Morgan Clarke

RELIGIOUS RULES AND THICK DESCRIPTION: SOME THOUGHTS FROM THE ANTHROPOLOGY OF ISLAM

ABSTRACT

The recent anthropology of ethics has sought to look beyond rules to themes such as the cultivation of the virtuous self. Anthropology generally has grown impatient with what Bourdieu called 'the fallacies of the rule' as a key term for describing the social. But rules remain a crucial dimension of ethical practice in many contexts, including religious ones. This article focuses on British Muslim conceptions and practice of the religious rules of Islam in order to highlight the complexity, diversity, and subtlety of everyday practices of rule-following. Sticking to the rules, even in the non-Muslim majority setting of the UK, is important to many, although what it means to follow the rules and how to do so are not always straightforward. By going beyond stereotypes of 'mere' 'rigid' rules, blindly followed or boldly evaded, I demonstrate both the necessity and the possibility of a thicker description of religious rules.

Keywords: Rules; piety; ethics; morality; Islam; Shia; sharia

Rules are everywhere, as the Coronavirus pandemic, with its endlessly debated rules of social distancing and public hygiene, has so forcefully reminded us. Rules were ubiquitous in much early anthropology too. For Radcliffe-Brown (1957[1948]), following Durkheim, social rules were the essence of social structure; for Lévi-Strauss (1949), it was the transition to a 'universe of rules' that marked the move from nature to culture, and thus to humanity. Rules were a handy way of representing the social, from the rules of the Kula (Malinowski 1978 [1922]: 11–12) to those of kinship and marriage. But such 'normative theory' has been radically challenged across the social sciences, not least—within anthropology—by Bourdieu (1977).[1] As Bourdieu argued, the structuralist representation of the messy reality of social life in terms of abstracted rules was fundamentally misleading. A more faithful depiction of social praxis—its 'thick description', to adopt Geertz's (1973) well-worn formula—would require the abandonment of this language of rules to represent the implicit norms of the social. This rule-aversion seems to have since extended to even the explicit rules that are an undoubted social fact in many contexts, not least the religious ones discussed in this special issue. In Lambek's (2010) more recent call for the study of 'ordinary ethics', for example, rules (and still more religious rules) are seen as somehow standing outside of the skein of everyday life, and thus the focus of

ethnography (see the introduction to this special issue). Overall, the advance beyond an earlier anthropology's uncritical use of the language of rules has been salutary. But, as I hope to show, it has arguably led to a neglect of not just the importance, but also the interest of explicit rules as part of the human experience (see further Clarke forthcoming, as well as e.g. Edgerton 1985; Sidnell 2003; Dresch and Scheele 2015).

In some ways this is natural enough. It is almost of the essence of rules to appear 'thin': abstract, formulaic, and reductive—'flat-like', as Humphrey (1997) puts it. This one-dimensional quality might indeed make them seem hardly worth bothering with ethnographically, and all too straightforward and unexciting theoretically. Where 'mere rules' have not been passed over altogether, it is their evasion—their bending and breaking, their negotiation and manipulation, that has been the focus of attention: creativity rather than conformity (e.g. Hallam and Ingold 2007); 'the art of not being governed' (Scott 2009) rather than toeing the line. The celebration of rule-bending and breaking matches anthropology's generally liberal sensibilities. Rules are associated in the liberal modern mind with power and coercion (cf. Dresch and Scheele 2015).[2] But the pandemic has also highlighted the importance of following rules for the achievement of shared goals. 'Compliance' has, in this context, been widely recognised as a cultural good, but—in the terms of the 'behavioural science' that has dominated public debate—one conceived in the thinnest of terms: on (complying with the rules) or off (not complying). Anthropologists should be in a strong position to highlight, by contrast, the complexity of compliance. What it means to *follow* a rule (as much as to bend or break it)—something so many strived so hard to do during the pandemic—is not nearly as straightforward as often assumed (Clarke 2021a).[3]

