

Stephens, Julia: *Governing Islam. Law, Empire, and Secularism in Modern South Asia*. Cambridge: Cambridge University Press 2018. ISBN: 9781316626283.

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*Governing Islam: Law, Empire, and Secularism in South Asia*, even though a relatively short book of just over 200 pages, has all the makings of a classic. It is a tour de force through South Asian legal history, focusing on legal debates and practices in colonial India and postcolonial Pakistan from the mid-1800s until the 1950s, and their impact on the intellectual formation of secularism in the Indian subcontinent. In six dense, but brilliantly and succinctly argued, lucidly structured, and elegantly written chapters, Julia Stephens analyzes the complex relationship between law, empire and Islam in South Asia, and turns established notions about the history of secularism in this context completely upside down. Having perused a stunning breadth of archives, from which she unearthed a wide range of fresh, original materials in Urdu, Hindi, Persian and English, such as court records, Muslim legal opinions (*fatawa*), religious reformist writings, and newspaper reports, Stephens forcefully drives the point home that British legal policies and practices in colonial South Asia were not nearly as „neutral“ or „secular“ as they claimed to be. In doing so, her research builds on and complements already existing scholarship pointing into the same direction, including the work of Karuna Mantena, Mitra Sharafi, Ritu Birla, Elizabeth Kolsky, and Nasser Hussain, to name only a few.<sup>1</sup>

The first chapter of Stephens' study, „Forging Secular Legal Governance“, lays the groundwork for the rest of the book, but also offers a brilliant introduction to the legal history of South Asia and can be recommended as a course reading for both undergraduate and graduate students on grounds of its clarity, accessibility and succinctness. In it, Stephens traces legal debates and the compilation of legal codes over the course of the nineteenth century, and demonstrates how they facilitated the creation of Muslim per-

sonal law as a category of „secular“ jurisprudence that had little to do with how Muslim law had actually been practiced and applied for centuries. Stephens demonstrates that in order to clear the way for a British civilizing mission, colonial officials strove to minimize the influence of religious traditions on Indian society by narrowing down Muslim personal law to a distinct domestic sphere. Colonial writings and practices portrayed Indian religions and their legal systems as irrational, inflexible and arbitrary, all the while ignoring clear evidence to the contrary on the ground.

Chapters 2 and 3 trace these processes in more detail with regard to debates about gender, family and customary law. In both chapters, Stephens shows the detrimental effects of legal innovations introduced by the colonial rulers on women and Muslim families, with the former being barred from inheriting property, excluded from the workforce, forced to return to abusive husbands, and Muslim marriages devalued as „contract-based“, and therefore merely a higher form of prostitution instead of a socially acceptable matrimonial bond. Colonialism here emerges as an exercise of male power to control females, and as the colonizers' main tool for controlling and disciplining „natives“. The strength of Stephens' argument in these chapters, as well as the remainder of her book, rests on the fact that she always stays very close to her actual case studies, sometimes following them for decades, thereby skillfully intertwining legal debates with actual applications of the law and legal practice in everyday life.

Chapters 4, 5 and 6 focus on religious ritual, religious sentiment, and Islamic approaches to economic transactions, or rather alternative conceptualizations of Islamic society, respectively. Here is where the shift in her narrative from the colonial to the postcolonial period takes place. The second half of Stephens' book

<sup>1</sup> Karuna Mantena, *Alibis of Empire*, Henry Maine and the Origins of Indirect Rule, Princeton 2010; Elizabeth Kolsky, *Colonial Justice in British India. White Violence and the Rule of Law*, Cambridge 2010; Nasser Hussain, *The Jurisprudence of Emergency. Colonialism and the Rule of Law*, Ann Arbor 2003; Mitra Sharafi, *Law and Identity in Colonial South Asia. Parsi Legal Culture, 1772–1947*, Cambridge 2014; Ritu Birla, *Stages of Capital. Law, Culture, and Market Governance in Late Colonial India*, Durham 2009.

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traces how „secular“ legal policies led to exacerbated intra-communal conflicts in the colonial period, the sharpening of political fault lines, and eventually the failure of ideals of Islamic social justice in postcolonial India and Pakistan. So-called „secular“ nation-states often continued policies inherited from the colonial period, but much more than that, built their legal framework on narratives with deep roots in colonial ideologies. However, it is in drawing such straightforward lines directly from the nineteenth into the late twentieth century where Stephens' book actually suffers from a few argumentative weaknesses. Law, governance and secularism, despite their significant colonial baggage, acquired very different meanings in postcolonial contexts. Debates about the place of religion, and vice versa the meaning of secularism in both post-colonial Pakistan and India often took on a life of their own. In that regard, it would make sense to read Stephens' book side by side with studies that trace such debates in detail, for example, Muhammad Qasim Zaman's latest book *Islam in Pakistan*, which came out in the same year.<sup>2</sup> In it, Zaman demonstrates that Islamic modernism took on the lead as a state-building ideology in Pakistan, and even though it was only carried by a small elite of bureaucrats and administrators, it created a distinct environment for intra-communal debates. This changed political framework led to significant shifts in understandings of what was „religious“, and what was „secular“. A detailed historicization of these debates, by reading legal policies, religious writings, and case studies from both postcolonial India and Pakistan side by side is outside the purview of Stephens' book, but would be a productive project for a follow-up to her excellent work.

In conclusion, whether colonial law courts narrowly reduced Muslim law to a „distinct religious-domestic sphere“ (p. 29), disregarded customary practice, prioritized their own preconceived, stereotyped, and racist notions about South Asian society over actual realities on the ground, morally policed Indian society, exacerbated communal tension, or actively created new patriarchal structures, Stephens' book makes one point clear over and over again: colonialism fundamentally changed the deep fabric of South Asian soci-

eties through the way it debated and applied supposedly „secular“ law – and with very detrimental effects. Not the allegedly „illiterate fanatics“, the „backward“ and „uneducated“ religious scholars, the „medieval“ and „unflexible“ Muslim law makers profoundly shaped and transformed South Asian legal frameworks during the colonial period with their religiosity and stubborn insistence on „scriptures“. It were the enlightened, well-intentioned, „civilized“, and religiously „neutral“ practitioners of the British empire that left the deepest and most profound mark. Stephens' book, therefore, speaks to scholars of legal history, colonial history, South Asian Studies, Islamic Studies, and the history of religions alike. It is a milestone in scholarship, and an indispensable work of reference for anyone working in those fields.

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<sup>2</sup> Muhammad Qasim Zaman, *Islam in Pakistan. A History*, Princeton 2018.