharia that Islamic parties have put at the center of their political agenda have been interpreted in the West as major threats to democracy-building. The word “Sharia” has therefore become associated with a sense of clash that is noticeable in the reiteration of narratives about the “Islamization of Europe” and the “failure of multiculturalism” in which demands for accommodation of “Sharia law” are used as the ultimate evidence. This distorted representation obscures

the smooth and quiet ways in which Sharia is routinely practiced and used in European contexts.

In this chapter, I attempt to define the nature of these practices by giving an empirically grounded account of everyday interactions in various British Sharia councils. Based on ethnographic fieldwork conducted in 2009¹ and 2011, I study the ethics and values that inform Muslims seeking Islamic justice, as well as the methods used by the British Ulema to guide their clients. By doing so, I aim to provide a more complex analysis of the ways in which Islamic agency asserts itself through ethical disciplining. As one imam told me, Sharia councils “care for the soul,” whereas mainstream justice is perceived as procedural, confrontational and somewhat distant from Muslims’ ethical concerns. Muslims making use of Sharia councils therefore seek to cultivate an ethical self by actively engaging with the values, norms and codes of conduct they perceive as essential to the nurturing of their faith. They strive to take part in a moral universe in which Islam is the discursive terrain upon which believers collectively struggle to define alternative conceptions of “the good.”

More specifically, this chapter examines the issues of authority and knowledge in contemporary Islamic legal practice. Moving away from the methodological individualism that dominates debates on multiculturalism (Cowan, Dembour and Wilson 2001), it explores zones of tension and interpenetration (Göle 2005) between secular justice and Islamic law, as well as the power of emotions in Islamic legal practices in Britain. I show how these dynamics contribute to the making of a unique form of Islamic justice in Europe, which Werner Menski (2000) has called “Sharia Angrezi” or the British law of Islam.

Locating Sharia Councils

In a small room in the Birmingham Central Mosque, lit by narrow windows overlooking the highway, the Sharia Council has gathered for its monthly hearings. The couples who have been called on this day have been through a three-month reconciliation process, and today the Council will give its final verdict: either their marriage will be dissolved or the couples will be asked to persevere a little longer, until the Council has collected all the information it needs to render a fair decision. Behind a desk, Amra Bone, a mother of two children and a doctoral candidate in Islamic Studies at the University of Birmingham (one of the rare women appointed to sit in a Sharia council in Britain), and Dr Naseem Mohammed, a medical doctor, and the mosque’s director, are going through the different cases they will review. I am told that the imam usually sits in the Council

1 My fieldwork in 2009 was partially realized as part of the EuroPublicIslam Project directed by Nilüfer Göle (EHESS) and funded by the European Research Council under the European Community’s Seventh Framework Programme (FP7/2007–2013)/Grant Agreement n° 230244.

as well, but that he is busy with other matters today. Two women are also present in the room: Dr Sayeda Wageha, a retired pediatrician with a Master's degree in Islamic Studies from the University of Birmingham who runs the mosque's reconciliation clinic, together with sister Saba Butt, a divorcee with two teenage children who is responsible for preparing the agenda and briefing the councilors. While they do not intervene in the Council's decisions, their detailed knowledge of each case makes their input highly valuable. I am sitting in the corner of the room, right next to Dr Sayeda.

The first woman to enter is a half-British, self-employed children's caretaker with five children who has been married to her disabled Yemeni husband for 25 years. The couple have been separated for two years. The woman's husband now lives in a separate house and does not provide her with any child support. Their families have attempted to help with their reconciliation, without success. She thinks that the constant arguments between her and her husband affect her children's wellbeing: she wants closure and asks the Council to dissolve her marriage. Dr Sayeda explains that the husband is very dismissive of the Council and believes his permission is needed for his wife to obtain a divorce. He has not come to the meeting, but has sent his eldest son to defend his version of the story.

The second case is a Pakistani woman who does not speak English. She came to the UK to be the third wife of an older man who wanted to have more children. They married under Islamic law, but their marriage has not been officially registered. Because her marriage is not recognized under British law, the only way for her to obtain a divorce is to go through the Sharia council. The young woman has deserted her husband's house and now lives in a women's refuge. She comes accompanied by a social worker who wants to know more about this institution.

The third case is a British Egyptian woman married to a British Somali man. The couple have been separated for two years, after the husband pronounced "talaq" on numerous occasions. The husband has not replied to any of the letters addressed to him by the Council and has never shown up at the reconciliation clinic. As a result, the woman's file is composed of only her words. She feels that her situation should be clarified as she does not know whether she is married or not, which she thinks is both confusing and sinful.

