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Citation for final published version:

Riedel, Rebecca 2024. British Islam and English Law: A classical pluralist perspective. Patrick S Nash, Cambridge University Press, 2021 [Book Review]. *Ecclesiastical Law Journal* 26 (3) , pp. 342-344. 10.1017/S0956618X24000292

Publishers page: <https://doi.org/10.1017/S0956618X24000292>

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Patrick S Nash – British Islam and English Law: A Classical Pluralist Perspective

The *Law in Context* series, established in the 1970s and published by Cambridge University Press, seeks to broaden the study of law by publishing works which place law in its wider social, political, technological, environmental and economic contexts. *British Islam and English Law: A Classical Pluralist Perspective*, builds on Patrick Nash's doctoral research, and is representative of his focus on contemporary topics. The monograph, like much of his work, seeks to answer difficult questions about the place of Islam in Britain, and about how English law should relate to Islam. The work in this monograph, therefore, is a perfect fit for this series; it makes a necessary and substantial contribution, introducing a new and essential perspective. The work itself is both stimulating and revealing, and represents a new, alternative and exciting perspective for the Law and Religion scholarship to consider in its treatment of Islam. Published in 2021, *British Islam and English Law: A Classical Pluralist Perspective* remains persistent in its relevancy: the interaction between Islam and English law is never far from the headlines. Indeed, in the face of the growing moral panic surrounding Islam, Nash argues that English law has, so far, been unsuccessful in 'wiping out' the evils of terrorism, Islamism, extremism and racism (p. 3).

Nash bases the work in his monograph around three key concepts: definitional clarity, law in context, and juridification. The work was written with the scholarly community, practitioners, policy-makers and the interested public in mind. For this reason, the monograph is presented in two halves: 'theory' and 'practice'. Nash notes that the policy-makers are free to disregard the first half of the monograph where he sets out the philosophical theory underpinning his work. However, in the second half, this theory is applied to policy, and despite his note to policy-makers, it must be acknowledged that, read in conjunction, the work in both parts makes for a convincing and well-developed argument. Nash provides an engaging analysis by applying the theory of classical pluralism to five understudied institutions: banks, charities, schools, elections and clans. The monograph draws on the work of Ronald Dworkin, Bhikhu Parekh and Tariq Modood, and Otto von Gierke to develop a convincing framework which is then applied to these institutions.

It is important to recognise that much of the Law and Religion scholarship shies away from the subject of terrorism and its links to religious groups. Nash, however, boldly tackles terrorism whilst not sensationalising the subject nor targeting the permissible manifestation of

Islam. In Chapter Six, for example, Nash addresses the controversial statutory Prevent Duty, a very recent subject of political debate. He views the statutory duty as an example of the ‘considerable pushback against perceived government attempts to interfere with the collective integrity of British Muslims’ (p. 73), and discusses it, at length, in the context of schools by exploring the Trojan Horse affair, which involved an alleged Islamist plot to take over schools in the UK. Nash’s analysis is unquestionably deepened by his application of Gierke’s theory of classical pluralism and, in doing so, he places extremism firmly within the context of multiculturalism. This particular chapter underscores not only the nuance, but the topical relevancy of Nash’s work on Islam.

The monograph suggests that the problem with many religious institutions lies, inherently, with their regulation – or lack, thereof. There is, Nash suggests, real potential for this regulation to be improved and for these institutions, such as religious charities, to be viewed in the future as ‘uncontroversial’ (p. 184). He suggests that religious banks may, if properly regulated, be considered as ‘serving to enhance the vibrancy of civil society and [be viewed] as viable competitors to regular banks’ (p. 152). Nash also notes that regulation is at the core of issues with elections, explaining that extremist groups and their affiliates who are motivated by extreme manifestations of Islam should not be at all *able* to partake in democratic elections. In response to clans, Nash argues simply that they should be dismantled: ‘clannism cannot simply be lived with and its symptoms mitigated piecemeal’, he argues (p. 296). Instead, Nash suggests that clans must be recognised for the danger they pose to society and, as such, dissolved thoroughly. This, he argues, is a matter for the whole nation to address. Nash’s careful analysis of each institution and its regulation, as well as his application of classical pluralism to each, underscores the nuance of his approach. The monograph argues that what others may describe as minority religious issues are in fact issues for everyone to be concerned with; these issues should not be neglected. Indeed, the monograph reveals a startling lack of governmental support for religious groups.

Nash’s *British Islam and English Law: A Classical Pluralist Perspective* provides a nuanced and fascinating account of the place of Islam in society. The work undoubtedly fills a substantial and important gap in the Law and Religion scholarship and is of great importance for religious groups and for policy-makers in equal shares. In a digital age that is dominated by frightening news headlines and the demonisation of Islam, this work is a valuable addition to any bookshelf. It is not too ambitious of Nash to write for the interested public; in fact, this

monograph is a necessary read for anyone who wishes to know more about the place of Islam in a modern British society.