



Muslim Legal Pluralism in the West

Transnationalism, Political
Participation, Citizenship
and Shari'a

Ihsan Yilmaz
Denitsa Pirinova Sokolova-Shipoli

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CHAPTER 1

Shari'a as a Source of Legal Pluralism in the Lives of Western Muslims

INTRODUCTION

This book primarily serves as an introductory text to the subject of Western Muslims' debates, discussions, and practices on the concept of Shari'a vis-à-vis real-life application of Shari'a-driven laws and practices, with a particular focus on the daily lives of Muslims, functioning as a comprehensive reader and handbook. By exploring the lived experiences of Muslims, the book aims to offer non-experts a comprehensive understanding of the meaning and relevance of Shari'a in Western contexts.

By describing the state of the concept of Shari'a for Muslims in Western countries, it aims to open the discussion even further, examine ways of how these can be combined, and also socialize the readers with everyday experiences to inform them of things that matter for Muslims, rather than discussions in the media and political campaigns. Through an exploration of the tangible manifestations of Shari'a within the everyday realities of Muslims, this book strives to present a panoramic and complex perspective. Its primary goal is to capture the wide array of opinions and interpretations that exist within the Muslim community regarding Shari'a, thereby challenging the one-dimensional narratives often perpetuated by mainstream media.

The book seeks to deepen the understanding of Shari'a as an informal guiding principle in the lives of Muslims, an aspect that is often overlooked or misunderstood in scholarly discourse. It aims to shed light on

various aspects of Shari'a, exploring how Muslims interpret and apply its principles in their lived experiences. This focus on the lived experiences of Muslims and their perspectives on Shari'a adds a novel dimension to existing scholarship, providing valuable insights into the complexities of religious practice and identity.

By including a diverse range of cases, we aim to provide a rich and nuanced understanding of how Shari'a functions in different cultural, social, and geographical contexts. This diversity not only enriches the literature but also allows for a more comprehensive analysis of the various factors influencing Muslims' perceptions and practices related to Shari'a. By focusing on aspects such as which aspects of Shari'a are considered binding or optional by Muslims, how they come to understand these principles, and the factors influencing their interpretations, the book aims to provide a concise but comprehensive account to help with informed debates. By engaging with diverse sources, including historical texts, legal documents, scholarly writings, and the lived experiences of Muslims, this work endeavours to provide an overview of the rich composition of perspectives that shape the discourse on Shari'a. Through its rigorous academic approach, the book seeks to contribute to scholarly understanding, public discourse, and informed policymaking on the role of Shari'a in Western societies.

Through a series of interconnected chapters, the book navigates key themes such as Shari'a as informal law, the experiences of Muslims in Western democracies, the role of religious scholars, the dynamics of Shari'a courts, debates on citizenship and political participation, and the complex concepts of multiple belongings and transnational loyalties. These thematic explorations collectively illuminate the complexities, challenges, and evolving dynamics of Shari'a's engagement within the Western context.

LEGAL MODERNITY'S HOMOGENISATION ATTEMPTS VERSUS LEGAL PLURALISM

Legal modernity encompasses several defining characteristics. Firstly, it emphasizes the standardization of rules and their consistent application across various contexts, ensuring uniformity. Secondly, it is founded on transactions, with individuals' rights and obligations derived from freely negotiated agreements rather than fixed criteria such as personal or group

identity. Thirdly, legal decisions are characterized by universalism, maintaining uniformity and predictability once made. Additionally, modern legal systems are structured hierarchically, with authority flowing downward in a predictable manner. Bureaucratic procedures ensure impersonal and impartial operation, while rationality guides the formulation of understandable rules to achieve specific goals effectively. Professionalism is upheld through qualified full-time staff, and legal representation serves as a bridge between legal specialists and laypersons. Adaptability allows for the modification of rules and procedures to meet evolving needs, controlled by the state. Politically, modern law serves the interests of the state, holding a monopoly over dispute resolution. Finally, the judiciary operates separately from other governmental functions, ensuring the distinct delineation of legislative, judicial, and executive powers (Galanter 1966: 154–156).

In legal modernity, the doctrinal study of law, often referred to as black-letter law, formalism, or legal positivism, examines legal rules and cases within the framework of a defined universe (Fitzpatrick 1992: 3). According to this legal paradigm, law is viewed as a distinct, uniform, coherent, autonomous, exclusive, and systematically hierarchical arrangement of normative propositions. The concept of legal centralism is another hallmark of legal modernity. Legal centralism posits that state agencies occupy a central position in legal affairs, exercising hierarchical control over other normative systems, thereby often overlooking indigenous laws (Galanter 1985: 67). This perspective contends that the state should maintain a monopoly over legal matters, with law being synonymous with state law, uniform for all individuals, exclusive of other legal systems, and administered solely by state institutions (Griffiths 1986: 3).

