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Lowering the Gaze, Shaping Desires – A Perspective on Islamic Masculinity in Germany

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Abstract

This paper examines a set of mosque lectures delivered by a German imam, outlining an ideal of Islamic masculinity which is based on the exercise of "practices of the self" (Foucault) working on a mental, bodily, and emotional level. Drawing on Michel Foucault's understanding of morality, Aristotle's conception of ethics and habitus formation, and Monique Scheer's work on emotional practices, the article shows how this imam envisions his audience to achieve long-term changes in their emotional dispositions and thus to strengthen their faith and compliance with Islamic gender-specific norms of conduct. The article uses the lowering of the gaze as a central bodily technique and analyses it in its function for the overall project of ethical self-formation. I argue that the imam in question considers emotions as objects of conscious and reflexive teaching and training. Extending the existing scholarship on Islamic piety, the paper pays particular attention to the gendered nature of self-formation. It inquires into the relational dimension of masculinities within social power structures, while engaging with Raewyn Connell's concept of "hegemonic masculinity."

Introduction

On a Monday evening in a mosque center in one of the lively and multi-ethnic quarters of Berlin, Yunus Kadir[70] becomes passionate in front of his youthful audience. Dwelling on the temptations of women to which men are likely to give in, with his voice acquiring a deeper and more serious tone, he turns particularly to his male listeners: "The *fitna* of women. It concerns all of us. […] A very, very big temptation. (-) But despite all, we have to resist it. It is our obligation. Allah requires us to do so. He even requires us to close all the preliminary stages that might lead to *zina*, to fornication, to close all of them. By doing what? By lowering our gazes."[71]

Statements like this can often be heard in the classes of Yunus Kadir, a German, Berlin-based imam in his late thirties. The appeal to exercise self-discipline and lower one's gaze is symptomatic of his vision of ethical conduct

in a social context where Islamic norms are not the dominant ones. Kadir offers Islamic instruction in German in a quarter of Berlin with a considerable number of Muslim residents. The imam himself has Arabic family ties and has spent several years studying Islam in Arabic countries. Having grown up in German society, he frequently addresses the specificities of this context for the pursuit of an Islamic way of life.

In this paper, I analyze some prominent ideas that come up in his lectures, with a special focus on bodily practices, emotions, and constructions of masculinity. I refer to a set of thematically related mosque lectures held between 2011 and 2016 (accessed partly through participant observation, partly as video material online) where Kadir delves into the Islamic concept of modesty (*haya*) and the seductive potential of women for men (*fitna*). In these lectures, Kadir outlines a vision of Islamic masculinity based on the exercise of self-discipline in the form of mental, bodily, and emotional practices. Its long-term goal is to (re-)shape inner dispositions in a way that complies with a form of Islamic morality. In my analysis of Kadir's lectures, I draw on the understanding of "practices of the self"[72] as developed by Michel Foucault in his *History of Sexuality*.[73] In Foucault's take on ethical self-formation, attention is paid to different ways in which one can relate to a given moral code and in which one can conduct oneself with regard to this moral code as different "modes of subjectivation."[74] An individual determines the part of her/himself, the substance that shall be the target of the ethical work s/he performs. Practices of the self are applied in order to monitor and control oneself and transform oneself into an ethical subject (which makes the teleology of this undertaking apparent).

While the Foucauldian framework is widely used within the Anthropology of Islam, there is a lack of attention to ethical self-formation as a gendered process and to the related constructions of masculinity and femininity.[75] Also, the focus on self-cultivation often comes at the expense of an analysis of social power structures: The hierarchies of moral codes, of masculinities (and femininities), and of various groups of society are not foregrounded. To tackle these shortcomings, I additionally draw on Raewyn Connell's work on the relationality of masculinities in my analytical approach and include a discussion of social hierarchies that manifest in Kadir's lectures. With this analytical framework, my approach proposes a way of studying masculinities in Islamic contexts without locating these forms of masculinity on a tradition-modernity scale as some existing scholarship does.[76]

Kadir's teaching attracts a predominantly young, German-speaking, and ethnically mixed Muslim audience. His weekly lessons take place in the spacious prayer room of a mosque, which is located in a busy neighborhood with several grocery stores and fast food places around that display the ethnic and cultural diversity of the area. While the building itself does not make a particularly inviting appearance, the prayer room spreads a different flair. Carpeted and permeated by light, it provides a nice and calm atmosphere to sit, chat, read the Qur'an, study, and relax. During his lessons, the imam sits at a table in the front of the prayer room, facing his male and female listeners. He usually encourages male participants to gather in the front rows to make sure that they do not annoy the women present in the room. During my observations, I sat together with the ladies in the back.[77]

In the selected lectures, Kadir describes *haya*, which can be translated as modesty or sense of shame, as a relevant moral code for both men and women. Whereas elsewhere it has been called "one of the most feminine of Islamic virtues,"[78] in the lectures I analyzed, Kadir explicitly links *haya* to men and male behavior within the German context. More particularly, he addresses sexual practices that he considers illicit, such as masturbation and pornography consumption. It is worth adding that he implicitly conceptualizes such illicit practices as specifically male issues. Touching upon these sexual practices, pre-marriage relationships, gender relations, and certain codes of masculinity that Kadir considers deviant from Islamic rules of conduct, he constructs a specifically Islamic form of masculinity that I will discuss in more detail throughout this paper.

Kadir ascribes relevance to the virtue of *haya* for Muslim men both with regard to fellow Muslims who (from his point of view) do not comply with the demands of *haya* and with regard to German society and the lack of morality he sees at stake there.[79] He thereby contrasts various forms of 'negative' or 'illicit' male behavior as also practiced by fellow Muslims with practices based on *haya* that form part of the moral conduct he envisions for his male listeners. Among the forms that he devalues are the display of physical strength and attractiveness through tight-fitted or short clothing, illicit sexual behavior (masturbation, pornography consumption, extra- and pre-marital intercourse), and unreserved interactions between sexes (e.g. visiting mixed swimming pools, flirting). According to Kadir, the lack of *haya* is the reason why Muslim men may behave in illicit ways. Therefore, the acquisition of *haya* is the central measure to prevent men from practices that

can end in a vicious circle, and it is also crucial to leave this vicious circle once it has been entered.

Lowering the Gaze

But how exactly is *haya* to be acquired, according to Kadir? The imam urges his male listeners to perform a number of practices of the self in order to incorporate *haya* and comply with an ideal of Islamic gender-specific behavior. The most central of these practices is the lowering of the gaze (*ghadd al-basar*). In Kadir's conception, the gaze is to be seen as the "envoy of fornication."[80] Therefore, he argues that it is crucial for his listeners to control their gazes in order to prevent themselves from becoming 'addicted' to illicit sexual practices. The gaze is the gateway between the outside world and the individual. What the (male) individual perceives visually is processed in the brain, and next translated into feelings, desires, and imaginations. According to Kadir, then, looking at uncovered women displaying their hair, cleavages, and other parts of their skin in the street or in a public swimming pool, looking at sexualized advertisement in shopping malls and on the Internet inspires men to have sexual fantasies. This, in turn, eventually leads to the consumption of pornographic material and to sexual practices such as masturbation and extra-marital sexual intercourse. It is the entrance point to a vicious circle, to a process of sexualization and de-moralization. Kadir warns his audience that they can easily become addicted to these illicit practices unless they make efforts to control and discipline themselves. In his lectures, the eyes and the practice of looking become a site of ethical conduct and therefore in need of being re-fashioned.

In a context like the German one which is not governed by Islamic dress codes, Kadir alerts that it is the responsibility of each individual male subject to regulate his sensual perceptions in order not to enter the vicious circle of increasing desire and illegitimate practices. Kadir frequently refers to specific challenges and temptations the German context poses to Muslims' ethical self-fashioning. With regard to notions of morality, he usually draws a distinction between German society (or Western societies more broadly) as "a society where we are surrounded by *fitan* [pl. of *fitna*] from all sides"[81] and a morally positively connoted community of Muslims.[82] Kadir sets Islamic moral codes apart from the moral codes he conceives of as hegemonic in German society. For example, the performance of what could be labelled "male coolness" after Kadir (including flirting, having girlfriends, interacting

physically with girls, not being ashamed or showing shame), is localized in German society by the imam. He casts the cool, young male as the ideal of youthful masculinity in German society.[83] Besides drawing lines between shifting configurations of 'us' and 'them,' Kadir more generally diagnoses a decline in morality in German and Western societies. This is exemplified by the use of temporal markers such as 'in our times' and 'nowadays,' when he refers to practices considered to be immoral. With the help of spatial and temporal context markers Kadir constructs Islamic moral codes as countering socially hegemonic moral codes in Germany. He thereby questions habitualized social conventions of clothing, youthfulness, and sexuality and criticizes the way these are naturalized and portrayed as social consensus in public discourses.[84]

Kadir sketches out a landscape of immorality against his masculinity code of *haya* with two prominent topoi of "the [German] street"[85] and "the [German] summer."[86] In Kadir's lessons, the German street appears as a site of seduction which nourishes sexual fantasies and desires of undisciplined men: "But even this [having intercourse with one's wife] might not suffice any longer when one has seen all that can be seen in the street. When one has looked at everything that can be seen in the street."[87] The street's potential of temptation increases in Germany in the summer, as Kadir warns his male listeners on several occasions:

> And these images, they pile up. I only need to go outside. Even on the way to the mosque, on the way to university, on the way to work, to school. And I see lots and lots of images in front of me, especially now during the summer. Lots and lots of images in front of me.[88]

Summer is construed as a special challenge for men who want to comply with *haya*. This is supported by Kadir's proper warning that "[…] we are facing a new summer now."[89] Thus, the imam includes the plea for steadfastness in the summer into his prayer (*du'a'*) at the end of the lesson: "May Allah *subhanahu wa-ta'ala* protect us from any kind of *fitna*, may Allah *subhanahu wa-ta'ala* make us bear up, especially now in the summer! May Allah *subhanahu wa-ta'ala* let us survive this summer as well as we can […]."[90] Kadir's comments on the German context as outlined here show how the social and local context matters for visions and practices of self-fashioning and discussions of ethics. The German context requires specific regimes of self-restraint and practices of the self that differ from the requirements of other (i.e. predominantly Islamic) contexts.

It is in light of these contextual specificities that Kadir's appeals for ethical self-fashioning and the application of disciplinary practices gain strength. Given the nature of the German street and the nature of the 'uncontrolled man' who is quickly drawn into a circle of unlawful sexualization, men committed to Islamic morals are called to work on their practice of looking. The gaze is at the center of controlling what they see, which is required to regulate their thoughts and feelings. For this reason, Kadir considers the male gaze a central starting point for the cultivation of practices of the self. He advises his male listeners to train themselves to avert their eyes whenever they see anything unsuitable for them: "This is why I'm telling you, brothers, really, this is the most important thing and the alpha and omega. Lower your gazes. And be assured, when you lower your gazes, Allah *subhanahu wa-ta'ala* will give you an *īmān* in reward, the sweetness of which you will feel in your hearts."[91] The manner of looking, thus, becomes the object of ethical re-fashioning. From Kadir's perspective, his audience need to educate themselves to look in an Islamically correct way. As discussed below, this appeal can be read in Aristotelian terms.

