

The introduction to this new edition recognises the continuing cultural change in the way(s) in which funeral customs have developed since 1988, with the death of Princess Diana marking a particular shift in public awareness of these changes. A more mobile population and increased diversity of religious views means that there has been a further weakening of the ties between families and the burial places of departed relatives. Ecological concerns have also led to the growth of woodland burial (a site sponsored by the Diocese of Ely has recently come into use near Cambridge). A greater freedom in matters of 'customer choice' in general plays into a more difficult situation for the regulation of monuments in churchyards. Likewise new technology allowing, for instance, laser inscribed portraits on gravestones, may pose new challenges to regulations authorising photographs on gravestones (common in some parts of Europe but not in England). Children's cemeteries, where still-born children are laid to rest, can be places festooned with wind-chimes, windmills, gnomes and teddy-bears indicating a popular mourning culture which can be inimical to proper conservation and Christian concerns in churchyards.

This new edition of *The Churchyards Handbook* has been sensitively compiled and is, like its predecessors, a mine of important information—legal, aesthetic, archaeological and ecological. There are useful illustrations to commend sensitive ways of organising designated areas for cremated remains in churchyards and indicating good practice in memorialisation. This will be a valuable resource for clergy, PCCs and ecclesiastical lawyers called upon to adjudicate difficult cases and to make appropriate plans for the care and regulation of churchyards.

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*ISLAM AND EUROPEAN LEGAL SYSTEMS*, edited by SILVIO FERRARI and ANTHONY BRADNEY, Aldershot: Ashgate, Dartmouth, 2000, ix + 203pp (hard-back £ 50 ) ISBN 1-84014-466-1

Islamic jurisprudence, as described in theoretical works and found in records of the practical application of the law, addresses a context in which the state (and hence the legal system which flows from it) are assumed to be Islamic. By the term Islamic, I do not mean to imply that Muslim jurists considered the various governments, empires and administrative structures which have existed in the history of Islam to be perfect manifestations of the Law of God (the Shari'a). Rather, the jurists (in particular, those from the Sunni school of thought) assume in their writings that the state will attempt to follow the Shari'a, though they recognise that with human nature being what it is, it may not always achieve this aim. Muslims living as a minority in a state which is not only unislamic, but also does not have the implementation of Islamic Law as a desideratum is, on the whole, absent in the accounts of Islamic Law developed by Muslim legal thinkers over the past 1200 years. Hence Muslims living in Europe find themselves in a new and challenging situation from which a most important question flows: how do Muslims develop a religio-legal framework in which they may remain Muslims, but live in states which are not only non-Islamic, but in some cases openly hostile to the implementation of Islamic Law?

In truth, this situation has not come about only in Europe. Muslims in North America and elsewhere face a similar set of issues. Furthermore, one might argue that the secularisation of the legal systems of the Muslim World (brought about mainly through a process of legal codification) also presents difficulties for a pious Muslim who wishes to obey the Law, given by God and revealed through the designated

prophecy of Muhammad between the years 610 and 622 CE. However, Muslims living in the Muslim world do not live as minorities, and the codification process which has occurred over the last century was primarily aimed at mixing the European model of the law (a code) with Islamic norms. It might, then, be argued that whilst the legal systems of Muslim countries are not Islamic in the strict sense, they do, with a few exceptions (Turkey, Tunisia and certain Central Asian republics for example), at least pay homage to the Shari'a as an inspiration for their legal codes, and many of the legal provisions in these states (such as the issues of polygamy, divorce or taxation) institute Muslim legal norms.

The situation in Europe is quite different. The over-arching framework (of, say, the European Convention on Human Rights), and the legal regimes in individual signatories to the Convention do not accord any inspirational role to the Shari'a, and do not accord it any special status. Muslims living in such countries must, therefore, either seek to change the legal system which operates in their country of residence into one which is inspired by the Shari'a (a course which very few European Muslims have decided to follow), or explore ways in which the legal systems might be adjusted in order to allow Muslims to continue to live as Muslims whilst not infringing the law of their state of residence. It is this latter course of action which the vast majority of European Muslims have decided to take, and the issues which arise from this negotiation are the subject matter of the interesting, if rather perfunctory, collection of essays collected by Ferrari and Bradney.