These are but some of the issues that arise at the Birmingham Sharia Council. Established in the 1980s by the Birmingham Muslim community in response to a perceived demand for mediation in family disputes, it remains immensely popular today and is frequented by people from all walks of life, as demonstrated by the steady stream of people – most of whom are women – who enter the Council from the moment it opens at 10:30 am until after it closes at 6 pm. Observations conducted in other Sharia councils confirm the growing success of these alternative and informal dispute resolution mechanisms among British Muslims, to the extent that councils struggle to find the human and financial resources to meet this increasing demand. In a study she conducted in 2003 in four British Sharia councils, Samia Bano found that the frequentation of Sharia councils increased by 15.62 percent between 2002 and 2003 (Bano 2004: 136).

The Emergence of Sharia in the UK

The creation of Sharia councils reflects the development of Islamic religious practices in Britain. Indeed, mosques were the first institutions that Muslim immigrants to the UK created upon their arrival. As Werbner points out, the establishment of mosques was driven by the need of migrants to “sacralise an alien cityscape – the ‘land of the Infidels’ – and reconstitute this land as moral space” (Werbner 1996: 310). From the initial stage of prayer halls to the appointment of imams and the construction of mosques, Sharia councils illustrate the cultural and religious norms that underlie these developments. In particular, it is the close relationship to mosques that has shaped the type of Sharia councils that we see emerging in Britain (Bano 2004). British mosques cater to the needs of Muslims of various ethnic backgrounds including Punjabis, Mirpuris, Pathans, Bangladeshis, Yemenis, Somalis and Gujaratis. In larger communities, mosques are not only based on ethnic differences but are also split along doctrinal teachings. The different Islamic schools of thought that have been identified in Britain are Barelwi, Deobandi, Jama’at-i-Islami, Ahl-i-Hadith, Shi’a and Ahmadiyya (Lewis 2002). Most Pakistanis belong to the Barelwi tradition and consequently mosques are closely aligned to the sectarian affiliation of the local community.

However, over the years, Sharia has not only been displaced from one cultural area (i.e. Muslim countries) to another (i.e. England), but has also moved outside the premises commonly identified as “religious.” Indeed, Sharia in Britain has gained public visibility by physically moving outside of the confined space of the mosque where it initially developed. Prior to the establishment of Sharia councils, imams provided all spiritual and religious guidance to Muslims in local mosques, including settling marital disputes and issuing divorce certificates. However, imams found this work to be time-consuming, taking them away from their traditional duties of providing spiritual guidance and sermons for Friday prayers (Bunt 1998). As a result, Sharia councils developed as separate institutions, and were responsible for dealing with family disputes and divorce requests. For example, the Islamic Sharia Council UK in East London has recently been relocated to a converted sweet shop. The Muslim Law Sharia Council UK (MLSC) in West London is based within the premises of the Muslim College, an institution that trains new generations of British imams.

Whereas the first generation of South Asian immigrants to the UK defined themselves primarily along ethnic lines, the new generations who were born in Britain identify most systematically with Islam and the larger *umma*. This shift was initiated by the Salman Rushdie affair (Modood 1990), when Muslims’ protests against *The Satanic Verses* and the fatwa issued by Ayatollah Khomeini boosted widespread Islamophobia and the public vilification of Muslims, who were depicted in the press as backward fundamentalists. This experience added to the economic tensions that followed the neoliberal turn in politics in the 1980s as well as the rampant cultural racism (i.e. the general contempt displayed towards Muslim values) that became so poignant during the Salman Rushdie

affair had the effect of reinforcing Muslims' attachment to and identification with their faith.