Shaping Desires, Forming Ethical Selves

By repeated practice, Kadir suggests, lowering one's gaze finally turns into a habit. His male audience will be able to transform their desires in a way that complies with his vision of gender-related conduct, he promises:

> And anyone who tried knows it. He sees something he absolutely wants to look at, absolutely. (-) It's tempting. I mean we know, Allah has created us like this. Allah created man and woman so that they attract each other. That's how it is. It's tempting until the cows come home – I want to look! But I force myself not to do so. *Wa-llahi*, the same moment, the same moment you will feel this *īmān* in your heart. And the second time, it will be easier for you than the first time. And the third time, it will be even easier. And at some point you will walk around without feeling any need to gaze at a woman. This you can achieve. You only have to bring yourself to do it in the beginning. You need this strength and then you will have the feeling, *ṣubḥān* Allah, I feel humbleness in prayer. I can focus in prayer, I don't have this desire for sexual satisfaction, masturbation or other things anymore.[92]

In this way, Kadir expects his listeners to achieve long-term changes in the structure of their inner dispositions (emotions including desires and spiritual state). In the long run, so he asserts, the men he addresses will be able to overcome their desires to gaze at women and will develop a stronger faith. This emphasizes how powerful Kadir considers the practice of lowering the gaze to be.

Further techniques Kadir suggests for the incorporation of *haya* include sartorial practices, practices of remembering Allah, and being geared to role models. Hence, besides bodily practices Kadir encourages his listeners to work with practices starting on the mental level. He advises the young men to keep reminding themselves of the fact that they are visible to Allah at any moment: "For though you can't see Him, He sees you. So to have this consciousness that Allah *subhanahu wa-ta'ala*, He sees you. And out of this consciousness that Allah *ta'ala* looks upon me, this sense of shame arises. I feel ashamed. I don't feel comfortable doing it [sins/ illegitimate deeds]."[93] Here, a mental technique is proposed in order to invoke a feeling of shame and gradually cultivate an Islamic habitus[94] involving the virtue of *haya* . In addition to the passages cited previously, where Kadir demands the cultivation of self-discipline in the public sphere, he specifically encourages men to perform ethical practices in private.

Striking in Kadir's approach is the underlying assumption that desires and emotions more generally can consciously be learned, shaped, and reshaped. This affirms that emotions actually have to be conceived of as a kind of social practice rather than something 'natural,' as Monique Scheer has argued.[95] Scheer suggests that emotions as practice are dependent on training which becomes even more apparent in the following quote of Kadir's:

> Only two months left until Ramadan. And if I don't control myself now, if I don't manage to lower my gaze now, *wa-llahi*, I will fast during Ramadan without (-) feeling anything while fasting. Because if I don't manage now, I won't manage in Ramadan either. That's why I start now. Because these gazes destroy the heart.[96]

This passage also reveals how the practice of lowering the gaze is connected to feeling 'the right way.' Kadir articulates expectations about how one should feel while fasting. In his view, fasting properly means that certain emotions need to be felt, otherwise the fasting is considered to be of minor value. This again shows how training is required with regard to emotions. Scheer identifies different types of emotional practices, among them the practice of mobilizing emotions, which involves evoking emotions as well as changing or removing emotions that are not wanted or not considered appropriate. She designates emotional practices as "manipulations of body and mind."[97] This connects well, I think, to the way Kadir wants his audience to target their bodies and minds in order to work on their emotional dispositions and faith. It is apparent how bodily and mental practices of the self in Kadir's lectures can be conceptualized as emotional practices aiming at mobilizing and also

at regulating emotions. Scheer emphasizes that the formation of a habitus in this sense depends on the close interplay of the practical and rational dimension. Kadir's teachings, indeed, reveal this close intertwining of mind and body, of mental and bodily practices in shaping an Islamic habitus and strengthening piety.

Coming back to Kadir's appeal to lower the gaze in order to make fasting during Ramadan an emotional and spiritual experience, I would like to draw attention to the Aristotelian notion of habitus and character education at play.[98] In his Nicomachean Ethics, Aristotle places emphasis on repeated practice in shaping one's habitus (or dispositions, as Rackham has it in his English translation).[99] As a basic principle, he distinguishes two types of virtues: intellectual and moral. While the acquisition of intellectual virtues, such as wisdom and intelligence, depends on instruction, the acquisition of moral virtues, such as temperance, rests on practice and habituation.[100] He emphasizes that "none of the moral virtues is engendered in us by nature,"[101] but they need to be learned through practice:

> The virtues […] we acquire by first having actually practised them, just as we do the arts. We learn an art or craft by doing the things that we shall have to do when we have learnt it: for instance, men become builders by building houses, harpers by playing on the harp. Similarly [sic] we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts.[102]

By analogy, in Kadir's lectures the assumption that one acquires *haya* by doing *haya* is obvious. According to Aristotle, moral virtues are something one needs to cultivate. Therefore, it is important to guard one's actions because they shape the habitus:

> In a word, our moral dispositions are formed as a result of the corresponding activities. Hence it is incumbent on us to control the character of our activities, since on the quality of these depends the quality of our dispositions. It is therefore not of small moment whether we are trained from childhood in one set of habits or another; on the contrary it is of very great, or rather of supreme, importance.[103]

The idea of training and the assumption that there are good or appropriate habits and vicious habits correspond with Kadir's teachings, in particular when we recall his remarks on the vicious circle. The self-transformation that takes place in the process of training and habitualization is illustrated by both Aristotle's writings and Kadir's lectures. As Aristotle states: "We become temperate by abstaining from pleasures, and at the same time we are best able to abstain from pleasures when we have become temperate."[104]

Referring back to the Foucauldian framework used earlier, we can understand the "abstaining from pleasures" as the exercise of practices of the self. In Kadir's terms this is for example the lowering of the gaze, which changes the relationship between self and the respective moral code and leads to the incorporation of a certain moral virtue (in Aristotle's example temperance, in Kadir's example *haya*). Having incorporated this virtue and thus having acquired a certain habitus, it becomes easy to behave accordingly. Hence, Aristotle ascribes great importance to good education in order "to like and dislike the proper things,"[105] which is central in developing a virtuous character. Pleasure and pain occupy a special position in this undertaking: "[T]o feel pleasure and pain rightly or wrongly has a great effect on conduct."[106]

The underlying idea of the necessity to learn to feel the right way and "to like and dislike the proper things"[107] speak from Kadir's comments on the proximity of Ramadan cited previously, where he stresses that fasting rightly requires feeling something (and the ability to have the proper feelings needs to be trained), and from his comments on the practice of lowering the gaze, where this practice becomes more and more linked with positive feelings. Self-discipline and piety are closely intertwined in the imam's approach. Underlying the cultivation of ethical practices is the teleological project of conforming to Allah's will, and Allah rewards the practitioners with his love. As Kadir promises, men who come closer to Allah through their behavior will immediately experience an increase in faith, "the sweetness of which [they] can feel in [their] heart[s]."[108] Thus, the male subject addressed by Kadir has to learn to associate pleasure with the exercise of self-restraint, as he has to learn to use his vision in an appropriate way, instead of giving into his desires and experiencing pleasure through illegitimate practices. The effort it takes to implement the new habit of lowering one's gaze is experienced as painful at first, but the experience of pain changes when the composition of one's habitus is transformed.[109]

Having shown that emotions and faith are understood as objects of pedagogy in Kadir's lectures, I would like to take a closer look at the role of the body in the project of acquiring a male, Islamic habitus. Considering the central role of practices involving the body in the vicious circle and among the practices of the self Kadir advocates, I suggest that the body in his lectures is conceptualized "as the *self-developable* means for achieving a range of human objects – from styles of physical movement (for example, walking), through modes of emotional being (for example, composure), to kinds of spiritual experience (for example, mystical states)."[110] In her seminal work on female

mosque movements in Egypt, Saba Mahmood highlighted the significance of bodily acts for shaping emotions, increasing piety, and transforming the self. According to Mahmood, bodily acts "are the *critical markers* of piety as well as the *ineluctable means* by which one trains oneself to be pious."[111]

Following Asad and Mahmood, we can understand Kadir's instructions as an appeal for ethical self-formation which takes the body and bodily acts as a means to achieve piety and a means to acquire *haya* . Self and norm must be brought closer on a bodily, mental, and emotional level. This complex project of applying practices of the self in order to shape the inner and the outer self according to Islamic norms reflects the profoundness of the related "modes of subjectivation"[112] and the teleology of moral conduct,[113] the long-term goal of living an Islamic and ethical life. Additionally, it shows how mind, body, emotions, and faith are closely intertwined in Kadir's approach.

To achieve the long-term transformation of different dimensions of the self, the technique of lowering one's gaze, along with other techniques mentioned in this paper and in Kadir's lectures, must be implemented in his listeners' everyday lives, as the imam emphasizes. This shows how 'ordinary' everyday practices (such as going by bus or walking down the street) can acquire a pious meaning if carried out with a certain intention. In this sense, Kadir expects his male listeners to constantly and critically assess their thoughts, feelings, and behavior and to (re-)shape and adjust them to the Islamic rules of conduct.

Masculinities

As the analysis of Kadir's lectures shows, relating to moral codes and implementing morally inspired practices of the self are always gendered. Concrete practices that men should perform or abstain from are related to their own gendered bodies and to women's bodies.[114] Kadir's outline of Islamic masculinity involves a particular relation to the self and a particular relation of distance to the female body. Ethical self-formation in this regard is a gendered phenomenon. The moral codes this imam refers to (such as male coolness or *haya*) can be understood as masculinity codes in this context.

Masculinity is socially constructed and is a relational category, as Raewyn Connell argues.[115] Since masculinity is neither a stable component of a person's gender identity nor a universal pattern of attitudes and behavior, it

is worth speaking of masculinities in the plural form to emphasize the diversity and fluidity of masculinity constructions. Connell importantly stresses that men and masculinities are not only differentiated from women and femininities, but that different patterns of masculinity are distinguished from each other.[116] Attending to the hierarchies among men and masculinities, in her influential book she argues that hegemony, complicity, subordination, and marginalization are "the main patterns of masculinity in the current Western gender order."[117]

Although her categorization has also received critique,[118] in the context under investigation it is important to mention that the idea of subordinated and marginalized masculinities departs from the insight that multiple categories of social stratification, and not only gender, need to be taken into consideration when studying configurations of gender practice. Race, ethnicity, and religious affiliation, to name but a few, also play into the configuration of hierarchies among masculinities in society. Social hierarchies of men and masculinities are also apparent in Kadir's teachings. When elaborating on licit and illicit ways of *doing masculinity*, Kadir refers to socially hegemonic *and* marginalized forms of masculinity. While a hegemonic version of masculinity is the strong, 'cool man' who has pre-marital sexual relations, the devout Muslim man (religiously and potentially also ethnically marked) would represent a form of marginalized masculinity.

This is especially apparent in the imam's remarks on strength and weakness. As he explains, a sense of shame is ('in our society' and 'in our times,' and especially for a man) often associated with weakness (and unmanliness with respect to a hegemonic ideal of masculinity): "Time and again there are people saying: Well, a sense of shame, feeling ashamed is actually not something good, why? Because it indicates weakness."[119] More specifically, Kadir refers to a hegemonic form of masculinity here which associates masculinity with boldness and strength, to then propose an alternative model of masculinity, challenging the link between a sense of shame and weakness. He suggests that being modest and shamefaced as a Muslim man is actually a sign of strength. Thereby, Kadir reinforces the link between masculinity and strength, which illustrates the power exercised by the pattern of masculinity that Kadir presents as a hegemonic one.