The book is arranged into individual essays on the status of Muslims in Spain, Belgium, France, the Netherlands, Germany, Italy and the UK. These chapters are sandwiched between two introductory essays and concluding remarks. The country-specific essays generally follow a pattern: introduction to the ethnic composition of Muslims in the country; major Muslim organisations which have (or at times should have) been consulted by the state in the drafting of recent laws which may affect Muslim practice; a series of specific issues which have been the subject of debate within the Muslim community and between the Muslim community and the state, and ending with some concluding remarks. This format has its merits. The reader gains an understanding of the particular status of Islam in particular countries. However, it mitigates a general evaluation of problems common to Muslim communities living in Europe.

From reading the essays, it is clear that there is an almost 'canonical' set of issues which arise in each country. These comprise marriage and family law, employment law, education and the legality of particular religious practices (circumcision, dietary norms and burial). It is left to the reader to decide how one might be able to construct a common Muslim agenda in the negotiations between Muslims and European states. There clearly is a common agenda (or at least, the essays demonstrate that the issues identified by the authors reoccur in their analyses of the different Muslim countries), but this is nowhere (in the introductory chapters or the concluding remarks), fully explored. Are there issues of legal concern which are unique to, and shared amongst the Muslims of Europe? An answer to this question would have been a useful additional element of the collection.

Another common theme, identified by the authors, is the fragmentary nature of each national Muslim community. Time and again, issues are left unresolved, or an impasse is reached, and this is explained by the lack of a unified organisation which can represent Muslim wishes comparable with the hierarchy of the Catholic Church, or the appropriate bodies in Protestant or Jewish communities. This will come as no surprise to those who have studied the networks of authority in the British Muslim

community. To find that this occurs across Europe should surely prompt some sort of comparative analysis. The lack of a unified Muslim voice, with an infrastructure to present it to the state, can be attributed to a number of factors. First, the Muslim communities are ethnically divided. Merely because they are all Muslims does not mean the state should demand that they speak with one voice. After all, no state requires that Mexicans and South Africans speak with one voice through a single organisation (but they are both Christians! Why not?) in order to gain access to rights. Second, the model of religious leadership in Muslim communities is quite different to that within Christian (or even Jewish) communities. There is no priesthood; worship can be led by any devout Muslim (no special training is necessary); and whilst there are full-time religious personnel, they are not organised (in the Sunni tradition at least) into a recognisable hierarchy which can stand and maintain itself separate from a state structure. In short, one feels that at times Muslims have failed to gain particular provisions accepted into law because the state has expected them to operate on a “church” model. Interestingly, in the Netherlands, some Muslim organisations have attempted to gain recognition as “churches” in the legal sense of the word.

Apart from these elements of the relationship between Muslims and European states, there are also issues which are quite specific to particular countries. The issue, for example, of state employment of religious personnel only occurs in Belgium, since the constitution proclaims that “the salaries and pensions of ministers of religion are the responsibility of the State.” Whilst Belgian Muslims have not yet managed to take full advantage of this, there is certainly scope for a non-denominational implementation of this law. The issue of the blasphemy law is likewise quite specific to the United Kingdom (and only in the wake of the Satanic Verses affair), and is not mentioned as an issue elsewhere in Europe. In short, it would have been useful to have these articles supplemented by a more rigorous comparative analysis than that offered in the collection.

Since the work is entitled *Islam (and not Muslims) and European Legal Systems* one would have hoped also for more thorough accounts of the developments within Muslim juristic thinking which have enabled some Muslims to accommodate Muslim minority status. This aspect is rather poorly served by Ben Abid’s introductory article, which shows little familiarity with the established modes of Islamic juristic reasoning, and even less willingness to explore the legal implications of minority status for Muslims.

This collection then is effective as a starter, but cannot be considered a main course. Any comparative presentation along the lines outlined above is further hampered by the absence of a composite bibliography, or even an index. At times, the expression in some of the articles is slightly strange; some are translations which would have benefited from further honing. Whilst this does not impede eventually understanding the author’s meaning, it does not always make for a smooth reading experience. There are also numerous typographical errors (words missing, punctuation awry) which surprised me in a collection of essays obviously written and edited by experts in the detailed study of legal documents.

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