The vitality of the internal debates on the place and role of Sharia law that have emerged among Muslims in the UK reflects the Islamic Revival that is taking place both within and outside Europe today. Some aspects of this Revival as they developed in Egypt have been studied by Saba Mahmood (2005) and Charles Hirschkind (2006). Their respective works have been particularly attentive to underlining the relationships between the power of Islamic ideals of morality and piety, the connections between everyday religiosity and religious knowledge, as well as the interconnections and tensions between Islamic practices of piety and the architecture of secular power. The concepts of "tradition," "self-discipline" and "personal ethics" that these scholars have explored have shown the necessity of revisiting the binary associations that oppose "reason" and "rationalism" to Islam in light of the post-colonial dynamics that give this Revival its unique cultural shape. However, the focus on "piety" made this work somewhat irrelevant in explaining the new cultural "assemblages" and "interpenetrations" that have taken shape in European societies as a result of the increased visibility of Islam (Göle 2005; 2010). This is where the work of Nilüfer Göle on Islam in Europe and her specific interest in "multiple modernities" can give us analytical keys for understanding Islamic legal practices in secular Western societies. Indeed, the legal practices that I will further describe in this chapter highlight not a quest for purity, but a desire to find the right balance in order to produce a new cultural expression while remaining faithful to Islam and the sacred texts. While Islam has become the discursive field upon which British Muslims are trying to define alternative versions of their identity, the practices I observed within Sharia councils highlight an attempt at reconciling "the tension between the cultivation of pious subjectivity in tune with the temporalities of the global Islamic Revival and the perceived necessity to integrate Muslims into local European contexts" (Caeiro 2010: 435).

Authority Decentered

In the British context, the authority of Ulema is the object of constant contestation, not only from the outside (clients of Sharia councils sometimes mobilize sheikhs located abroad in order to challenge the decisions of British councilors) but also from within, as fatwa-seekers use their own knowledge and interpretation to influence Ulema's judgments. The multiplication of sources of authority has forced Ulema to develop important pedagogic skills in order to guide Islamic justice-seekers on their path towards an ethical life.

During the monthly hearings of the Birmingham Sharia Council and also in the correspondence of the MLSC, I noticed the carefulness with which councilors explained the methods through which they came to their decisions. One was a case I mentioned earlier of a woman who had come to the Birmingham Sharia Council to seek divorce from her disabled husband from whom she had been separated for

two years. She argued that the constant arguments she had with her husband as well as his violent attitude had caused an unbearable amount of stress for her and her children, and that the chance of reconciliation had vanished as a result. Unable to attend the meeting, the husband had sent his eldest son to defend his version of events. According to him, the real reason for his mother's request was motivated by her desire to lead the life of a "single woman." In his opinion, the Council's decision to issue a divorce would have the effect of encouraging her to acquire more freedom and to abandon her responsibilities as a mother. The loosening of her "modesty" following her separation from his father was given as evidence for his mother's "hidden agenda." After carefully listening to the young man's opinion, Amra Bone explained that remaining in an unhappy marriage could in some instances be more sinful than being divorced. She reminded him that the purpose of marriage was "love and compassion" and that his mother felt her marriage did not fulfill these essential needs. If divorce was the most "reprehensible of all permitted acts" (*makruh*), it was still preferable to a greater sin, like adultery, which all schools of fiqh consider as forbidden (*haram*). Recounting the story of the slander against Aisha in Surat An-Noor, she reminded the young man of the importance of "good faith" in forming opinions of others. She eventually concluded:

So taking into account what you said, all we can do is try to speak to her and – once the case does come to the Council, it is our duty to make sure that more injustice is not done within that marriage – there is no reason why your parents couldn't get married again because it's not a final divorce or anything. It's your mum who is the one who initiated the process. So if this marriage is dissolved, there is no reason why the two parties can't come together again and be married again. Perhaps she may feel that she has now more independence and she feels that she can form the contract on her terms perhaps. It just gives that flexibility to people. Now of course, there's obviously the possibility that she might not want to do that, but Islam takes both parties as independent individuals, having certain responsibilities toward each other and giving them their right and the duty not to harm each other. Ideally, it's better to stay together, but situations like this arise because one party is not being satisfied. But if the situation is allowed to carry on the way it is, it's not helpful. It's harmful. Do you understand? ... You see when two people are married, then they have to give each other their physical rights. They have to give whatever emotional rights to each other. When that's not happening, that's actually harming. Get it?

This conversation illustrates that while trying to maintain the boundaries of the permissible within Islam, councilors are also concerned with educating not only their clients, but also their relatives whom they consider as legitimate stakeholders in family disputes. Therefore, the arguments mobilized by the young man, who was anxious about maintaining the honor and reputation of his family by controlling the modesty of his mother, are counterbalanced by arguments stressing the responsibility of the Council in avoiding greater harm. The councilor

also emphasized values that according to Islam are at the center of the marriage contract: love and compassion. In the councilors' opinion, the cases that they routinely consider should not only concern the two parties in conflict but should also include the opinions and feelings of the larger family. The relationship that they strive to establish with them relies on co-responsibility and on a shared understanding of the values and ethics promoted in Islam. The Council, whose primary concern is to foster living in peace first with oneself and then with the wider community, offers a space for multiple voices and perspectives to be heard, and for sharing knowledge and developing a common appreciation of the purpose and meaning of Islamic prescriptions. Contrary to secular law that is based on an individualist vision of justice, Sharia councils endeavor to maintain family and community values as well as the rights and duties that Muslims have towards each other.