Calling attention to the hierarchies among various masculinities in Kadir's lectures and to the way he positions himself vis-à-vis certain masculinity codes

and practices brings social context into focus again. This seems important in a context such as the German one, where Muslim men are marked as religiously and often also ethnically different in relation to the white, secular, 'German' norm. Both in daily interactions and public discourse the Muslim man has become the quintessential Other. Marked Muslim men are therefore constantly confronted with stigmatizing, marginalizing, racializing, politicizing, and securitizing practices and narratives. The stereotyping and othering assumptions and narratives are often linked to masculinity constructions, mostly promoting the hypermasculinization and hyper-sexualization of Muslim men.[120]

Conclusion

The analysis of Kadir's lectures showed that ethical self-formation takes on a clearly gendered form and is linked to constructions of masculinity which are in a hierarchical relation vis-à-vis each other. Especially in Islamic minority contexts, it is important to take these social hierarchies into account and not to neglect factors of social stratification apart from gender. This paper revealed how Kadir envisions the acquisition of *haya* as a moral virtue for Muslim men through the cultivation of practices of the self on various levels, thereby transforming their emotional dispositions. Attending to emotional practices, it has highlighted how piety and the exercise of self-discipline are closely intertwined in Kadir's teachings. I demonstrated how this undertaking can be analyzed combining a Foucauldian and Aristotelian theoretical framework, which does not preclude the possibility of consequential ethics,[121] but offers the possibility to avoid a dichotomous framing of Muslim men and masculinities as either traditional or modern. Studying Muslim men and masculinities with a focus on practices of the self and the intertwinement of emotions, habitus cultivation, and piety while investigating the relationality of social masculinity constructions offers new avenues of research at the intersection of the anthropology of Islam and the study of men and masculinities. In this sense, this paper presents a contribution to a more nuanced and hopefully promising academic discussion of masculinity constructions in Muslim minority contexts.

Endnotes

[1] Alexandre Bennigsen and Chantal Lemercier-Quelquejay, *Les musulmans oubliés. L'Islam en Union Soviétique* (Paris: Maspero, 1981).

[2] In a recent monograph on Darhad shamanism in transitioning Mongolia, anthropologist Morten Pedersen coined the expression "not quite shamans" to describe the ruptured condition of young Darhad men who appear to be exceptionally subject to the influence of powerful spiritual forces, and at the same time are structurally unable to undergo shamanic training. "Not quite shamans" are seen as recipient of occult powers, but are incapable of controlling those energies the same way as 'legitimate' shamans. Morten Axel Pedersen, *Not Quite Shamans. Spirit Worlds and Political Lives in Northern Mongolia* (Ithaca: Cornell University Press, 2012).

[3] Abdulla Rinat Mukhametov, "Parallelnye miry. 'Soblyudayushchie' i 'nesoblyudayushchie'", *Ansar* (Kazan: DUMRT, 19/08/2011).

[4] Roland Dannreuther, *Russian Discourses and Approaches Towards Islam and Islamism*, in Roland Dannreuther and Luke March (eds.), *Russia and Islam. State, Society and Radicalism* (London/New York: Routledge, 2010), 9-25, 13.

[5] In Europe, according to one of the most respected scholars in this field, they represent a seriously underrepresented silent majority. See Valérie Amiraux, *Speaking As a Muslim: Avoiding Religion in French Public Space*, in Gerden Jonker and Valérie Amiraux (eds.), *Politics of Visibility: Young Muslims in European Public Space* (Bielefeld: Transcript Verlag, 2006), 21-52, 48.

[6] See for instance Yasir Suleiman, *Narratives of Conversion to Islam in Britain. Female Perspectives* (Cambridge: Centre of Islamic Studies, 2013) and Id., *Narrative of Conversion to Islam in Britain. Male Perspectives* (Cambridge: Centre of Islamic Studies, 2015).

[7] It is important to remark that Soviet anti-religious measures varied considerably over time, ranging from rancorous persecution (imprisonment, deportation, and even murder during early Stalinism and under Khrushchev and Andropov) to more subtle policies of discrimination and manipulation in times of relative détente. Amongst the latter policies, of particular relevance is the creation of state-subservient Islamic institutions aimed at: 1) policing unruly subjects in those areas of the Soviet space that seemed unwilling to promptly embrace Soviet materialism; 2) funnelling Soviet doctrines to Muslim citizens, thus bridging the gap between state-pursued modernist utopia and the "backwards" masses; and 3) parading "Soviet Islam" in the diplomatic chessboard, especially with regards to Muslim-majority countries.

[8] The same cannot be said of more remote and conservative Muslim-majority provinces of the USSR, such as Southern Central Asia and the Caucasus. In such areas, according to my informants, the erasure of Islam proved more arduous than in the Volga Region and anti-Islamic policies yielded less substantive results.

[9] Ingeborg Baldauf, "Jadidism in Central Asia within Reformism and Modernism in the Muslim World", *Die Welt des Islams* 41 (2001): 72 88.

[10] Adeeb Khalid, *The Politics of Muslim Cultural Reform: Jadidism in Central Asia* (Berkeley: University of California Press, 1998); Adeeb Khalid, *Islam after Communism: Religion and Politics in Central Asia* (Berkeley/Los Angeles/London: University of California Press, 2007); Robert D. Crews, *For Prophet and Tsar: Islam and Empire in Russia and Central Asia* (Cambridge, Massachusetts: Harvard University Press, 2006); Mustafa Tuna, *Imperial Russia's Muslims: Islam, Empire, and European Modernity, 1788-1917* (Cambridge: Cambridge University Press, 2015).

[11] Devin DeWeese, "It was a Dark and Stagnant Night ('til the Jadids Brought the Light): Clichés, Biases, and False Dichotomies in the Intellectual History of Central Asia", *Journal of the Economic and Social History of the Orient* 59 (2016): 37-92.

[12] See, for instance, Rafik Mukhametshin, ed., *Islam i musul'manskaya kul'tura v srednem Povolzhe: istoria I sovremennost'* (Kazan, Akademia Nauk RT/Fen, 2010); Galina Yemelianova, ed., *Radical Islam in the Former Soviet Union* (London/New York: Routledge, 2010); Valyulla Yakupov, *Islam segodnya* (Kazan: Iman, 2011).

[13] Marlene Laruelle, "The Struggle for the Soul of Tatar Islam", *Current Trends in Islamist Ideologies* 5 (2007): 26-39.

[14] Devin DeWeese, "It was a Dark and Stagnant Night ('til the Jadids Brought the Light): Clichés, Biases, and False Dichotomies in the Intellectual History of Central Asia", *Journal of the Economic and Social History of the Orient* 59 (2016): 37-92, see pp. 70-77.

[15] Abu Hanifa's school has been the dominant *madhhab* in the Volga region since mediaeval times (Mukhammetshin 2006). As a result, pre-revolutionary Tatars and Bashkirs largely followed Hanafi *fiqh*.

[16] Marlene Laruelle, "The Struggle for the Soul of Tatar Islam", *Current Trends in Islamist Ideologies* 5 (2007): 26-39.

[17] My ethnography showed that Catholicism, Protestantism, Pentecostalism, Hare Krishna, Buddhism, and Neopaganism are also "competitors" in Volga region religious market, although less prominently than Sunni Islam. Note that ethnic Muslims are unlikely to convert to Orthodox Christianity, since many consider it the "Russian religion". On the topic of new religious trends in post-Soviet countries (with a focus on Pentecostalism), see Mathijs Pelkmans (ed.), *Conversion After Socialism. Disruptions, Modernities and Technologies of Faith in the Former Soviet Union* (Oxford/New York: Berghahn, 2009)

[18] On "Hizmet" see the recent monograph by Caroline Tee, *The Gülen Movement in Turkey: The Politics of Islam, Science and Modernity* (London/New York: Tauris, 2016).

[19] Alexander Verkhovsky, *Russian approaches to radicalism and 'extremism' as applied to nationalism and religion*, in Roland Dannreuther and Luke March (eds.), *Russia and Islam. State, Society and Radicalism* (London/New York: Routledge, 2010), 26-43, 35.

[20] On the link between religiosity and coolness, compare with Maruta Herding, *Inventing the Muslim Cool. Islamic Youth Culture in Western Europe* (Bielefeld: Transcript Verlag, 2013) and

Linda Herrera and Asef Bayat (eds.), *Being Young and Muslim. New Cultural Politics in the Global South and North* (Oxford: Oxford University Press, 2010)

[21] The acronym ZOZh (*zdorovy obraz zhizni*, "healthy way of life") indicates, in Russia, a transversal movement that discourages consumption of alcohol, tobacco and drugs – seen as scourges that afflict Russian society – and promotes fitness and sobriety. A fraction of this group takes inspiration from punk rock-inspired Straight Edge subculture. In Kazan, there exists a small group of Muslim punk rockers that embrace straight edge, mixing veganism, street music, and spirituality.

[22] Shamil Alyautdinov, *Trillioner dumaet* (Moscow/St Petersburg: Dilya, 2013), Shamil Alyautdinov, *Trillioner slushaet* (Moscow/St Petersburg: Dilya, 2013), Shamil Alyautdinov, *Stan' samym umnym I samym bogatym* (Moscow/St Petersburg: Dilya, 2014), Shamil Alyautdinov, *Finansy Trillionera* (Moscow/St Petersburg: Dilya, 2015).

[23] These include: seminars and workshops on halal business and lifestyle, Islamic fashion and art events, and a steady flow of publications bestriding self-help literature and Islamic theology.

[24] See, for, instance, Saba Mahmood, *Politics of Piety. The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2012); Samuli Schielke, *Egypt in the Future Tense. Hope, Frustration, and Ambivalence before and after 2011* (Bloomington: Indiana University Press, 2015).

[25] Along with Orthodox Christianity, Buddhism, and Judaism.

[26] Roland Dannreuther, *Russian Discourses and Approaches Towards Islam and Islamism*, in Roland Dannreuther and Luke March (eds.), *Russia and Islam. State, Society and Radicalism* (London/New York: Routledge, 2010), 9-25, 10.

[27] Rafik Mukhametshin, ed., *Islam i musul'manskaya kul'tura v srednem Povolzhe: istoria I sovremennost'* (Kazan, Akademia Nauk RT/Fen, 2010); Galina Yemelianova, ed., *Radical Islam in the Former Soviet Union* (London/New York: Routledge, 2010); Marlene Laruelle, "The Struggle for the Soul of Tatar Islam", *Current Trends in Islamist Ideologies* 5 (2007): 26-39.

[28] As per note 7, the ultimate goal of co-optation was not to make religious communities thrive, but rather to place them under state surveillance. Undeniably, though, this margin of tolerance made the survival or religion possible in spite of the harsh conditions of Soviet atheist authoritarianism.

[29] Daria Aslamova, "Rossii nuzhen suverenny islam?", *Komsomolskaya Pravda*, 26/04/2011.

[30] As described above, Neo-Jadidism promotes non-denominational "Euro-Islam" and takes inspiration from (a misreconstructed idea of) the Jadid movement. By contrast, ethnic-minded conservatives identify "traditional Tatar Islam" as the historical heir of Qadimism (a movement antagonistic to Jadidism, rooted in theological rigour and the refusal of abrupt innovation). Neo-Qadimists maintain that a restoration of orthodox Hanafi Sunnism would provide the perfect spiritual endowment for the Tatar nation to thrive and resist Russian cultural assimilation. Both currents are concerned with the survival of the Tatar *ethnos* in the face of globalization and cultural marginalization. Both see religion as instrumental to this

goal, but the former group claims that religious innovation, or flexibility, will keep the Tatars afloat in the 21ˢᵗ century, while the latter maintain that conservation, or restoration, is the way to survive. Both camps are equally anti-cosmopolitan and equally vocal against "foreign" religious novelties.

[31] In the Russian Federation, a Muftiate or Spiritual Board is a local official institution seeking to coordinate religious activities within a given areas. Muftiates appoint imams, are responsible for mosques, organise celebrations, etc. Their effective representativeness of the multiplicity of the Russian *ummah* is debatable and, indeed, heatedly debated. Muftiates can hardly be said to command the respect of the majority of Muslims, yet they effectively function as links between the state and the Muslim populace.

[32] Roland Dannreuther, *Russian Discourses and Approaches Towards Islam and Islamism*, in Roland Dannreuther and Luke March (eds.), *Russia and Islam. State, Society and Radicalism* (London/New York: Routledge, 2010), 9-25, 10.