However, despite the assertions of legal modernity, socio-legal studies have consistently revealed the existence of alternative normative frameworks within society, with resistance to official law being an ongoing concern (Moore 1978; Yilmaz 2003; 2016; 2019). While the state-centric understanding of law dominated in legal modernity, there is a recognition of the need for a more inclusive and globally acceptable approach that acknowledges the pluralities, mixed manifestations, and commonalities of law beyond the state (von Benda-Beckman and Turner 2018: 262).

In every community, various modes of normative orderings coexist alongside official law. Local customs, ethnic minority laws, and traditions are among the significant influences that shape and hinder the efficacy of law in modern societies (Nina and Schwikkard 1996: 69). This has

been more evident in the West where there is more diversity among the Western-born children of immigrant parents, who are part of the Western upbringing but also have a rich family background that they want to see as part of this upbringing.

This contributes to the proliferation of multiple legal authorities and interpretations, as well as the prioritization of local interests and concerns. In a pluralistic society, alongside political, cultural, religious, or structural pluralism, the concept of legal pluralism emerges, acknowledging the undeniable reality of normative diversity. As noted by Griffiths (1986: 38), “legal pluralism is inherent in social pluralism: the legal structure of society reflects its social organization.” In the understanding of legal pluralism, law is not confined to the formal legal system enacted by the nation-state. Socio-legal scholars and anthropologists recognize that cognitive and normative orders exist in various social fields, such as communities, associations, and transnational communities. These normative orders, which include local law, custom, and unofficially transplanted ethnic minority laws, coexist with formal state laws in both traditional and modern cosmopolitan societies. Legal pluralism is a concept that recognizes the coexistence of multiple legal systems or norms within a single society. In societies characterized by legal pluralism, individuals and communities often adhere to diverse sets of norms, rules, and legal frameworks, which may derive from various sources such as customary law, religious law, indigenous law, or state law. Importantly, these legal systems may operate concurrently, sometimes overlapping or conflicting with one another. One key aspect of legal pluralism is that these alternative legal orders are often practised and recognized by the people within the society, irrespective of whether they are officially sanctioned by the state, manifesting the diverse ways in which individuals and communities navigate and negotiate their obligations and rights within complex social contexts (Griffiths 1986; von Benda-Beckmann and Turner 2018). Unofficial laws persist or develop regardless of whether the state acknowledges them. In other words, as Griffiths (1986: 12) argues, “the empirical existence of a legal order does not depend on recognition or any other form of incorporation or validation by the state” (Griffiths 1986: 12).

The early twentieth-century investigations into legal pluralism in Asia, Africa, and the Pacific, primarily focus on what is termed “classical legal pluralism” (Merry 1988: 872). These initial studies often conflated the empirical reality of legal pluralism with the state’s reactions to it (McLachlan 1988: 57). Studies on a “new legal pluralism” have shifted

the focus from studying legal pluralism in traditional societies to understanding the pluralistic nature of law in capitalist, urban, industrial, and modern societies. New theories of legal pluralism now consider Western plural realities (Merry 1988: 869). Indeed, law in modern society is characterized by plurality rather than monolithic uniformity. In the new legal pluralism, the focus has shifted from merely examining the impact of law on society or vice versa to conceptualizing a complex and interactive relationship between official and unofficial systems of ordering (Merry 1988: 873).

Legal pluralism is the coexistence of various legal realms, intertwined and blended both in individuals' perceptions and actions (Santos 1987, 1995). Santos (1987: 278) posits that "different forms of law construct distinct legal frameworks around the same social phenomena. They employ different criteria to delineate the relevant aspects of activities to be regulated... thus generating diverse legal realities."

Griffiths (1986: 1–2, 8) describes legal pluralism as "the presence in a social field of more than one legal order," or as a "state of affairs, for any social field, in which behavior adhering to more than one legal order occurs," emphasizing that these orders do not belong to a single system (Griffiths 1986: 1–2, 8). Griffiths (1986: 5) also categorizes legal pluralism into two types: strong and weak. Merry (1988: 869) equates "strong" with "new" legal pluralism, which encompasses theories that acknowledge plural legal realities, including those in Western contexts, while "classical" legal pluralism aligns with "weak" (Merry 1988: 869).