In a conversation between a social worker and two councilors from the Birmingham Sharia Council, Amra Bone and Dr Naseem explained their working methods in order to clarify what they perceived as a common misconception among British Muslims that considers Sharia law and British law as two totally separate legal systems. This exchange highlights the councilors' desire to be perceived as knowledgeable facilitators of people's affairs instead of coercive arbitrators applying an inflexible version of the Sharia. While using an Islamic framework to guide their clients towards the "good," their discourses are also concerned with deconstructing arguments that place the Sharia in a moral sphere totally separated from the mainstream justice system:

Naseem: The law of the land applies to Muslims, wherever they live ... So we make it very clear to people who apply for an annulment of marriage if the case is in the court, because according to the Sharia they're not required to get an Islamic divorce, but we do it if they insist.

Amra: Allah does not want us to have conflict in our minds. If they've already got a divorce from the civil courts, then we have to give [a] divorce because they can't be married in one and divorced in the other. Some people are playing with this, which is totally wrong. We can't be single in one form and writing married in another ... This is cheating.

The pedagogic skills that councilors deploy in their everyday practice demonstrate that the purpose of the councils is less to pronounce the correct doctrine than to reconcile Muslims' relationships to Islam and British law. While mobilizing common Islamic ethical principles as illustrated by the life of the Prophet and the models of good actions he provided to his followers, councilors also feel it is their duty, as British citizens, to encourage women to have their marriage registered under British law. They generally refuse to issue a divorce until the civil divorce has been pronounced. In doing so, they strive to promote Islam as an accommodating 'civil religion' (Caeiro 2010: 437).

Affective Performance

The authority of Sharia councils does not rely on doctrinal coercion, but rather on the capacity of councilors to accompany their clients in their journey toward an ethical way of life. As one imam told me, Sharia councils “care for the soul,” while British courts are more concerned with procedures and the application of the law. As the legal historian Wael Hallaq puts it:

the state permits and forbids, and when it does the latter, it punishes severely upon infraction. It is not in the least interested in what individuals do outside of its spheres of influence and concern. Islamic law, on the other hand, has an all-encompassing interest in human acts. It organises them into various categories ranging from the moral to the legal, without however making conscious distinctions between the moral and the legal. (Hallaq 2009: 19)

I noticed on numerous occasions the attention with which councilors listened to their clients, avoided interrupting them and let them express their emotions and go into the very intimate details of their marital relationships. At the MLSC, Maulana Raza, the chairman, explained in the following terms the difference in nature between an “affidavit” written in the context of civil divorce proceedings and the statements clients wrote to the Sharia council:

In most cases we insist that we will not accept their civil divorce petition as their statement for Islamic divorce ... Because those petitions are mainly prepared by the solicitors. They may not take into account the *personal situation of their client*. They design it in a way which is more conducive to the legal requirement of the country so it may not reflect fully the *real personal emotions* and reasons for that. So we don't wanna base things upon these petitions which are designed particularly for the purpose of the courts here ... We leave it to the applicant. It could be very brief. We do not dig into it; we do not wish to open their wounds. It's up to them if they want to give us a five-page statement ... but we never put any condition ... We never do that, it's up to them but a personal statement seems to us a bit of a reflection or a representation of the situation or of the nature of a dispute. (Maulana Shahid Raza, March 2012)

In contrast to the space of the court, where emotions and clients' grievances are filtered through the expert language of a solicitor, the councils offer a space deprived of such disciplinary techniques. Most importantly, the fact that clients express feelings and emotions is considered proof of their good faith. On numerous occasions, I witnessed councilors who, when faced with similar cases, sometimes took different decisions, depending on their own evaluation of the psychological condition of their clients. In one instance, the Birmingham Sharia Council had received divorce requests from two women who presented very similar grievances: they had both lived separately from their husbands for

two years and all attempts at reconciliation had failed. Their husbands had not been particularly collaborative with the Council, refusing to attend the meetings set up at the reconciliation clinic. In one instance, the Council decided that Jamila (not her real name) could persevere a bit longer and suggested that she wait for the next meeting of the Sharia Council the following month to give her husband another chance to come and give his side of the story. The reason the councilors gave for this decision was that there was no rush in pronouncing the divorce, since Jamila's husband had a police injunction not to enter her house and so he could not harm her anymore. Jamila looked "okay," psychologically, they agreed. Her performance in front of the Council did not give them the impression that it was an emergency. In the case of Sabrina, however, the Council decided to dissolve the marriage on the day of her hearing. The reason for not delaying this decision any longer was that "she looked quite upset, exhausted and depressed. She does not seem to be able to put up with more waiting."