[33] Talal Asad, "The Idea of an Anthropology of Islam", *Qui Parle*, 17/2 (Lincoln: University of Nebraska Press, 2009), 1-30; Ovamir Anjum, "Islam as a Discursive Tradition: Talal Asad and His Interlocutors", *Comparative Studies of South Asia, Africa and the Middle East*, 27/ 3, (Durham: Duke University Press, 2007).

[34] Sufism used to be widespread in the Volga region until the 20ᵗʰ Century, when Sufi confraternities were thoroughly destroyed by the Soviet authorities. Today, there can hardly be found any "native" Sufism in Tatarstan (Alfrid Bustanov, "Sufizm v Rossii: pro et contra", *Real'noe vremya*, 31/10/2016). However, single individuals and (usually small) groups of practicing Muslims with an interest in mysticism may autonomously join transnational *tariqas*, regularly engage in *zikr*, and study literature related to Tasawwuf or Batiniyyah (in one single case I came across with, Shi'i esoteric literature was studied as well). The scope of this phenomenon is difficult to assess. Interest in Sufism is not always flaunted because of this current's poor reputation amongst many Salafi-influenced mosque-goers.

[35] In the specific context of Tatarstan, *ijtihad* is sometimes understood by some actors as a (rank-and-file) believer's licence to make unconventional or unorthodox choices in religious matters. This conviction derives from the "Jadid myth" (the belief that the Jadids had "liberalised" Islamic jurisprudence: for example, see Rafael Khakimov, "Vyzovy vremeni i modernizatsiya izlama", *Sova*, 17/02/2004. For a critical appraisal of this misunderstanding, see Paolo Sartori, "Ijtihād in Bukhara: Central Asian Jadidism and Local Genealogies of Cultural Change", *Journal of the Economic and Social History of the Orient*, 59:1-2 (2016)) and has little to do with the standard Sunni understanding of *ijtihad* as a methodology of *fiqh* accessible only to qualified specialists. The standard understanding of *ijtihad* is accepted by Tatarstani believers endowed with some degree of religious literacy. However, a degree of independent (if informed) decision-making in one's spiritual life and the ability to pursuit knowledge and engage with religious sources in a serious, yet autonomous way are highly prised amongst intellectuals.

[36] A Salafi *hadith* scholar often quoted by informants as a key reference within this group is

Sheik Muhammed Nasiruddin al-Albani (1914-1999), inspirer of an apolitical current within Salafi revivalism. See Quintan Wiktorowicz, "Anatomy of the Salafi Movement", *Studies in Conflict & Terrorism*, 29 (London/New York: Routledge: 2006), 207–239, 213.

[37] Mohammad Shahid Raza, *Islam in Britain: Past, Present and the Future* (Leicester: Volcano Press 1991); James A. Toronto, "Islam Italiano: Prospects for Integration of Muslims in Italy's Religious Landscape", *Journal of Muslim Minority Affairs*, 28:1 (2008), 61-82; Gabriel Faimau, *Socio-Cultural Construction of Recognition: The Discursive Representation of Islam and Muslims in the British Christian News Media* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013); Sally Howell, *Old Islam in Detroit: Rediscovering the Muslim American Past* (Oxford: Oxford University Press, 2014); Mehmet Ozalp, Zuleyha Keskin. *Muslim Identity Threshold*, in Derya Iner, Salih Yucel (eds.), *Muslim Identity Formation in Religiously Diverse Societies* (Newcastle upon Tyne: Cambridge Scholars Publishing 2015) 208-230.

[38] For example, Salafi theology is definitely prevalent amongst autarkists and puritans, but active interest in (or selective endorsement of) Salafi theological or juridical positions can be found – although less frequently – amongst the ranks of intellectuals and ecumenists, too.

[39] Ismaila a Cemaati.

[40] Samuel P. Huntington, "The Clash of Civilizations?" *Foreign Affairs* vol. 72, no. 3, Summer 1993) 22–49.

[41] Samuel P. Huntington, *The Clash of Civilizations: And the Remaking of World Order* (New York: Simon & Schuster, 1997).

[42] For example see Michael Dunn, "The Clash of Civilizations and the War on Terror," *49th Parallel* 20 (2007) https://fortyninthparalleljournal.files.wordpress.com/2014/07/2-dunn-clash-of-civilisations.pdf (accessed 3 September 2016).

[43] Explore the British Library, http://explore.bl.uk/primo_library/libweb/action/search.do?mode=Advanced, search options: Main Title is (exact) islam and the west, Material type: Books, Language: English.

[44] Office for National Statistics Census 2011, Table KS201EW - Ethnic group, http://www.nomisweb.co.uk (accessed 3 September 2016) .

[45] Office for National Statistics Census 2011, Table KS209EW - Religion, http://www.nomisweb.co.uk (accessed 3 September 2016).

[46] Teun A. van Dijk, "New(s) Racism: A Discourse Analytical Approach," in *Ethnic Minorities and the Media: Changing Cultural Boundaries,* ed. Simon Cottle (Philadelphia: Open University Press, 2000), 33-49.

[47] Jamie Beatson, "Class doll sparks race row," *The Sun,* April 3, 2008.

[48] Ross Clark, "Labour's equality quango is now a laughing stock," *The Express*, February 23, 2010.

[49] "Two-thirds fear Woolwich murder will lead to 'clash of civilisations'," *The Guardian,* May 25, 2013.

[50] Jamie Bartlett, "What happens if you express a negative view of Islam?" *The Telegraph,* February 4, 2016.

[51] Derrick Purdue, "Community Cohesion, Neighbourhood Management and Local Civic Engagement," (paper presented at Cinefogo workshop, New Forms of Local Governance and Civil Society, University of Trento, June 20-21, 2008).

[52] Adrian Brockett and Kate Wicker, "Outgroup prejudice among secondary pupils in northern England: are the predictors at the individual, school or neighbourhood level?" *Research in Education* 88, no. 1 (2012): 11-28. doi: 10.7227/RIE.88.1.2.

[53] Eric Kaufmann, "Immigration and Integration in Britain: The Great Nationalism Debate," *Nationalities Papers* 42, no. 6 (2014): 1072–1077. doi: 10.1080/00905992.2014.937685.

[54] Office for National Statistics Census 2001, Table ST104 - Ethnic group by Religion, http://www.nomisweb.co.uk (accessed 3 September 2016).

[55] Office for National Statistics Census 2011, Table DC2201EW - Ethnic Group by Religion, http://www.nomisweb.co.uk (accessed 3 September 2016).

[56] In 2001 there were 16 ethnic groups (including 4 mixed groups) and 8 religious groups (including "no religion" but excluding "religion not stated"), giving a total of 128 possible ethno-religious groups.

[57] In 2011 there were 18 ethnic groups (including 4 mixed groups) and 8 religious groups (including "no religion" but excluding "religion not stated"), giving a total of 144 possible ethno-religious groups.

[58] M. A. Kevin Brice, "Revising the 'Guestimate': Producing a Robust Estimate for the Number of Converts to Islam in the United Kingdom" (paper presented at Muslims in the UK and Europe Symposium 2015, Centre of Islamic Studies, University of Cambridge, May 29-31, 2015).

[59] According to data available from Office for National Statistics, 2011 Census Microdata Individual Safeguarded Sample (Regional) [computer file]. Colchester, Essex: UK Data Archive [distributor], December 2014. SN: 7605: 10.5255/UKDA-SN-7605-1, 37.6% of White British Muslims are under 16.

[60] Under 16s are initially discounted as there is far less certainty that such individuals have actively self-identified for either ethnicity or religious affiliation. The ethno-religious group recorded for under 16s is more likely to be a reflection of the choices of a parent or guardian.

[61] For example, Sophie Gilliat-Ray, *Muslims in Britain; an introduction* (Cambridge: Cambridge University Press, 2010), 120 and Ceri Peach, "Muslims in the UK", in *Muslim Britain: communities under pressure*, ed. Tahir Abbas (London: Zed Books, 2005), 20

[62] For example, Ceri Peach, "Muslims in the 2001 Census of England and Wales: Gender and economic disadvantage", *Ethnic and Racial Studies*, 29:4, (2006): 632 and Yahya Birt, "Lies! Damn Lies! Statisitics and Conversions," *Q-News*, 350 (2003): 20 and Muhammad Anwar quoted in E. Pinch, "Muslims Proud to be British," *Birmingham Post*, February 5, 2004: 1.

[63] University of Essex. Institute for Social and Economic Research and NatCen Social Research, *Understanding Society: Waves 1-5, 2009-2014* [computer file]. *7th Edition.* Colchester, Essex: UK Data Archive [distributor], November 2015. SN: 6614 doi: 10.5255/UKDA-SN-6614-7.

[64] Kanchan Chandra, C*onstructivist Theories of Ethnic Politics* (Oxford: Oxford University Press, 2012): 19.

[65] Richard Berthoud, "Defining Ethnic Groups: Origin or Identity?" *Patterns of Prejudice*, 32:2, (1998): 54.

[66] Rusi Jaspo and Marco Cinnirealla, "The construction of ethnic identity: Insights from identity process theory," *Ethnicities*, 0 (0), (2012): 1-28.

[67] Office for National Statistics, *Ethnic group statistics: A guide for the collection and classification of ethnicity data* (London: Office for National Statistics, 2003): 26.

[68] See for example: George Yancey, *Who is White? Latinos, Asians and the New Black/Nonblack Divide* (Boulder, CO: Lynne Rienner Publishers, 2003).

[69] A preliminary version of this paper was presented at the 2016 Postgraduate Symposium "Muslims in the UK and Europe" at Cambridge University. I am thankful to the participants of the symposium and to Professor Nadia Fadil, the keynote speaker, for their generous feedback. I would like to express my sincere appreciation to Professor Schirin Amir-Moazami as well as the participants of the 2016 Anthropology of Religion Workshop "In the Wake of the Ethical Turn" at FU Berlin for their constructive criticism and insightful comments on earlier versions of this paper. Finally, I am grateful to Dr. Justyna Alnajjar for her careful reading of my article.

[70] Name changed. The data presented in this paper is part of my ongoing PhD research. As my research is still in progress and located in a field which is under public scrutiny, I have anonymized all the data and cannot disclose any details concerning the date or place of the lectures under investigation. For this paper, I rely on participant observation in the weekly lessons and on videotaped versions of Kadir's lectures.

[71] Yunus Kadir, Mosque lecture (2013). I translated all utterances of the imam from German into English. Thereby, I gave priority to an exact translation rather than idiomatic wording in the English version. I have kept Arabic terms Kadir uses. The transliteration of Arabic terms in this paper follows the IJMES guidelines.

[72] Michel Foucault, *The History of Sexuality, Vol. 2, The Use of Pleasure*, trans. R. Hurley (New York: Pantheon Books, 1985), 28.

[73] Ibid., Vol. 2.

[74] Ibid., 2:28.

[75] E.g. Charles Hirschkind, *The Ethical Soundscape, Cassette Sermons and Islamic Counterpublics* (New York: Columbia University Press, 2006); Jeanette S. Jouili, "Re-Fashioning the Self Through Religious Knowledge, How Muslim Women Become Pious in the German Diaspora," in *Islam and Muslims in Germany*, ed. A. Al-Hamarneh, J. Thielmann (Leiden, Boston: Brill, 2008), 465–488; Idem, "Beyond Emancipation, Subjectivities and Ethics Among Women in Europe's Islamic Revival Communities." *Feminist Review* 98 (2011): 47-64; Saba Mahmood, *Politics of Piety, The Islamic Revival and the Feminist Subject* (Princeton, Oxford: Princeton University Press, 2005). These scholars work with female or male interlocutors only, but do not investigate femininity or masculinity constructions.