I have been drawn to these issues through my research into the practice of the religious rules of Islam, the sharia. For many (but by no means all) Muslims, following the rules of right conduct, whether that be gendered forms of dress, dietary prohibitions, giving to charity, or treating others courteously, is an important part of being a good Muslim and a good person (cf. in this issue Illman et al. on Judaism and Alava and Gusman, and Kallinen, on Pentecostal Christianity). However, it may be no easy matter, especially in the rapidly changing circumstances of the post-colonial Muslim world, let alone the non-Muslim majority settings of migration and diaspora, where *sharia* and Islamic norms are the object of suspicion and often open hostility. Anthropologists have described and theorised these struggles to be pious at some length. One dominant paradigm has conceived rule-following as bound up in projects to discipline the virtuous self (as in Mahmood 2005). Another has been to question how realistic this model is. At best, it has been argued, it might only apply to a small minority of religious virtuosos; the vast majority of 'ordinary Muslims' in fact bend, break, and ignore the rules just like the rest of us (Schielke 2009, 2010). But this opposition between discipline and indiscipline leaves much unsaid in between, and stereotypes of an illiberal perfectionist Islam untroubled (Fadil and Fernando 2015). Here I aim to sketch out something of the rich and varied terrain that remains, bringing together various strands of my previous and ongoing work. I hope to demonstrate thereby not just the need for, but also the possibility of a thicker description of religious rules and, by extension, of rules more generally.

I draw in part on my deeper experience of sharia ethnography in the Arabic-speaking Middle East, Lebanon specifically (Clarke 2009, 2018). But my ethnographic examples

here will be largely taken from my more recent fieldwork (2018–19), amongst an originally South Asian diaspora community of Twelver Shi'i Muslims in the UK, the Ithna-Asheri Khoja.[4] This has been a joint project, carried out with my colleague Ali-Reza Bhojani, the broader findings of which we are in the process of publishing together—and I am very grateful to him for allowing me to refer to them here. Our project has centred on interviews with community members on the place of religious rules in their everyday lives, together with participant observation in various community activities, including religious services.[5] As will become apparent, those interviews highlighted the sheer diversity in people's attitudes towards and practice of religious rules—almost as many ways of following the rules as people we spoke to. I start, however, with some more general comments about religious and ethical rules per se.

RULINESS

Sharia is a paradigmatic example of what I call a 'ruly' ethical tradition (Clarke 2015; Clarke and Corran 2021a; for more on the anthropology of sharia, see Clarke 2020). There are potentially rules for almost every aspect of human life, as even the briefest survey of the huge portions of the Internet devoted to Islam would reveal. This is the subject of a dedicated Islamic science, *fiqh*. Millions of pages have been written across centuries by countless scholars elaborating on what these rules are—a prime ethnographic fact in itself. Sharia is not unique in this. We might compare the Jewish *halakha* (Ilman et al. this issue) or Christian canon law, for example, or indeed classical Hindu law or the rules of Jainism (Clarke and Corran 2021b). It is important to acknowledge that in the Islamic tradition, just as in others, this 'ruly' approach to right behaviour is neither dominant nor unchallenged (Ahmed 2016). But it is an obviously important theme.

Where I speak of ruliness, others talk—with somewhat different emphases and agenda—about 'legalism' (Dresch 2012) or 'tightness' (as opposed to 'looseness'; Gelfand 2018, after Pelto 1968). We need to pick apart the different sorts of issues that may be at stake here. With ruliness, I am thinking initially of the sheer quantity of rules in question, endlessly elaborated and debated by scholarly professionals—what legal theorists call 'rule density'. But equally important is the attitude people take to rules—how they interpret and apply them. As legal philosophers such as Frederick Schauer (1991, 2009) have described, 'thinking like a lawyer' depends on arguing in terms of the rules *as rules*, rather than in terms of whatever rationale may have originally underpinned them.[6] This kind of formalist approach to rules—following rules because they are rules, rather than for their original reasons—is what often leads to complaints about the stupidity, or insincerity, of rules: general rules become unmoored from what is reasonable, or even moral, in particular cases. These sorts of dilemmas as regards the rules of social distancing and hygiene have been part of all our everyday moral lives during the pandemic (Clarke 2021a).