Discussions taking place in Sharia councils involve perhaps as much psychology and counseling skills as Islamic legal knowledge. One imam mentioned to me that a third of the time, he answered "I don't know" to the questions he was asked. He explained this was a strategy he used in order to make people speak about their problems in more personal and specific terms:

All the good muftis have already understood that in Islam, law and spirit are intertwined and that's why you can't give a fatwa that is the same in every situation. It's all in the end for people's cases, you're helping them with their spirituality or trying to help them in the path to God and therefore there will be these variations and you have to take the context into account. You know, Sheikh Abdullah bin Bayyah has written a lot on this. So, for example, he quoted Al Ghazali who said giving fatwa or fiqh jurisprudence, only 10 percent of it is about knowing the text, the other 90 percent is knowing the situation of the people. (Usama Hassan, February 2012)

Emotions play an important role in determining the Council's decisions. Therefore, the setting provided by the Council does not attempt to neutralize them. Councilors even appeal to the emotions of their clients when in doubt of their good faith. In one instance, Imam Mamadou of the MLSC told me the story of a man who had accused his wife of adultery. The man was invited to come to the Council to take an oath on the Koran and swear that his wife was guilty. The wife was invited to do the same in order to deny his accusation. The fact that the husband did not show up at the appointment and the woman did was considered as a proof of the husband's "fear of God" and his realization of the gravity of his accusation. The Council eventually considered that this represented a clear case of *Li'an* (cursing) involving elements of *dihar* (harm) and that the marriage had to be dissolved immediately. The symbolic power of the ceremony worked as a booster of the believer's consciousness of God (*taqwa*), of the metaphysical realities of Islam (*iman*) and of the necessity of fearing Allah's final verdict on Judgment Day.

Another example of the power of emotion in Sharia practices was revealed to me when Sheikh Khalifa Ezzat, the chief imam of the Regent Park's Mosque, told me that he sometimes sent his clients to other Sharia councils. He had done this recently with a man who repeatedly pronounced "talaq" to his wife and who constantly used his anger as an excuse. Somewhat surprised by this revelation, I asked him whether he did this because he was uncertain of the right advice to give. He answered:

No, not at all! I just wanted to make it harder for him. Because this person was joking and playing with divorce all the time, so I wanted to give him a lesson. Otherwise, he will keep on doing the same thing over and over again. He is playing with divorce all the time and divorce is a serious thing. That was not the first time he came here and I had warned him already. So I referred him to Leyton [another Sharia council in East London], warning him that he may well be divorced to [sic] his wife this time.

By doing this, Sheykh Ezzat wanted to teach his client the virtue of patience and forbearance in marital relationships and make him aware of the gravity of his actions. Indeed, councilors rarely came with a ready-made answer to a specific problem: for each of their clients, they strived to design the most pedagogic advice, tailoring their responses to the specific needs of the believers who seek their guidance.

In addition to arbitrating family disputes and divorces, the councilors' practice is often similar to that of a personal counselor. Once, a man came unannounced to the monthly hearings of the Birmingham Sharia Council. He entered the room, looking angry and depressed, and threw a pile of photographs on the councilors' desk. The pictures had been extracted from his ex-wife's mobile phone: she appeared on them with someone he called "her new boyfriend." The Council had recently dissolved his marriage, after his wife had received a decree absolute from the civil court. The man accused his ex-wife of lying about her true intentions when she had first approached the Council. He also reproached the Council for having pronounced a divorce without seeking his agreement first. To soothe his anger, Amra explained to him that the Council had no other choice but to pronounce a divorce, since his wife had already obtained a decree absolute. She also made him aware of his responsibility, as a Muslim, not to spread rumors about his wife. She said: "If you think the worst of people, that's not good for your own character. If you think the best of people, then that's the best for your character because then you're not being judgmental." She went on to advise him to spend more time evaluating the character of a woman before getting married for a second time:

When you meet somebody out in town, you don't know their background, you don't know who they are, what they have done. They may show a lot of love and all that, but the best way to meet is through families, through friends, in wholesome environment[s]. Then you can find out from the people they know, whether they have a really good character, a good personality. When you meet

somebody out in town, you don't know, they could be drug dealers, they could have a really bad character and you don't know, but it's difficult to find out. I'm regularly being asked, "Oh can you find me a good brother?" These girls can find people themselves, but they don't because they want a good person, but they want it through a group of people that they feel may know a commendable person. And then you still have the opportunity to meet and evaluate whether you have things in common.