Weak legal pluralism manifests in two forms. Vertical weak pluralism occurs when legal systems or cultures are hierarchically arranged, with one system holding higher status than another, such as the federated component states in the United States (Chiba 1989: 36). The other form, horizontal weak pluralism, entails subcultures or subsystems with equal status or legitimacy. Historical examples include ancient pre-modern legal systems in the Indian subcontinent (Menski 1993) and the *millet* system practised by the Ottomans, where non-Muslims governed themselves according to their religious laws under the leadership of their religious leaders, except in cases involving Muslims or where they agreed to be judged by Islamic law (Menski 1993).

In strong legal pluralism, not all law is state law or administered by state institutions, resulting in a lack of systematic or uniform legal structures. Legal orders coexist within a social setting without belonging to a single system, and their empirical existence does not hinge on

recognition by the state (Griffiths 1986: 5–17). Unofficial law interacts semi-autonomously with formal state law, creating different legal interpretations of the same social phenomena (Santos 1987: 287). Legal scales interact dynamically, leading to interlegality, where different legal spaces merge, intertwine, and influence both individual perceptions and actions (Santos 1987: 298). This results in a conception of interlaw and interlegality, underscoring the complex interplay among legal systems (Santos 1987: 298).

Individuals are increasingly influenced by competing ethnic, national, cultural, religious, and legal frameworks (McLellan and Richmond 1994: 669). In the legal context, such individuals are referred to as “*sujet de droits*” (see Vanderlinden 1989). Within the framework of internormative dialogue, individuals, as “*sujet de droits*,” continuously shape and are shaped by their legal environment (see Ballard 1994: 31). In the dynamic terrain of legal pluralism, adept legal navigators engage in a process akin to artistic creation, inventing, combining, mixing, and reconstructing laws to navigate the complexities of the post-modern socio-legal climate (Yilmaz 1999: 78).

Shari’a is considered the divine law in Islam, with its principles derived from the Qur’an and Sunna. It is not a simple set of rules in a single text, but rather a body of texts, including religious scriptures, hadith (prophetic traditions), and legal texts, that form the basis for Islamic legal thought and practice. Shari’a law encompasses various aspects of life and is not limited to what is stated in Muslim law books. It is a diffuse legal system lacking coherence in codes and enforcement, characterized by multiple authorities and sources of law (Gerber 1994), and in some cases parts of it, or better say interpretation of those parts, are selectively codified into the law of the land.

For many Muslims, Shari’a represents an order that governs all spheres of life, including social norms and etiquette (Hoffman 1993). In classical Islamic theory, law is seen as the revealed will of God, preceding and controlling the Muslim state, and acting as a unifying factor in Islamic civilization (Yilmaz 2003). Muslims often view Islamic law as governing family matters, such as marriage, divorce, inheritance, and property, more closely connected to religion than other legal issues (Yilmaz 2019; 2020). Therefore, if there is a conflict between Muslim law and secular laws of nation-states, Muslims tend to prioritize divine law over secular legislation (Yilmaz 2003).

Practising Muslims, both in Muslim-majority and non-Muslim-majority countries, often seek to align themselves with Shari'a rather than the specific laws of the countries they reside in, particularly regarding family-related matters (Nielsen 1987; Speelman 1995). This adherence to Shari'a creates a factual situation of legal pluralism, regardless of whether the state's legal system is secular, laicist, or Islamic. In some cases, informal Islamic laws interact with formal laws, and Muslims attempt to navigate the demands of both legal systems, leading to legal hybridity. This recognition of legal pluralism acknowledges the reality of "porous legality" or "legal porosity," where different legal spaces coexist and enter people's minds and actions (Santos 1987).

SHARI'A, SECULARISM, AND THE WEST

It will be beneficial to have a bird's view on the scholarly terrain surrounding Shari'a in Western contexts, incorporating discussions of some significant scholarly works to enrich the understanding of the topic and foster deeper engagement with the subject matter. The works that will be discussed below have offered diverse perspectives on Shari'a, ranging from legal and political analyses to sociological and anthropological explorations. This book is situated in and contributes to this rich literature.