This tension between general demands and particular circumstances no doubt contributes to the stereotype of rules, and religious rules in particular, as 'strict': they may be hard to live up to given the contingencies of everyday life. And yet, strictness is generally better thought of as a function of how the rules are interpreted or enforced rather than of the rules themselves. Are exceptions envisaged, for instance?[7] Are circumstances taken into account? Similarly, where some anthropologists and psychologists talk of 'tightness', they may be blurring the lines

between three distinct issues: the quantity of rules, the ways in which they are interpreted, and how stringently they are enforced. But whether and how rules are enforced is a separate question from how they are interpreted, or the extent to which explicit rules are foregrounded in a given context at all. As I will show, having many rules may in some cases enlarge one's scope of action rather than diminish it. Paradoxical though it may seem, ruly contexts can thus be loose as well as tight. We need to see past simplistic stereotypes of rules as 'rigid' and 'strict' and look instead to the complex ways in which these various levels and possibilities interact. The following sections outline in turn some very different possibilities for relating to and interpreting religious rules: as a means to virtuous self-discipline, yes, but also as a way to find excuses; sometimes interpreted 'strictly', to 'play it safe', other times questioned for their reasons, as part of a life that needs to make sense.

DISCIPLINE AND VIRTUE

We can start by unpicking the common assimilation of rules to the question of their enforcement. The sharia contains much that can readily be seen as law—family law, contract law, criminal law—and in some times and some places it has been taken as state law and enforced as such. But the sharia also contains much that would be better seen as personal ethics or rules of religious practice.[8] As far as these rules are concerned, for Muslims in the West (and many other settings), if we can talk at all in terms of their 'enforcement', then it is largely as a matter of self-correction and inter-personal and communal reminder, rather than coercion or legitimised violence.[9] Because modern liberal thought struggles to see 'compliance' as a function of anything but coercion, and dismisses the idea of a divine reckoning that will determine one's fate in another life beyond this one (and thus the fear of God's punishment), the voluntary binding of oneself might seem puzzling. It was Mahmood's (2005) great contribution to bring this problem into focus, and to provide one sort of answer to it: that following the rules can be a matter of self-discipline, in the pursuit of virtue. The rules become internalised, a matter of virtuous habit. Where decisions must be made, the disciplined person will thereby make the right choices.[10] In this context, rules form a key 'technology of the self' in Foucault's terms, as I have argued at length elsewhere (Clarke 2015). Rules and virtue should thus be seen as complementary theoretical themes rather than contradictory ones, as has sometimes been the case in recent anthropological discussions of ethics (e.g. Widlok 2004: 59–60; Mattingly 2012: 164; for a fuller discussion of this point see Clarke and Corran 2021a).[11]

In this guise, rules can be enabling of personal projects, rather than constraining, although that they are 'strict' often seems crucial to such uses of rules as technologies of discipline, both religious and indeed secular-liberal—diet regimes and self-help books are as full of rules as religious manuals can be (Clarke 2015). Rules provide a standard to measure one's behaviour against and to shape it towards. Even where the justification for the rules seems distant from the context of everyday life, while that might make following the rules more difficult, it may also make it more satisfying. It may give a sense of a system of values that is distinct from, even superior to, the everyday life of others (and thus a sense of distinct identity too). There is also value in sticking to the rule *as a rule*, whatever it may happen to be. That is, discipline can be as much a matter of commitment to following the rules per se, however difficult that might be, as anything to do with the substantive content

of an individual rule. That one may fail does not necessarily detract from the power of such visions; perhaps it even adds to them (Beekers and Kloos 2017).