76 For example, the tradition-modernity dichotomy informs the theoretical framing of Marcia C. Inhorn and Michael Tunç's works on Muslim masculinities. It is especially problematic considering the discursive power of Orientalist narratives that promote the backwardness and traditionality of Muslim men and masculinities as compared to 'modern' and enlightened 'Western' gender norms, both with regard to Muslim men in Islamic majority contexts and in Western contexts. See Marcia C. Inhorn, *The New Arab Man, Emergent Masculinities, Technologies, and Islam in the Middle East* (Princeton: Princeton University Press, 2012), and Michael Tunç, "'Viele türkische Väter fliehen von zuhause,' Mehrfache ethnische Zugehörigkeiten und Vaterschaft im Spannungsfeld von hegemonialer und progressiver Männlichkeit," in *Mann wird man, Geschlechtliche Identitäten im Spannungsfeld von Migration und Islam*, ed. L. Potts, J. Kühnemund (Bielefeld, Germany: Transcript, 2008), 105–132.

77 In compliance with rules of modest behavior in mixed-gender settings, Kadir used to look over to the girls' side regularly but only cursorily during the lessons. This 'politics of looking' also shaped personal conversations. I noted that in private conversations between the imam and myself both of us actively monitored our gazes and looked into each other's eyes only for very limited periods of time.

78 See Mahmood, *Politics of Piety*, 155.

79 Yunus Kadir, Mosque lecture (2016); idem, Mosque lecture (2014); idem (2013); idem, Mosque lecture (2011).

80 Kadir (2013).

81 Kadir (2013).

82 This, however, is not further defined as a specific community or as the global *umma*. In other instances, Kadir distinguishes between different individuals and groups of Muslims. He does generally not portray Muslims as a monolithic group.

83 Yunus Kadir (2011).

84 This involves a critique of the sexualization of the public sphere and of the objectification of the body, which is raised by feminist authors and Christian circles, too. The lines of argument and the consequences drawn, however, differ. Kadir questions the way the body is objectified in Western societies and criticizes Muslim women who exhibit their bodies "as if [they] were cheap good[s]," see Yunus Kadir (2014). In other instances, however, he objectifies the female body as a sexual stimulus and a wife's body as sexually available to her husband.

85 Kadir (2016); idem (2013).

86 Idem (2013).

87 Ibid.

88 Ibid.

89 Ibid.

90 Ibid.

91 Ibid.

92 Ibid.

[93] Idem (2011).

[94] In this paper, I use the term 'Islamic habitus' and not 'Muslim habitus,' as the latter refers to an ideal which is grounded in principles that Kadir defines as Islamic. I do not refer to the particular habitus of an individual.

[95] Monique Scheer, "Are Emotions a Kind of Practice (and Is That What Makes Them Have a History)? A Bourdieuian Approach to Understanding Emotion," *History and Theory* 51 (2012): 193-220.

[96] Kadir (2013).

[97] Scheer, "Are Emotions a Kind of Practice?", 209.

[98] Responding to Didier Fassin's concern that consequential ethics has been marginalized with the turn from the Kantian approach to the Aristotelian approach to ethics in anthropology, I would suggest that Kadir encourages his audience to undertake an "evaluation of the consequences of what one does or does not do" (Didier Fassin, "The Ethical Turn in Anthropology, Promises and Uncertainties," *HAU: Journal of Ethnographic Theory* 4 Vol. 1 (2014): 429–435; here: 433). Ethics in Kadir's teachings is not only about practice, but (as could be seen above) involves a rational dimension in determining valid moral codes, assessing consequences of different kinds of behavior, and negotiating norms and practice in this way. In my view, reflecting upon consequences of possible acts is inseparable from ethics understood as practice. As for the context under study, I find it difficult to draw a distinction between a way of practicing ethics that is mainly related to the self and to how one's ethical practice brings oneself further for example in relation to God or to a specific norm, and one that takes into account the effects of one's practice on other subjects (thus possibly negotiating behavior according to specific norms out of concern for the social dimension of action). In general, in Kadir's teachings these two dimensions are closely intertwined. The practice required to form a subjectivity in relation to moral codes in Kadir's lectures includes the assessment of the consequences of one's actions.

[99] Whereas in the German translation by Rolfes the term "habitus" is used, Rackham in his English translation uses "dispositions" instead. I follow Rolfes and scholars such as Mahmood who have related to Aristotle's ethical considerations using the term "habitus", cf. Aristoteles, *Nikomachische Ethik*, ed. G. Bien, trans. E. Rolfes, 4th ed. (Hamburg, GER: Felix Meiner, 1985); Aristotle, *Nicomachean Ethics,* trans. H. Rackham (Cambridge, MA: Harvard University Press, 1926); Mahmood, *Politics of Piety*.

[100] Aristotle, *Nicomachean Ethics*, 71.

[101] Ibid., 71.

[102] Ibid., 73.

[103] Ibid., 75. As already noted above, what is translated as "disposition" here is referred to as "habitus" in Rolfes' German translation, see Aristoteles, *Nikomachische Ethik*, 27.

[104] Aristotle, *Nicomachean Ethics*, 79.

[105] Ibid., 79.

[106] Ibid., 83.

[107] Ibid., 79.

[108] Kadir (2013).

[109] Ibid.

[110] Talal Asad, "Remarks on the Anthropology of the Body," in *Religion and the Body, Comparative Perspectives on Devotional Practices*, ed. S. Coakley (Cambridge: University of Cambridge Press, 1997), 42-52, here: 47 f. (emphasis in original).

[111] Mahmood, *Politics of Piety*, 158 (emphasis in original).

[112] Foucault, *History of Sexuality*, 2:28.

[113] Ibid., 27 f.

[114] They also relate to other men and their bodies, which could not be elaborated on in this paper.

[115] Raewyn Connell, *The Men and the Boys* (Cambridge: Polity Press, 2000), 12; idem, *Masculinities*, 2nd ed. (Cambridge: Polity Press, 2005).

[116] Idem, *The Men and the Boys*; idem, *Masculinities*.

[117] Idem, *Masculinities*, 77.

[118] E. g. Inhorn, *The New Arab Man*; Michael Meuser, "Hegemoniale Männlichkeit, Überlegungen zur Leitkategorie der Men's Studies," in *FrauenMännerGeschlechterforschung, State of the Art*, ed. B. Aulenbacher et al. (Münster: Westfälisches Dampfboot, 2006), 160-174.

[119] Kadir (2011).

[120] Whereas in the context of Colonial India the male Indian subjects were discursively effeminized by the British colonial rulers (see Ashis Nandy, *The Intimate Enemy: Loss and Recovery of Self Under Colonialism* (Delhi: Oxford University Press, 1983)) as is the case for the discourse on British Asian masculinities (see Peter Hopkins, "Youthful Muslim Masculinities: Gender and Generational Relations," *Trans Inst Br Geogr* 31 (2006): 337–352), where power operates to subject the racialized selves by rendering them less masculine and less potent. Discursively weakening and feminizing them grants discursive superiority to white, heterosexual 'British' masculinities vis-à-vis the British Asian masculinities and stabilizes the relation of dominance and power. The discourse on Muslim men focusing on violence and patriarchy, which characterizes the German discourse and is also prevalent in the British context (see Hopkins, "Youthful Muslim Masculinities"), portrays Muslim men as hyper-masculine (even more so since the Cologne incidents on New Year's Eve 2015) and thereby works to justify the politicization, securitization, and governance of Muslims, and is used to justify restrictive asylum policies and 'anti-terror' security policies (see also Paul Scheibelhofer, "Integrating the Patriarch? Constructs of Migrant Masculinity in Times of Managing Migration and Integration," in *Contesting Integration, Engendering Migration: Theory and Practice*, ed. F. Anthias, M. Pajnik (Basingstoke: Palgrave, 2013), 185–201; idem, *Integrating the Patriarch? Negotiating Migrant Masculinity in Times of Crisis of Multiculturalism*, Dissertation (Budapest: Central European University, 2014), available from: https://www.academia.edu/7204181/_Integrating_the_Patriarch_Negotiating_Migrant_Masculinity_in_Times_of_Crisis_of_Multiculturalism_PhD_Thesis_Manuscript (accessed 20 June 2016).

[121] See Footnote 30.

[122] Jonathan Laurence, "Managing Transnational Islam: Muslims and the State in Western Europe", in *Immigration and the transformation of Europe,* ed. Craig A. Parsons and Timothy M. Smeeding (Cambridge: Cambridge University Press, 2006), 251–273; idem, "Integrating Islam: a new chapter in 'church-state' relations", The Transatlantic Task Force on Immigration and Integration, Migration Policy Institute/ Bertelsmann Foundation, http://www.migrationpolicy.org/pubs/LaurenceIslamicDialogue100407.pdf (accessed May 4th, 2016); idem, "The Corporatist Antecedent of Contemporary State-Islam Relations" *European Political Science*, 8:3 (2009): 301–315.

[123] Deutsche Islam Konferenz, "Gemeinsames Programm zur Fortfuhrung der Deutschen Islam Konferenz in der 18. Legislaturperiode: Fur einen Dialog auf Augenhohe" *Deutsche Islamkonferenz* (2014), http://www.bmi.bund.de/SharedDocs/Downloads/DE/Nachrichten/Kurzmeldungen/progr11 0 amm-dik.pdf?__blob=publicationFile (accessed July 30th, 2015); all translations from German by the author unless otherwise indicated.

[124] Elisabeth Musch, *Integration durch Konsultation? Konsensbildung in der Migrations- und Integrationspolitik in Deutschland und den Niederlanden* (Munster: Waxmann, 2011), 300.

[125] Winnifred F. Sullivan, *The Impossibility of Religious Freedom* (Princeton: Princeton University Press, 2005); Winnifred F. Sullivan, Robert Yelle and Matteo Taussig-Rubbo, ed., *After Secular Law* (Stanford, Calif.: Stanford Law Books); Hussein A. Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt.* (Chicago, Ill.: University of Chicago Press, 2012).

[126] Gabriele Hermani, *Die Deutsche Islamkonferenz 2006-2009: der Dialogprozess mit den Muslimen in Deutschland im öffentlichen Diskurs* (Berlin: Finckenstein & Salmuth, 2010), 128.

[127] Ibid., 130.

[128] Deutsche Islam Konferenz, "Tagungsband Muslimfeindlichkeit" (2013), http://www.deutsche-islam-konferenz.de/SharedDocs/Anlagen/DIK/DE/Downloads/DokumentePlenum/2013-tagungsband-muslimfeindlichkeit-dik.html?nn=3334656 (accessed December 17th, 2014), 9.

[129] This section draws on the very insightful analysis of the institutional, cognitive and normative context of Islamic umbrella organizations by Kerstin Rosenow-Williams, *Organizing Muslims and Integrating Islam in Germany* (Leiden: Brill, 2012).

[130] German Federal Government, "Coalition Agreement between the CDU, CSU and SPD. Working Together for Germany - With Courage and Compassion" (2005), http://www.bundesregierung.de/Content/EN/Artikel/2004_2007/2006/01/_Anlagen/coalit ion-agreement951220.pdf?__blob=publicationFile&v=1 (accessed July 28th, 2015)

[131] German Federal Government, "Antwort der Bundesregierung auf die Große Anfrage der Abgeordneten Josef Philip Winkler u.a. und der Fraktion BUNDNIS90/Die Grunen" (2006), http://www.bmi.bund.de/cae/servlet/contentblob/150570/publicationFile/13154/Gro_Anfr age_Islam.pdf (accessed July 28th, 2015)

[132] Federal Ministry of the Interior, "Daten und Fakten zum 2. Plenum der Deutschen Islam Konferenz (DIK)" (2007), http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2007/mitMarginalspalte/05/zweite_islamkonferenz.html (accessed July 28th, 2015).