Talal Asad's work (Asad 1993, 2003) has significantly influenced the study of religion, secularism, and the politics of identity. One of his key contributions lies in his critique of secularism and his emphasis on understanding religion within its socio-political context. Asad challenges the Eurocentric understanding of secularism as a neutral framework that separates religion from the public sphere. Instead, he argues that secularism is a particular historical and cultural formation rooted in Western modernity, often serving to marginalize non-Western forms of religious expression. He highlights how secularism can be used as a tool of power to regulate and control religious practices, particularly in colonial and post-colonial contexts. He emphasizes the importance of recognizing the diversity and complexity of religious traditions, rejecting essentialist interpretations that reduce religion to a set of fixed beliefs or practices. He argues for a more nuanced understanding of religious phenomena, considering the social, historical, and cultural contexts in which they emerge and evolve. In the context of Shari'a and Muslim communities in Western societies, Asad's work offers insights into how the discourse around Shari'a is shaped by

broader political and cultural dynamics, challenging simplistic narratives that frame it as inherently oppressive or incompatible with modernity. In the light of Asad's work, studying Shari'a in Western contexts can take a more reflexive and context-sensitive approach, recognizing the complex interplay between religion, politics, and culture and exploring how Muslims negotiate their religious identities and practices within diverse social terrains, and how discourses of Shari'a intersect with broader debates on multiculturalism, citizenship, and human rights.

Similarly, Saba Mahmood's scholarship (Mahmood 2005, 2015) on the politics of religious piety and the agency of religious subjects offers a nuanced perspective on how individuals negotiate their religious identities within broader socio-political structures. Her concept of "religious agency" is particularly relevant for understanding how Muslims interpret and enact Shari'a in their everyday lives. Mahmood's framework emphasizes that religious agency is not solely a matter of individual choice or freedom but is deeply embedded within larger socio-political forces and power dynamics. She underscores the importance of comprehending how religious subjects negotiate their agency within constraints imposed by societal norms, state regulations, and prevailing discourses of power. In the context of Shari'a and Muslim communities in Western societies, Mahmood's perspective on religious agency offers valuable insights into how Muslims interpret and implement Shari'a in their daily lives. Rather than viewing Shari'a adherence as a monolithic or fixed phenomenon, Mahmood's approach enables a more nuanced understanding of the diverse ways in which individuals engage with and interpret religious norms. Mahmood's work challenges simplistic assumptions about religious practice and underscores the agency of religious subjects in shaping their own religious identities and practices. She illustrates that religious agency encompasses not only forms of resistance or opposition to dominant power structures, but also involves creative strategies of negotiation, adaptation, and reinterpretation.

Moreover, Joseph Massad's scholarly critiques of colonialism, nationalism, and Western interventions in the Middle East (Massad 2001, 2007) also offer invaluable insights into the historical and political contexts that have shaped Muslim experiences of Shari'a. Massad's analyses illuminate the ways in which colonial powers imposed their agendas on Muslim-majority regions, often disrupting traditional legal systems and imposing Western legal frameworks, highlighting how colonial interventions not

only altered the socio-political terrain but also influenced the interpretation and application of Shari'a within these contexts. His work is helpful in situating research on Shari'a within broader debates about power, resistance, the construction of Muslim identities, implementation of Shari'a, and how Muslims navigate these dynamics to assert their agency and identity and how Muslim individuals and communities negotiate their religious beliefs within the context of broader socio-political forces.

Bayat's scholarship (Bayat 2007, 2010) focuses on grassroots movements and social change in the Middle East, offering perspectives on how ordinary Muslims engage with Islam in their everyday lives. His analysis of social movements and post-Islamist trends provides a framework for understanding the diverse ways in which Muslims in Western contexts interpret and enact Shari'a, including through activism, community organizing, and political engagement. Haddad's work (2002) explores the experiences of Muslim communities in Western countries, tracing their evolution from immigrant "sojourners" to full-fledged citizens. She examines the challenges and opportunities faced by Muslims in navigating issues of identity, integration, and belonging within Western societies, including debates surrounding Shari'a, religious freedom, and citizenship rights, offering a nuanced understanding of the complexities of Muslim integration and citizenship in pluralistic contexts.

An-Na'im's (An-Na'im 1990, 2008) work addresses the complex relationship between Islam, secularism, and the state, which is highly relevant for understanding how Shari'a is negotiated and practised in Western societies. His exploration of civil liberties, human rights, and international law provides valuable insights into the challenges and possibilities of reconciling Islamic legal principles with Western legal frameworks.

