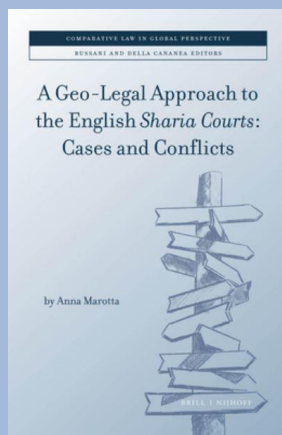

**A GEO-LEGAL APPROACH TO THE ENGLISH SHARIA
COURTS: CASES AND CONFLICTS
BY ANNA MAROTTA**

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How do Muslim religious systems of dispute resolution operate in Europe and Britain as part of western legal orders? How do we capture the lived experience of Muslims and their experience of Islamic family law as part of minority diasporic British communities? How do western legal systems accommodate religious and cultural difference? While these questions are neither new nor previously unexplored, Anna Marotta synthesizes a wide range of existing literature, case law and new empirical data to provide an interesting comparative focus and important insights into the ways in which Muslim family law operates in Britain.

This book draws upon a wide set of socio-legal and historical literature to chart the emergence and development of Muslim communities in Britain and draws upon wider debates on identity formation in relation to legal and non-legal Muslim family law decision-making. As a comparative law study (with a focus on Britain) it seeks to transcend formalist interpretations of law with a focus on a 'law in context' approach while building upon existing literature and contributing to the incremental contribution of

knowledge in this field of study. It is described as a 'geo-political study' (a term defined as a 'methodological function') where the notion of 'geo-legal' aims to further enhance an international dimension to the practice of Islam, and as a part of diverse minority Muslim communities with a focus on areas of conflict, contestation and overlap between state law and privatized systems of dispute resolution.

Each of the two parts of the book addresses different dimensions of British Muslim legal pluralism. The introductory chapter, 'All eyes on Sharia' charts South Asian commonwealth migration into Europe to illustrate and demonstrate the complex ways upon which migration and settlement eventually took shape, culminating in the emergence of Muslim communities.

Part 1, 'Islam as a new European reality: from Sharia to Sharia courts' engages with the challenge of Sharia practised in a western context. The author provides an overview of the different levels of applications of Islamic rules in European countries. The focus is on Islamic law and the emergence of 'Sharia courts' with the contested application of Islamic family rules within Sharia councils as alternative dispute resolution (ADR) mechanisms. The focus on divorce and ADR processes provides interesting insights via an in-depth descriptive and analytical examination and the ways in which these bodies operate across several British cities. Building on existing literature, with a focus on mediation and arbitration, the author describes and analyses the institutionalization of Islam in Europe. It is fascinating to learn of both the diverse and common approaches adopted across several European countries from Austria, Belgium, France, Denmark, Portugal to Britain and the conditions in which the practice of Muslim family law is permitted under the governance of state-law control and power. This part of the book also provides interesting insights with regard to the conceptualization and practice of Sharia within Muslim communities and conflicts with the case law of the European Court of Human Rights.

Part 2, 'From judicial interactions to the explosion of geopolitical antagonisms', examines the interactions between Islamic law, conceptions of justice and English courts. This is the most interesting part of the book as it charts the wide areas of conflict and contestation underpinned with the question of '*what* is the role of the law?' at its core. A wide array of scholarship is engaged with, together with a critique focusing on the problems of a deterministic approach to law and the importance of understanding the ways in which law is engaged as part of governance in relation to the arenas of home, family and community. The author

convincingly provides an in-depth insight into the ways in which case law has emerged and been interpreted in English courts with a particular focus on conflicts in relation to outcomes. One especially interesting aspect of the book is the critique of human rights law as embodying a universalist approach and the question of ‘rights’, one that fails to encapsulate Muslim identity. Further, using concrete examples from different Muslim communities and the nature of state engagement, this part of the book considers issues of conflicts and points of convergence. The final part of this section outlines some of the wider debates on the accommodation and recognition of Muslim family law in Britain with the conclusion providing a useful overview.

Overall, this volume is a concise, synthesized contribution to existing scholarship demonstrating an impressive interdisciplinary approach to the study of law and Muslim legal pluralism in Britain.

About the Author

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