[133] Federal Ministry of the Interior, "Migration and integration. Residence law and policy on migration and integration in Germany" (2014), https://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2014/migration_und_integration.pdf?__blob=publicationFile (accessed May 4th, 2016)

[134] German Federal Government, *Coalition Agreement*, 111 ff.

[135] Ibid., 112.

[136] Ibid., 114.

[137] German Federal Government, *Antwort*, 3.

[138] Ibid.

[139] Federal Ministry of the Interior, *Daten und Fakten.*

[140] Federal Office for the Protection of the Constitution, "Islamismus: Entstehung und Erscheinungsformen" (2013), http://www.verfassungsschutz.de/de/download-manager/_broschuere-2013-09-islamismus-entstehung-und-erscheinungsformen.pdf, (accessed July 28th, 2015), 9.

[141] Federal Ministry of Interior, *Daten und Fakten.*

[142] Cf. Agrama, *Questioning Secularism;* Stuart Croft, *Securitizing Islam: identity and the search for security* (Cambridge: Cambridge University Press, 2012); Jocelyne Cesari, "The Securitisation of Islam in Europe," *Challenge liberty and security research paper,* 15 (2009): 1-15.

[143] Federal Ministry of Interior, *Daten und Fakten.*

[144] Rosenow-Williams, *Organizing Muslims*, 156.

[145] Ibid.

[146] Ibid.

[147] Federal Agency for the Protection of the Constitution, *Islamismus: Entstehung und Erscheinungsformen* (Köln, 2013), 21-23; The word "legalistic" has also been used by the Federal Agency for the Protection of the Constitution to justify the observation of the IGMG and to classify it as a threat to the constitution.

[148] Federal Ministry of the Interior, *Migration and integration*, 169.

[149] Ibid.

[150] Rosenow-Williams, *Organizing Muslims*, 158.

[151] Ibid., 159.

[152] Ibid.

[153] German Federal Government, *Antwort*, 3.

[154] Gerdien Jonker, "From 'Foreign Workers' to 'Sleepers': The Churches, the State and Germany's 'discovery' of its Muslim population", in *European Muslims and the Secular State*, ed Jocelyne Cesari and Sean McLoughlin (Aldershot: Ashgate), 113-126.

[155] Ibid.

[156] Gerdien Jonker, "Muslim Emancipation? Germany's struggle over religious pluralism," in *Religious freedom and the neutrality of the state: the position of Islam in the European Union*, ed Wasif. A. Shadid and P. Sjoerd van Koningsveld (Leuven: Peeters, 2002), 36-51.

[157] Rosenow-Williams, *Organizing Muslims*, 160; as of 2014, the parliament has adopted a bill that grants the right to hold two passports under the condition that the person is born after 1990, is born with two passports and has studied six years or lived eight years in Germany. However, after the terrorist attacks in Germany in 2016, leading CDU voices have called for an end to the possibility to have dual citizenship.

[158] Heiko Werning, *Protestsoll nicht erfüllt*, taz, 14/01/2015, http://www.taz.de/!5023783/ (accessed August 19th, 2016).

[159] Ibid.

[160] Andreas Hoidn-Borchers, *Fast mehr Minister als Moslems,* stern.de, 13/01/2016, http://www.stern.de/politik/deutschland/mahnwache-in-berlin—fast-mehr-minister-als-moslems-3459264.html (accessed August 19th, 2016), Werning also asks the interesting question how Stern and RTL knew the number of Muslims participating in the demonstration and thereby highlights the problematic judgement of "Muslims" according to their outward appearance.

[161] Musch, *Integration durch Konsultation?*, 300.

[162] Ibid., 291.

[163] Heribert Prantl, "Der Islam ist Teil Deutschlands", Interview mit Wolfgang Schäuble, Süddeutsche Zeitung, 26/09/2006, http://www.sueddeutsche.de/politik/interview-der-islam-ist-teil-deutschlands-1.298355 (accessed August 19th, 2016)

[164] Ibid.

[165] Using the concepts of the securitisation school, one could argue that the German legal and constitutional order is the referent object against which the danger is constructed. Cf. Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: A new Framework for Analysis*, (Boulder, Colo., London: Lynne Rienner).

[166] Agrama, *Questioning Secularism.*

[167] Musch, *Integration durch Konsultation?*, 155.

[168] German Federal Government, *Antwort*, 3.

[169] Hermani, *Die Deutsche Islam Konferenz*, 37.

[170] German Federal Government, *Antwort,* 10.

[171] Prantl, *Der Islam ist Teil Deutschlands.*

[172] Winnifred F. Sullivan, "Religious Freedom and the Rule of Law: A Modernist Myth in a Postmodern World?" in *Religion in Cultural Discourse. Essays in the Honor of Hans G. Kippenberg on the Occasion of His 65th Birthday*, ed. Brigitte Luchesi and Kocku von Stuckrad (Berlin, New York: Walter de Gruyter, 2004), 595-614.

[173] Feldman, G. (2012) *The Migration Apparatus: Security, Labor, and Policymaking in the European Union*. Standford: Standford University Press.

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[175] Asad, T. (1986): *The Idea of an Anthropology of Islam*, Occasional Paper Series, Center for Contemporary Arab Studies Georgetown University. 14-15.

[176] European Commission homepagehttp://ec.europa.eu/dgs/policy_advisers/archives/activities/dialogue_religions_humanisms/sfe_en.htm (accessed May, 10 2013)

[177] Silvestri, S. (2009): "Islam and religion in the EU political system". In: *Western European Politics*, 32(6). 1218. (Accentuation A.T.)

[178] Noteworthy in this context is the symbolically charged semantic correlation that is being made between the possession of a soul (which is equated to 'spirituality') and the survival of Europe.

[179] Massignon, B. (2007): "Islam in the European Commission's system of regulation of religion". In: Al-Azmeh, A./ Fokas, E. (eds.): *Islam in Europe. Diversity, Identity and Influence.* Cambridge: Cambridge University Press. 128.

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[182] Silvestri, S. (2005): "EU relations with Islam in the context of the EMP's cultural dialogue". In: *Mediterranean Politics*, 10(3). 113.

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[184] Vakil, A. (2009): "Is the Islam in Islamophobia the Same as the Islam in Anti-Islam; or, When Is It Islamophobia Time?". In: *e-cadernos ace*s [Online], 3. 2009. http://eces.revues.org/178. 75

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[191] European Parliament
http://www.europarl.europa.eu/RegData/etudes/ATAG/2016/573901/EPRS_ATA(2016)57390
1_EN.pdf (accessed July, 20 2016)

[192] Financial Times (2016): Britain turns its back on Europe. Cameron quits and sterling
plunges after roar of rage from alienated voters. https://www.ft.com/content/e404c2fc-3913-
11e6-9a05-82a9b15a8ee7 (accessed September, 3 2016)

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in the UK', (Arizona State University May 2015), accessed January 1, 2016
<http://repository.asu.edu/attachments/150544/content/Pooley_asu_0010N_14808.pdf> =

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content/uploads/2015/02/MCBCensusReport_2015.pdf?

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submission to the Leveson Inquiry: The Culture, Practice and Ethics of the Press, July 2012)

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Muslim communities,' *International Review of Law, Computers & Technology* 25.3 (2011): 85

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September 2014), accessed 11 September 2015 http://www.spectator.co.uk/2014/09/is-britain-
hardening-its-heart-against-muslims/

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archive.htm?speech=317>

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journey of the Tunisian Ennahda from fundamentalist to conservative party,"
Democratization 20 (5) (2013): 857-875.

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The Guardian, 25 October 2014.

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(London: Saqi Books, 2013); Rachel Linn, *Islamists in the Arab Spring: The Tunisian and
Moroccan Movements' Response to Increasing Pluralism* (unpublished PhD dissertation,
University of Cambridge, 2013).

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Movement (Princeton: Princeton University Press, 2013); Alan George, *Syria: Neither Bread nor Freedom* (London: Zed Books, 2003).

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[209] François Burgat, *L'islamisme au Maghreb. La voix du Sud* (Paris: Karthala, 1988).

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[214] Author interview with Lotfi Zitoun, Tunis, May 2015.

[215] Author interview with the wife of a former al-Nahda exile in France, Paris, May 2015.

[216] In March 2004 a law was passed in France that bans 'conspicuous religious symbols', including the headscarf, in public primary and secondary schools. In April 2007 the law was also applied to public service jobs.

[217] Author interview with a former al-Nahda exile in London, London, March 2015.

[218] Author interview with a former al-Nahda exile in London, London, March 2015.

[219] Author interview with a close adviser of Rachid Ghannouchi, Tunis, May 2015.

[220] Author interview with Rachid Ghannouchi, Tunis, June 2015.

[221] Author interview with Rachid Ghannouchi, Tunis, June 2015.

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[223] Vincent Geisser and Éric Gobe, "Un si long règne…Le régime de Ben Ali vingt ans après," L'Année du Maghreb, 2008, CNRS Éditions, 361.

[224] Abdelmajid Mouslimi, "Le congrès d'Ennahda…Des messages politiques réalistes," *Al-maoukif*, 22 June 2007. Quoted in Vincent Geisser and Éric Gobe, op. cit., 360.

[225] The more common term "polygamy" refers to the general practice of multiple marriages occurring simultaneously. The term "polygyny" is a more accurate term because it refers to the type of polygamy dealt with here, in which a man marries more than one woman simultaneously (as opposed to "polyandry," in which a woman marries more than one man simultaneously). For a detailed analysis of the development of law on polygyny in Muslim-majority countries, see Chapter 7 in Lynn Welchman, *Women and Muslim Family Laws in Arab States : A Comparative Overview of Textual Development and Advocacy.* (Amsterdam, Netherlands: Amsterdam University Press, 2007).

[226] Katharine Charsley and Anika Liversage. "Transforming Polygamy: Migration, Transnationalism and Multiple Marriages among Muslim Minorities," *Global Networks: A Journal of Transnational Affairs* 13, i (2013): 62.

[227] Perminder Khatkar, "The British Muslim Men Who Love 'Both Their Wives,'" *BBC News*, September 26, 2011, http://www.bbc.com/news/uk-15032947.

[228] John Bowen, "How Could English Courts Recognize Shariah?" 7 *U. St. Thomas L.J.* (2010): 412.

[229] Samia Bano, "Muslim Family Justice and Human Rights: The Experience of British Muslim Women," *Journal of Comparative Law* 2 (2007): 45.

[230] Prakash Shah, "Attitudes to Polygamy in English Law," *The International and Comparative Law Quarterly* (2003): 70.

[231] Vishal Vora, "Unregistered Muslim Marriages in England and Wales: The issue of Discrimination through 'Non-Marriage' Declarations," *Muslims in the UK and Europe, Centre of Islamic Studies, U. of Cambridge* II (2016): 134.

[232] *Offenses Against the Person Act 1861* s 57.

[233] Ralph Grillo, *Muslim Families, Politics and the Law: A Legal Industry in Multicultural Britain,* (Surrey, England: Ashgate, 2015), 41.

[234] Ian Edge, "Islamic Law in English Courts: Recognition of Foreign Marriages" *Family Law* (2016): 103.

[235] Lisa Pilgram, "Responses to Muslim Law in the UK: From Ethno-Religious Sensitivity to 'Supplementary Jurisdictions,'" in *Migration and Integration 2* eds. Gudrun Biffl and Lydia Rössl, (Germany, Omnium KG, 2011), 109.

[236] *Marriage Act 1949*, 12, 13, and 14 Geo 6 ch 76.

[237] *Children Act Schedule 1 1989* "Financial Provisions for Children" ch 41.

[238] Averroës, "The Book of *Nikah*" in *The Distinguished Primer,* trans. Muhammad Abdul-Rauf and Imran Ahsan Khan Nyazee, Vol. II. (Garnet Publishing, 1996), 3, 20.