Abou El Fadl's work (Abou El Fadl 2001, 2007) examines Islamic legal principles and their interpretations, providing insights into debates surrounding Shari'a and its application in contemporary contexts. His exploration of rebellion, violence, and extremism offers a critical perspective on the complexities of Shari'a law and its relevance for Muslim communities in Western societies. Mir-Hosseini's research (Mir-Hosseini 1999, 2016) examines the intersections of Islam, gender, and law, shedding light on how Shari'a is interpreted and applied in diverse cultural and social contexts. Her work on Muslim minorities and approaches to Islamic jurisprudence offers insights into the complexities of Shari'a's engagement within Western societies and its implications for issues such as gender equality, minority rights, and legal pluralism. Yilmaz (1999; 2016)

examines the dynamics of legal pluralism in Muslim-majority countries such as Turkey and Pakistan, as well as in Western contexts like England. He explores how various legal traditions, including Shari'a, coexist and interact within these societies, shedding light on the complexities of legal pluralism and its implications for governance, citizenship, and human rights.

Ihsan Yilmaz's work (Yilmaz 2000, 2001, 2002; 2023; 2024) on Muslim legal pluralism in England, USA and Australia and Muslim-minority laws is highly relevant for understanding the dynamics of Shari'a in Western contexts, particularly in the United Kingdom. Yilmaz's research sheds light on the complexities of legal pluralism and the challenges faced by Muslim communities in navigating their religious identities and practices within the framework of British law. His work addresses the challenges and complexities of Muslim legal pluralism in England, providing insights into the dynamics of incorporating Shari'a into Western legal systems. It explores the tensions between post-modern legality and traditional legal frameworks, shedding light on the socio-legal dynamics shaping Muslim communities' experiences with legal pluralism. He also analyses the debates and controversies surrounding the accommodation of Shari'a within Western legal systems, highlighting issues of differential legal treatment and the challenges of accommodating Islamic legal principles within Western legal systems. He examines the ways in which Muslim-minority laws are shaped by historical, cultural, and political factors, as well as the implications for issues such as citizenship, religious freedom, and social cohesion.

Berger (2018) analyses the challenges and opportunities of Shari'a's engagement within Western legal systems. He provides an overview of the debates surrounding Shari'a in Western countries, addressing issues such as religious accommodation, legal reform, and the rights of Muslim minorities. His analysis offers insights into the diverse ways in which Shari'a is interpreted and practised in Western societies, as well as the broader implications for multiculturalism, social cohesion, and legal pluralism. He shows how Western Muslims adopt and adapt Shari'a by manoeuvring between their specific needs in the Western context and the conditions set by that context. Büchler's (2011) work analyses the complexity of Shari'a's existence in the West and indicates areas in which conflicts may arise by analysing examples from legislation and court decisions in Germany, Switzerland, France, England, and Spain. Studying

the application of foreign Sharia laws in Western courts through international private law involves examining how Islamic legal principles intersect with and are reconciled within the framework of Western legal systems. Andrea Büchler's work, "Islamic Law in Europe? Legal Pluralism and its Limits in European Family Laws" (2011), offers a comprehensive exploration of legal pluralism in Europe, particularly focusing on the limits and challenges of harmonizing European family laws with Islamic legal norms. Büchler's research provides valuable insights into the complexities of accommodating diverse legal traditions within European legal frameworks. Similarly, Pauline M. Kruiniger's study, "Islamic divorces in Europe: Bridging the gap between European and Islamic legal orders" (2014), analyses the dynamics of Islamic divorce practices within the European context. Kruiniger's research sheds light on the complexities and challenges faced in bridging the gap between European legal systems and Islamic legal principles, particularly in the context of divorce proceedings.

Julie Macfarlane's work, "Islamic Divorce in North America: A Shari'a Path in a Secular Society" (2012), provides insights into how Islamic divorce practices intersect with secular legal frameworks in North America. Macfarlane's research explores the nuanced dynamics of navigating Shari'a principles within a secular legal context, offering important reflections on the complexities of religious arbitration in pluralistic societies. Asifa Quraishi and Najeeba Syeed-Miller's article, "No Altars: A Survey of Islamic Family Law in the United States" (2004), offers a comprehensive survey of Islamic family law practices within the US legal system. Their work provides valuable insights into the diverse ways in which Islamic legal norms are applied and navigated within the American legal context, highlighting the complexities of accommodating religious laws within secular legal frameworks. Iris D. A. Sportel's study, "Maybe I'm still his wife: Transnational divorce in Dutch-Moroccan and Dutch-Egyptian families" (2014), examines the complexities of transnational divorce cases involving Dutch citizens of Moroccan and Egyptian descent. Sportel's research offers important insights into the intersection of Islamic legal principles with Dutch legal norms, particularly in the context of cross-border family law disputes. Emily L. Thompson and Soniya F. Yunus's article, "Choice of Laws or Choice of Culture: How Western Nations Treat the Islamic Marriage Contract in Domestic Courts" (2007), investigates how Western nations address Islamic marriage contracts within their domestic legal systems. Their

research highlights the tensions between choice of law principles and cultural considerations, offering valuable reflections on the complexities of accommodating diverse cultural and religious practices within Western legal frameworks.

