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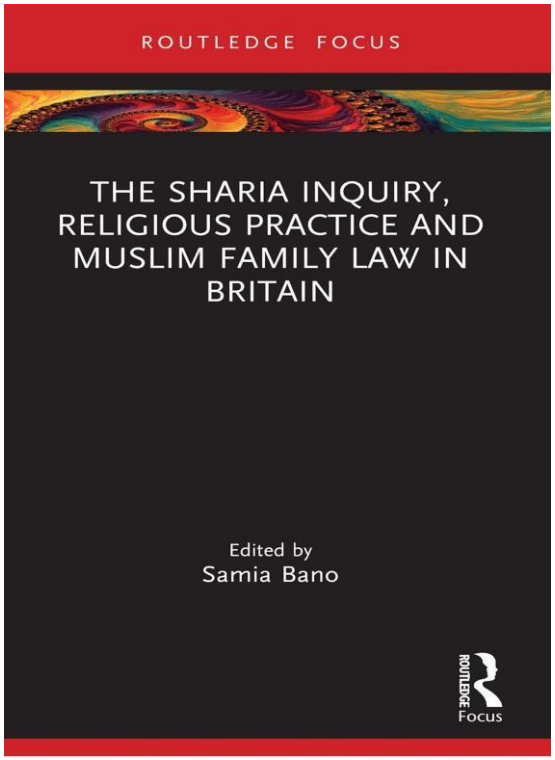
The Sharia Inquiry, Religious Practice and Muslim Family Law in Britain: Book Review

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The Sharia Inquiry, Religious Practice and Muslim Family Law in Britain, by Simo Bano, Routledge, 2023, 129, ISBN 9781003090410 (e-Book), ISBN 9780367547318

INTRODUCTION



Simo Bano's The Sharia Inquiry, Religious Practice, and Muslim Family Law in Britain provides a comprehensive and thought-provoking analysis of the intersection between religious practice, legal pluralism, and family law within the British Muslim community (Bano, 2023). The book examines how Sharia councils, religious marriage practices, and British legal frameworks interact, particularly in the areas of marriage, divorce, and gender rights. Bano critically engages with the 2016 Sharia Inquiry initiated by then-Prime Minister Theresa May, led by Professor Mona Siddiqui, which investigated the misuse of Sharia law and its compatibility with domestic law in England and Wales.

The book sheds light on the debates surrounding religious marriage laws in the UK, emphasizing how different cultural and legal traditions influence marriage practices. It provides historical context by tracing the evolution of marriage laws, including Jewish and Catholic marriages before the Marriage Act of 1836 and their parallels with contemporary unregistered Islamic marriages. The discussion highlights how many Muslim marriages in the UK remain unregistered under civil law, leading to significant legal vulnerabilities for Muslim women, particularly in cases of divorce, domestic violence, and financial settlements.

Bano critiques the legal pluralism that allows Sharia councils to function alongside British family law, often leaving women in vulnerable positions when seeking justice. The book documents cases where women sought religious divorces after being coerced into marriage, revealing systemic gender discrimination within these councils. Many of these women, Bano argues, are left with limited legal protection due to the lack of civil registration of their marriages, a theme further explored through case studies and interviews with women seeking justice through Sharia courts and British family courts.

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Bano provides a well-structured critique of the role of Sharia councils, arguing that they should not be considered as parallel legal systems but rather as advisory bodies without formal judicial authority. She highlights the risks of legal pluralism, where minority communities may be subjected to informal legal mechanisms that reinforce patriarchal norms, rather than benefiting from the equal protection provided by British civil law.

The book effectively discusses the broader social implications of legal pluralism, including concerns that Sharia councils contribute to the segregation of British Muslims, preventing full integration into the wider society. This argument is supported by references to historical religious legal systems, showing that Jewish and Catholic communities once faced similar issues of marginalization and unequal legal treatment. The discussion challenges whether legal pluralism ultimately enhances or restricts individual rights, particularly for women and vulnerable groups.

Bano's work is rich with empirical research, drawing on interviews, case studies, and statistical data to illustrate how Muslim women experience legal and religious institutions in Britain. The book cites Sonia Shah-Kazemi's study, "Untying the Knot", which found that 57% of Muslim women in the UK were married solely under religious law, without civil registration. The lack of civil marriage recognition often leaves women without legal recourse in cases of divorce, financial disputes, or domestic abuse.

One of the most striking case studies involves a woman who sought a religious divorce after being forced into marriage. Although she obtained a civil divorce, she continued to face pressure to obtain a religious divorce through the Sharia council, reinforcing the power dynamics within religious legal systems. Another case involved women who had religious marriages abroad but were unable to access British legal protections due to their undocumented marital status. These cases highlight how Sharia councils often place the burden of navigating legal and religious institutions on women, leaving them vulnerable to manipulation and exploitation.

Bano argues that the British government must address the gaps in legal protections for Muslim women by ensuring that all religious marriages are automatically recognized under civil law. She supports legislative changes linking Islamic marriage to civil marriage, a move that would grant women stronger legal protections under British family law. The book also advocates for community-based education programs, gender-sensitive legal reforms, and government oversight of religious councils to prevent the exploitation of vulnerable individuals.

The book also examines the tensions between personal autonomy and legal intervention, raising ethical questions about whether individuals should have the right to opt for religious adjudication over state legal systems. While some view legal pluralism as a means of accommodating religious freedom, Bano warns that it may reinforce patriarchal structures that deny women equal rights.

CONCLUSION

Bano's The Sharia Inquiry, Religious Practice, and Muslim Family Law in Britain is a deeply researched and well-argued analysis of the legal and social challenges facing British Muslim women in the context of marriage and divorce. The book balances historical context, legal theory, and empirical research, making it a valuable resource for scholars, policymakers, and anyone interested in issues of religious law, gender equality, and multiculturalism.

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While multicultural legal frameworks aim to respect religious traditions, Bano convincingly argues that legal pluralism must not come at the cost of women's rights. Her recommendations for legal reforms, education campaigns, and government oversight offer practical solutions to the challenges posed by unregistered Islamic marriages and Sharia councils. Ultimately, this book is a compelling critique of the limitations of legal pluralism, emphasizing the urgent need for reforms that ensure equal rights for all citizens, regardless of religious or cultural background.

REFERENCES

Bano, S. (2023). *The Sharia Inquiry, Religious Practice and Muslim Family Law in Britain*. Routledge.

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