[239] Ibid., 12, 19.

[240] Doreen Hinchcliffe, "Polygamy in Traditional and Contemporary Islamic Law," *Islam and the Modern Age* I, (1970): 13.

[241] Ibid.

[242] Charsley and Liversage, "Transforming Polygamy," 62.

[243] Quran 4:129, trans. MAS Abdel Haleem.

[244] Quran 4:3, trans. MAS Abdel Haleem.

[245] Hinchcliffe, "Polygamy in Traditional and Contemporary Islamic Law," 13-15.

[246] *Marriage Act 1949* s 53.

[247] *Matrimonial and Family Proceedings Act 1984* Part III.

[248] But see *MA v JA* [2012] EWHC 2219, finding that although a marriage ceremony in an authorized mosque did not follow the requirements of the Marriage Act 1949 and did not qualify for a presumption of marriage, a marriage was created because it was of the kind contemplated by the Marriage Act and was conducted in an authorized building by an authorized person.

[249] Mona Siddiqui, "Mahr: Legal Obligation or Rightful Demand?" *Journal of Islamic Studies*, 6:1 (1995): 14, 20.

[250] *Shahnaz v Rizwan* [1965] 1 Q.B. 390, 401. See also, Mohamed Jindani, "The Concept of Mahr (Dower) in Islamic Law: The Need of Statutory Recognition by English Law," *Yearbook of Islamic and Middle Eastern Law*, (2004): 222.

[251] Grillo, *Muslim Families,* 109.

[252] *Shahnaz v Rizwan,* 402.

[253] *Qureshi v Qureshi* [1972] Fam. 173, 181.

[254] Ibid., 173.

[255] Ibid., 174.

[256] Ibid., 201.

[257] Pilgram, "Responses to Muslim Law," 110.

[258] *Uddin v Choudhury* 2009 EWCA Civ 1205, 1.

[259] Ibid., 2.

[260] Ibid., 5.

[261] John Bowen, "English Courts Recognize Shariah?," 424.

[262] Pilgram, "Responses to Muslim Law," 110.

[263] Pilgram, "Responses to Muslim Law," 110.

[264] Pilgram, "Responses to Muslim Law," 111.

[265] Werner Menski, "Immigration and Multiculturalism in Britain: New Issues in Research Policy," *KIAPS: Bulletin of Asia-Pacific Studies XII* (2002): 8.

[266] Grillo, *Muslim Families,* 264.

[267] *A-M v A-M* [2001] 2 FLR 6.

[268] Valentine Le Grice, "A Critique of Non-Marriage" *Family Law* (2013): 1278.

[269] Le Grice, "Non-Marriage," 1278.

[270] Le Grice, "Non-Marriage," 1278.

[271] See *Hudson v Leigh* [2013] 2 WLR 632, 81 (finding that ceremonies are addressed on a case by case basis); see also *El Gamal v Al-maktoum* [2012] 2 FLR 387, 86 (finding that the intention is relevant).

[272] *Chief Adjudication Officer v Kirpal Kaur Bath*, [2000] 1 FLR 8, 15.

[273] Ibid., 36.

[274] Ibid., 31.

[275] *A-M v A-M,* 8.

[276] *Hudson v Leigh*, 32.

[277] Ibid., 32, 72.

[278] Ibid., 7.

[279] *Gereis v Yagoub* [1997] 1 FLR 854, 858.

[280] *Hyde v Hyde and Woodmansee* [1866] 1 LR P & D 130, 130.

[281] *Dukali v Lamrani* [2012] 2 FLR 1099, 11

[282] Ibid., 7

[283] Ibid., 36.

[284] Ibid., 33.

[285] Ibid., 47

[286] Ibid., 43.

[287] Ibid., 48.

[288] Vishal Vora, "The Problem of Unregistered Muslim Marriage: Questions and Solutions" Family Law (2016).

[289] LeGrice, "Non-Marriage," 1278.

[290] LeGrice, "Non-Marriage," 1285.

[291] Janice Elliott Montague, "To Say 'I Do' or Not…The Legal Implications of Life Style Choices," *Coventry Law Journal,* 16(1) (2011): 43.

[292] Ibid., 43.

[293] Grillo, *Muslim Families,* 43.

[294] Grillo, *Muslim Families*, 227.

[295] Grillo, *Muslim Families*, 235.

[296] Grillo, *Muslim Families*, 15-17.

[297] Grillo, *Muslim Families*, 47.

[298] Vishal Vora, "Unregistered Marriage."

[299] "Jemima Khan and the Part-Time Wife," *BBC Radio 4*, April 29, 2013, http://www.bbc.co.uk/programmes/b01s46rr.

[300] "Cohabitation Rights Bill [HL] 2015-16" (The bill has been proposed and was last read in the House of Lords on June 4, 2015. The second reading and debate is yet to be scheduled.) http://services.parliament.uk/bills/2015-16/cohabitationrights.html (accessed 29 April 2016).

[301] See *Jones v Kernott*, [2011] 3 FCR 495, (holding that under the Trust of Land and Appointment of Trustees Act 1996, where a property was bought in joint names of a cohabiting couple, there is a presumption that the beneficial interests coincide with the legal estate, but this presumption may be rebutted by evidence of a contrary intention).

[302] Montague, "To Say 'I Do' or Not," 45.

[303] The full text of this speech was published afterwards, see Rowan Williams, "Civil and Religious Law in England: A Religious Perspective," *Ecclesiastical Law Journal* 10 (2008): 262-282.

[304] BBC News UK, "Sharia law in UK is 'unavoidable'," *BBC News*, 7 February 2008, http://news.bbc.co.uk/2/hi/uk/7232661.stm.

[305] This was a headline used by the BBC for reactions on William's speech, but was quoted by many others. See BBC News UK, "Reaction in quotes: Sharia law row," *BBC News*, 8 February 2008, http://news.bbc.co.uk/2/hi/uk_news/7234422.stm.

[306] So to be found in German newspapers, e.g. Alexei Makartsev, „Hunderte Schiedsgerichte auf der Insel: Scharia-Justiz erobert Großbritannien," *RP Online*, 1 January 2012, http://www.rp-online.de/politik/ausland/scharia-justiz-erobert-grossbritannien-aid-1.2638409.

[307] Williams, "Civil and Religious Law," 274.

[308] The statement of Lord Phillips can be seen on BBC News, "Top judge backs sharia ‚role'," *BBC News UK*, 4 July 2008, http://news.bbc.co.uk/2/hi/uk_news/7488960.stm.

[309] This term is used by the media, never by the institutions in question. It suggests court authority, which they do not have, and furthermore fails to differentiate between sharia councils and MAT – there being a difference in terms of which mechanisms of dispute resolution the institutions can and do execute. This fact is widely ignored by the media.

[310] I was allowed to witness cases at the Sharee Council Dewsbury and at the Family Support Service as well as the sharia council of Birmingham Central Mosque. The Islamic Sharia Council allowed access to client hearings but not panel meetings.

[311] The Muslim Law (Shariah) Council allowed insight into a number of case files, other sharia councils provided very few or no case files.

[312] See Samia Bano, "Complexity, difference and ‚Muslim personal law': Rethinking the relationship between sharia councils and South Asian Muslim Women in Britain" (PhD diss., University of Warwick, 2004), 117.

[313] Number estimated by Civitas. See Denis MacEoin, "Sharia Law or 'One Law For All?'" (London: Civitas, Institute for the Study of Civil Society, 2009), http://www.civitas.org.uk/publications/sharia-law-or-one-law-for-all/ (accessed 18 April 2016), 69.

[314] Ibid., 69.

[315] Maulana Osman Sheikh, oral interview, 26 September 2012.

[316] The sharia councils most widely known are: The Islamic Sharia Council (London), The Muslim Law (Shariah) Council (London), the Sharee Council Dewsbury and the sharia council at Birmingham Central Mosque. The number of smaller sharia councils is given to the best of my knowledge and includes the Sharia Department at Manchester Islamic Centre and Didsbury Mosque, the London Fatwa Council, the Islamic divorce service carried out by ISSA Wales, the Fiqh Council in Birmingham, Bristol Centre for Islamic Studies and Sharia Council and the newly formed Wuzara Ulama Council UK.

[317] A substantial part of the divorce applications sharia councils receive are by women who got married in an English mosque without registering the marriage through a registrar. According to English law, such couples count as cohabitees, lacking the rights spouses would

have upon marital breakdown. If in such a case the husband refuses to divorce his wife religiously, she would usually address an Islamic court to obtain the dissolution of her marriage. In absence of Islamic courts in the UK, sharia councils forming panels of Islamic scholars have taken on this duty.

[318] Such questions can be: whether an Islamic marriage performed or a divorce pronounced by the husband is valid; whether it is allowed to effect an insurance or take out a loan in order to buy a house; questions on Islamic banking products, etc. Examples of questions asked by clients at the Islamic Sharia Council, witnessed during three visits on 20 March 2014, 3 and 7 April 2014.

[319] Ministry of Justice, "Practice Direction – Pre-Action Conduct and Protocols," https://www.justice.gov.uk/courts/procedure-rules/civil/rules/pd_pre-action_conduct#8.1 (updated 28 July 2015), No. 8.

[320] Ministry of Justice, "Practice Direction 3A – Family Mediation Information and Assessment Meetings (MIAMS)," https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_03a#para3 (updated 18 November 2015), No. 3.

[321] Ibid., No. 9.

[322] Ministry of Justice, "Practice Direction – Pre-Action," No. 10.

[323] Qur an 4, 35. See Ann Black, Hossein Esmaeili and Nadirsyah Hosen, *Modern Perspectives on Islamic Law* (Cheltenham & Northampton (Mass.): Edward Elgar, 2013), 160-164.

[324] This interpretation is generally derived from Qur an 4, 128. See Black, Esmaeili and Hosen, *Modern Perspectives*, 156-160.

[325] This concept known in classical Islamic law is called *tafwīḍ al-ṭalāq*. For further information see Asghar Ali Engineer, *The Rights of Women in Islam* (London: C. Hurst & Company, 1992), 139 f. or more specifically Fareeha Khan, "Tafwīḍ al-Ṭalāq: Transferring the Right to Divorce to the Wife," *Muslim World* 99 (2009): 502-520.

[326] In only one of the cases witnessed at sharia councils the wife's father had organised for that clause to appear in his daughter's marriage contract. She was told by the sharia council that she could sign a document stating that she would now use this right. Case witnessed at the Islamic Sharia Council, 7 April 2014.

[327] A Muslim marriage contracted in a country where this is the valid legal form of marriage, such as Pakistan or Bangladesh, is recognised as a valid marriage in the UK. Upon entering the UK, e.g. to join a spouse there, the marriage will be on records. See GOV.UK, "Marriage," https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268020/marriage.pdf (accessed 2 September 2016), No. 2. Many people to whom this applies are not aware of the fact, therefore sharia councils have to explain very often, that they cannot dissolve these marriages to any legal effect but only religiously. Several cases witnessed, e.g. one case at the Islamic Sharia Council, 7 April 2014.

[328] See Emile Tyan, "'Adl," in *Encyclopaedia of Islam*, 2nd ed., vol. 1, ed. Bearman, P. et. al. (Leiden: Brill, 1965), 209 f.; 209.

[329] This evaluation should ideally happen in the presence of both parties but does in fact more

often take place separately. All sharia councils say they accept separate meetings if required by the parties, e.g. according to a restraining order. Of all the sharia council sessions I have witnessed, not one was held as a joint meeting of the spouses.

[330] Qur an 4, 35.

[331] Statement by Khola Hasan (Islamic Sharia Council), oral interview, 20 March 2014.