The domestic and autonomous practices of Sharia by Muslims in the West constitute an area of growing scholarly interest, albeit still relatively underexplored. Research in this field is gradually emerging but remains limited and dispersed across various domains. Among these domains, Islamic family law receives the most academic attention, particularly concerning its application and practices by Muslims in Western societies. Despite this focus, the exploration of Islamic family law remains relatively nascent, with significant gaps in understanding. For instance, studies such as Carrol (1997) shed light on the application of Sharia principles in the context of Islamic divorce among Muslim women in England, providing valuable insights into the legal experiences within this community. Similarly, Moors (2013) examines the dynamics of unregistered Islamic marriages in the Netherlands, highlighting the anxieties surrounding sexuality and Islam within this framework. Santelli and Collet (2012) contribute to the discourse by exploring the reinterpretation of Muslim marriage rites in post-migratory France, offering nuanced perspectives on the evolving cultural and legal terrain. Starssburger (2007) looks at the relationship ideals and decisions of young Muslims in Germany, offering valuable sociocultural insights into the intersection of tradition and modernity. Furthermore, Yilmaz (2002) addresses the challenge of legal pluralism and Muslim legal practices in England, providing critical reflections on the complexities of navigating multiple legal frameworks within Western contexts (Yilmaz 2023; 2024). These studies collectively underscore the need for further research and analysis to deepen our understanding of the domestic application of Sharia among Muslims in the West.

LAYOUT OF THE BOOK

In this chapter, we introduced the essence of Shari'a as an informal legal framework, profoundly influencing the lives of Muslims residing in Western nations. We also introduced the notion of legal pluralism, where formal and informal legal systems intersect, presenting an intriguing dance between established legal structures and the informal application of Shari'a within minority Muslim communities. Through this examination,

we grasped the practical significance of Shari'a-driven norms and practices, and how they navigate the lives of Western Muslims with guidance from the ethos of Shari'a.

Chapter 2, explores Islamic law, known as Shari'a and its sources that govern various aspects of social, political, economic, and spiritual life, including marriage, inheritance, criminal justice, and religious obligations. Its development is guided by religious scholars and jurists (ulama), leading to diverse interpretations globally. This chapter offers an overview of Shari'a concepts and principles, highlighting its decentralized nature and the role of ulama. It explores its application in contexts like marriage and inheritance, and discusses navigating Shari'a governance in contemporary Muslim societies. Historical accommodation of pluralism and diversity in interpretations is examined, revealing insights into the challenges and opportunities of aligning Islamic principles with modern legal frameworks. The chapter sheds light on the evolving dynamics of Shari'a governance and the interplay between tradition and modernity in Muslim contexts.

Chapter 3, extends our journey across continents, exploring the rich and diverse experiences of Muslims within various Western nations. This chapter provides a panoramic window into the complex weave of informal Islamic law within the West. We'll traverse the historical terrains of Europe, including Great Britain, and explore the evolving role of minority fiqh in Western democracies. Through this lens, we will witness the dynamic interplay between tradition and the contemporary dynamics faced by Western Muslims. The exploration in the chapter broadens our understanding of how Shari'a-driven practices are intertwined with the daily life of Muslims in the West.

Chapter 4 elevates our exploration by offering an examination of the dynamic interaction between Shari'a and legal institutions within Western jurisdictions. Through case studies from different countries, this chapter illuminates the complexities that emerge at the crossroads of Shari'a and Western legal systems. We'll perceive how Islamic law's adaptive nature navigates cultural and legal contexts, unravelling a tale of coexistence, adaptation, and sometimes, conflict. The diverse narratives highlight Shari'a's malleability in response to varying cultural and legal settings, challenging monolithic perceptions.

Venturing further into the realm of Islamic scholarship, Chapter 5 casts a spotlight on the ulama, the intellectual pillars of the Islamic tradition. This chapter takes us on an insightful journey through virtual terrains