The advice Amra gave the young man was very similar to what an expert in "personal development" might say, but with an Islamic touch to it. She encouraged him to "Trust Allah," remove the bitterness in his heart and sign up for one of the "marriage events" that took place at the mosque once a month: these were an opportunity to meet potential brides in a perfectly "halal" and safe environment.

One should not consider Sharia councils merely as instances to deliver Islamic justice, but rather as community spaces that Muslims can consider their own because of the common language and shared moral universe that allow them to be fully understood. Embedded in the social landscape where they developed concern for people's spiritual and social wellbeing, Sharia councils cater to the needs of a wide range of Muslims: from first-generation migrants to re-Islamized youths and converts. The discursive tradition that they seek to cultivate and the interactive nature of their deliberations make Sharia councils spaces where Muslims can nurture and interpret values and norms important to them. However, the importance given to emotions makes them different from liberal public spheres, where the emphasis is put on rational discursive exchanges. Their dual character as spaces for withdrawal as well as "training grounds" for activities that challenge the norms and values of dominant publics underlines the subaltern character of these spaces. Michael Warner's conceptualization of counterpublics as performative and affective spaces is well suited to an understanding of the nature of Sharia councils. In his view, the cultural horizon against which a counterpublic marks itself off is not just a general or wider public, but a dominant one. The conflict extends not only to ideas but also to the genres of speech and modes of address that constitute the public. This friction against the dominant public forces the poetic-expressive character of counterpublic discourse to become salient to consciousness. Participation in counterpublics is one of the ways in which its members' identities are formed and transformed. A counterpublic is a "world-making project" which fashions subjectivities. It is a space of circulation in which it is hoped that "the poesis of scene-making will be transformative, not merely replicative" (Warner 2002).

Conclusion

The creation of Sharia councils in the UK is emblematic of the global Islamic Revival and of the ethico-normative project that guides this movement. However, the development of such practices in Western countries should not be interpreted

as an indicator of “radicalization” or “fundamentalism.” Indeed, the practices that I have described in this chapter highlight Ulema’s desire to present Islam as a civil religion. Sharia councils are not meant to cater to the needs of specific ethnic groups, but rather to serve the entire Muslim community. The recent transformations of Sharia councils with a trend towards greater diversity and inclusiveness as well as the constant internal and external challenges to their authority indicate their translocal anchorage (Mandaville 1999), i.e. their belonging to a movement that disrupts, transforms and reinforces the normative basis of Islam.

It is therefore necessary to comprehend this phenomenon within a post-migration framework, since the actors who participate in the making of Islamic justice in Britain are bearers of values, norms and ideas that reach beyond national borders and that are not clearly tied to a Muslim country “of origin.” Indeed, the unique position of British Muslims as a religious minority that carries the memorial and experiential baggage of the post-colonial past and present explains in large part the development of different interpretations of their living environment and scope of action. As bearers of imaginary and collective memory that differ from the British mainstream, Muslims have created “counterpublic spaces” where they discursively and collectively shape alternative representations of their identity. The sense of ethical agency that Sharia councils strive to promote by preserving values and codes of conduct important to Muslims (the protection of the most vulnerable – the elderly, children, women – the recognition of the wisdom that comes with age, the practice of *adab*, the prescribed Islamic etiquette that values refinement, morals and decency) indicates a new moral economy (Fassin 2009) through which a counterhegemonic definition of British Muslims’ identity is discursively shaped.

The various dimensions of Islamic legal practices that I have emphasized in this chapter, including the pedagogy of Islamic guidance, the shared responsibility of Islamic justice-seekers and the Ulema who advise them, the quest for keeping a balance between *haram* and *makruh* acts while remaining within the boundaries imposed by the “law of the land,” indicate Ulema’s concern for helping Muslims on their path to an ethical Muslim life. The central role played by emotions and affect places their practices on the border between the legal, the spiritual and the psychological. I believe it is this emphasis on the embodied form of morality that imposes itself not through doctrinal enforcement, but rather as a new form of “care of the Self” (Agrama 2010) that explains the growing success of Islamic justice in the UK.

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