[332] Information given by Shahid Raza (Muslim Law (Shariah) Council), oral interview, 13 March 2014 and by Saba Butt (Family Support Service, Birmingham Central Mosque), oral interview, 31 October 2015. The question whether there is, from the point of view of the applicant, a chance for reconciliation is really one of the first to be asked when clients approach the Family Support Service at Birmingham Central Mosque. So if a case is brought to the sharia council there, it is usually clear that there is no way to save the marriage. All cases witnessed at this sharia council on 14 and 15 April 2014 were dissolved on the spot.

[333] Shahid Raza (Muslim Law (Shariah) Council), oral interview, 13 March 2014. The Islamic Sharia Council calls the process "mediation" or "(marriage) counselling". Khola Hasan (Islamic Sharia Council), oral interview, 20 March 2014; Islamic Sharia Council, "Counselling," http://www.islamic-sharia.org/counselling/ (accessed 26 August 2016).

[334] Qur an 4, 35.

[335] Members of different sharia councils said they would try to help clients analyse how they could make their relationship work in order to remain married to each other. The Family Support Service at Birmingham Central Mosque, e.g., admitted that their resources in this respect were limited but that they would – if wanted by the clients – try to show them different options on how to proceed with their relationship. Saba Butt (Family Support Service, Birmingham Central Mosque), oral interview, 31 October 2015.

[336] Oral information given by a female client of the Islamic Sharia Council, 14 April 2014.

[337] Ministry of Justice, "Practice Direction – Pre-Action," No. 10 (c).

[338] E.g. stated by the Sharee Council Dewsbury in its "Code of Practice", handed to the parties as a leaflet and published online: "Issues Relating to Children: The Shariah ruling is that until the child has reached maturity, he or she is to stay with the mother, however, the father has every right to visit his child, and the mother must not deny access unless there is a Court order in place. Furthermore, the maintenance of the child/children is upon the father." See Sharee Council Dewsbury, "Sharee Council – Code of Practice," http://www.shareecouncil.org/index.php/sharee-council-code-of-practice (accessed 30 August 2016).

[339] See GOV.UK, "Arranging child maintenance yourself," https://www.gov.uk/arranging-child-maintenance-yourself (accessed 22 April 2016). E.g. stated by the Islamic Sharia Council on its Blog: Islamic Sharia Council Blog, "Response Regarding Panorama," http://blog.islamic-sharia.org/hello-world/ (updated 11 May 2013). The Sharee Council Dewsbury adds this to its information about the Islamic position on child custody: "The SC does not deal with issues regarding access to children and the parties are advised to refer the matter to the courts." See Sharee Council Dewsbury, "Code of Practice."

[340] See Chafik Chehata, "Faskh," in *Encyclopaedia of Islam*, 2nd ed., vol. 2, ed. Bearman, P. et al. (Leiden: Brill, 1965), 836.

[341] Thus stated by Shahid Raza (Muslim Law (Shariah) Council), oral interview, 13 March 2014. The same applies to the Muslim Arbitration Tribunal. Faizul Aqtab Siddiqi (Muslim Arbitration Tribunal), oral interview, 20 September 2012.

[342] "Any decision taken by SC will be made in light of Qur'an and Sunnah (…)." See Sharee Council Dewsbury, "Code of Practice." Similar statement made by Khola Hasan (Islamic Sharia Council), oral interview, 20 March 2014.

[343] See Dawoud El Alami and Doreen Hinchcliffe, *Islamic Marriage and Divorce Laws of the Arab World* (London: Kluwer Law International, 1996), 29-32. For the Shafiʿi school also see Mohamed Suleiman Mraja, *Impacts on Marriage and Divorce among the Digo of Southern Kenya* (Würzburg: Ergon, 2007), 145-148.

[344] The vast majority (42%) of Muslims in England count themselves as "Pakistani/British Pakistani" followed by "Bangladeshi/British Bangladeshi" (15%), "African" (8%) and "Indian/British Indian" (7%). Proportions derived from the 2011 Census. Office for National Statistics, "CT0575 2011 Census – Ethnic group (write-in response) by religion – England," https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/adhocs/005528ct05752011censusethnicgroupwriteinresponsebyreligionengland (updated 30 March 2016).

[345] Sarah Ansari, "Pākistān," in *Encyclopaedia of Islam*, 2nd ed., vol. 8, ed. Bearman, P. et al. (Leiden: Brill, 1995), 240-244; 241.

[346] Keith Hodkinson, *Muslim Family Law: A Sourcebook* (London & Canberra: Croom Helm, 1984), 224.

[347] Information given by the members of the sharia council at Birmingham Central Mosque and witnessed in several cases, 14 and 15 April 2014.

[348] El Alami and Hinchcliffe, *Islamic Marriage*, 28.

[349] For recent analyses of the concept see Black, Esmaeili and Hosen, *Modern Perspectives*, 164-166; Ihsan Yilmaz, "Muslim Alternative Dispute Resolution and Neo-Ijtihad in England," *Alternatives* 91 (2003): 117-139; 124.

[350] "Muslim Arbitration Tribunal" is used in singular here as is done on MAT's website. The chairman explained that there are 11 tribunals, however, some of which are permanent and others set up temporarily. Faizul Aqtab Siddiqi (Muslim Arbitration Tribunal), oral interview, 20 September 2012.

[351] This has not yet happened though, MAT says. Faizul Aqtab Siddiqi (Muslim Arbitration Tribunal), oral interview, 20 September 2012.

[352] Such "matrimonial issues" include disputes concerning the dowry or forced marriage cases. The number of cases per month (30-60) and the proportions mentioned were estimated by Faizul Aqtab Siddiqi, chairman of MAT. Faizul Aqtab Siddiqi (Muslim Arbitration Tribunal), oral interview, 3 November 2015.

[353] Ibid.

354 Muslim Arbitration Tribunal, "Islamic Divorce & Family Disputes,"
http://www.matribunal.com/family-dispute-cases.php (accessed 22 April 2016).

355 Description by Faizul Aqtab Siddiqi (Muslim Arbitration Tribunal), oral interview, 3 November 2015.

356 Mediators must be authorised by the Family Mediation Council to perform MIAMs. None of the Islamic institutions is listed as such. Family Mediation Council, "Find your local mediator," http://www.familymediationcouncil.org.uk/find-local-mediator/ (accessed 22 April 2016).

357 Ministry of Justice, "Part 3 – Non-court Dispute Resolution,"
https://www.justice.gov.uk/courts/procedure-rules/family/parts/part_03 (updated 18 November 2015), No. 3.8.

358 Ibid, No. 3.8.

359 Muslim Arbitration Tribunal, "Islamic Divorce & Family Disputes."

360 Statements by Faizul Aqtab Siddiqi (Muslim Arbitration Tribunal), oral interviews, 20 September 2012 and 3 November 2015.

361 Faizul Aqtab Siddiqi (Muslim Arbitration Tribunal), oral interview, 20 September 2012.

362 E.g. stated by the Sharee Council Dewsbury: "Abuse and threats shall be reported to the police." Sharee Council Dewsbury, "Code of Practice." The application form was recently changed and now asks clients whether there is a restraining order or non-molestation order in place, to assure that clients will not meet at the Sharee Council but be invited to separate appointments. See Sharee Council Dewsbury, "How to apply,"
http://www.shareecouncil.org/index.php/apply-online (accessed 30 August 2016).

363 The Islamic Sharia Council published some statistics on its website stating that out of 700 applications received in 2010, 199 stated domestic violence as a main reason for divorce. Islamic Sharia Council, "Statistics," http://www.islamic-sharia.org/statistics/ (accessed 22 April 2016).

364 E.g. Jane Corbin, "Are Sharia councils failing vulnerable women?," *BBC Panorama*, http://www.bbc.com/news/uk-22044724 (updated 7 April 2013).

365 Mohammed Ejaz (Sharee Council Dewsbury), oral interview, 27 October 2013.

366 Information given by a number of clients can be found in Samia Bano, *Muslim Women and Shari'ah Councils: Transcending the Boundaries of Community and Law* (Houndmills: Palgrave Macmillan, 2012).

367 Edward E Curtis, IV, ed. *Encyclopedia of Muslim-American History, 2-Volume Set*(New York: Checkmark Books, 2010).

368 Tariq Ramadan, *Western Muslims and the Future of Islam*(Oxford University Press, 2004).

369 Judith E. Tucker, *Women, Family, and Gender in Islamic Law*, 1 edition ed.(Cambridge, UK; New York: Cambridge University Press, 2008).

370 Sophie Gilliat-Ray, *Muslims in Britain*(Cambridge; New York: Cambridge University Press, 2010).

371 Quran 23:5-7

[372] Elizabeth Butler-Sloss and Mark Hill, "Family Law: Current Conflicts and Their Resolution," in *Islam and English Law: Rights, Responsibilities, and the Place of Shari'a* ed. Robin Griffith-Jones(Cambridge [UK]: New York: Cambridge University Press, 2013).

[373] Ihsan Yilmaz, "The Challenge of Post-Modern Legality and Muslim Legal Pluralism in England," *Journal of Ethnic and Migration Studies* 28, no. 2 (2002).

[374] Rebecca Probert, "Evolving Concept of Non-Marriage, The," *Child and Family Law Quarterly* 25(2013).

[375] Gillian Douglas et al., "The Role of Religious Tribunals in Regulating Marriage and Divorce," ibid.24(2)(2012).

[376] Sara Khan, "Muslim Marriages Like George Galloway's Should Be Registered," *The Guardian*, 2012-05-04T08:00BST 2012.

[377] Jocelyne Cesari, *Muslims in the West after 9/11: Religion, Politics and Law*, 1 edition ed.(London; New York: Routledge, 2009).

[378] Maleiha Malik, "Minority Legal Orders in the Uk: Minorities, Pluralism and the Law,"(British Academy, 2012).

[379] Mathias Rohe, "Shariah in Europe," in *The Oxford Handbook of European Islam*, ed. Jocelyne Cesari(New York, NY: OUP Oxford, 2014).

[380] Anna C Korteweg and Jennifer A Selby, eds., *Debating Sharia: Islam, Gender Politics, and Family Law Arbitration*(Toronto, Ont.; Buffalo [NY]: University of Toronto Press, 2012).

[381] Jemma Wilson, "Sharia Debate in Britain: Sharia Councils and the Oppression of Muslim Women, The," *Aberdeen Student Law Review* 1(2010).

[382] Yilmaz, "The Challenge of Post-Modern Legality and Muslim Legal Pluralism in England."

[383] Samia Bano, *Muslim Women and Shari'ah Councils: Transcending the Boundaries of Community and Law*(Palgrave Macmillan, 2012).

[384] Malik, "Minority Legal Orders in the Uk: Minorities, Pluralism and the Law."

[385] Ihsan Yilmaz, "Muslim Law in Britain: Reflections in the Socio-Legal Sphere and Differential Legal Treatment," (2000).

[386] Carol Grbich, *Qualitative Data Analysis: An Introduction*, Second Edition ed.(London; Thousand Oaks, Calif: SAGE Publications Ltd, 2013).

[387] Glynis M. Breakwell et al., *Research Methods in Psychology* (SAGE, 2006).

[388] Sonia Nurin Shah-Kazemi, "Untying the Knot: Muslim Women, Divorce and the Shariah," in *The Nuffield Foundation*(2001).

[389] Michael Quinn Patton, *Qualitative Research & Evaluation Methods: Integrating Theory and Practice*(SAGE Publications, 2014).

[390] Ranjit Kumar, *Research Methodology: A Step-by-Step Guide for Beginners*, Fourth Edition ed. (Thousand Oaks, CA: SAGE Publications Ltd, 2014).

[391] William Trochim, James Donnelly, and Kanika Arora, *Research Methods: The Essential Knowledge Base* (Cengage Learning, 2015).