Let me now present an example, which will help develop some of these themes. Ali-Reza Bhojani and I spoke during one of our fieldtrips to a middle-aged man, married with children, who grew up in East Africa but has now worked in the UK as an accountant for the best part of two decades. Religious rules were important to him. When, in the course of a long and rich conversation, we asked whether he ever felt any tension or conflict between the expectations of sharia rules and everyday life in the UK, he replied:

> Yeah. The handshaking of genders at the workplace. That's a classic, if you shake the hand of a woman or not in your workplace. *Fiqh* is ruling very clear on this [i.e. that you should not[12]]. The other one was, do you sit with someone who is drinking alcohol on your table? [You shouldn't] Two big *fiqh* rulings I used to face at work. I understood the *fiqh* rulings and on the handshaking one for example, I decided to say, 'I know the rule here, but if someone's going to put out their hand, I will shake it.' And then I just said 'God, I'm really sorry, but I felt like that moment in time, I found it a lot harder to say I can't shake that person's hand.' (…) So I was never strong enough in that field to put my hand down there. (…) Those tensions, they grind you.

His characterization of this as a failure in strength fitted well with his broader account of his relationship with sharia. For him, following religious rules was a matter of disciplining his soul.

> The one thing that I've really reconciled within myself is, I have a soul. Within me exists this soul, and that soul needs nurturing, and these are the set of rules that will help to nurture and strengthen your soul (…) because I now believe the soul is the epicentre of your decision-making process. The brain will provide the data but the soul at that moment in time will decide what choice to make. (…) Those rules are there to strengthen that soul, to allow that soul to make the right call.[13]

Following the rules is clearly important to this man. But it isn't easy. Indeed, he has often failed, because of the tensions between what he understands as the rules his religion requires him to follow, and the social norms of a non-Muslim society. But he sees value in the rules nevertheless: 'the richness that comes with discipline', as he put it. He can see possible justifications for shaking hands—to avoid giving offence, for example—but prefers to see the rule as clear and his occasional handshaking as a failure in self-discipline. As he himself noted, different religious scholars can have different opinions on such things, and he might possibly be able to find a scholarly opinion that allowed some flexibility in the interpretation or application of the rule. But for him, this would be a failing in itself. 'I've gone away from pick and choose, pick and choose, because I think that's a weakness of the soul.'

SELF-JUSTIFICATION

This is a vision of piety and rule-following as a tough business, shot through with grinding tension and failure, albeit with a noble purpose, the disciplining one's soul. But it is important to see that there are many other reasons to follow the rules than self-discipline. One may simply

wish to do the right thing, and not do the wrong thing, separate from any project of virtuous self-discipline. One may be concerned to accumulate points with God, to go to heaven and avoid going to hell (on which see Mittermaier 2013; Schaeublin 2021). Or one may be concerned to appear to others to be doing right—virtue-signalling as opposed to virtue-building. Rule-following can form a crucial element of identity. These are all important considerations, complementary rather than contradictory, which we encountered in our fieldwork.

But also, in the terms of legal philosopher Joseph Raz (1999), rules are in themselves reasons, and thus justifications for action. Just as if there is a rule prohibiting a course of action, that is a reason not to do it, so, too, that there is a rule permitting something provides an authority, or justification for doing it. In this way, rules can be enabling in ways other than discipline.[14] To take an example from my earlier work on Islamic bioethics, that some prominent Shi'i scholars ('Grand Ayatollahs') permit not just assisted conception through in vitro fertilisation, but the use of donor gametes as well, allowed pious Shi'i Muslims in Lebanon to take advantage of such possibilities with a clear conscience (and a shield against gossip from the neighbours) (Clarke 2009). They were following the rules, as defined by recognised experts.

To take a somewhat different example, another man whom Bhojani and I spoke with also worked as an accountant and was often presented with challenging ethical questions as a result. One such case of conscience concerned a property investment. The firm of which he is a partner, made up of Muslims and non-Muslims, were interested in buying a building. The ground floor was a bar cum nightclub, while the first floor was student accommodation. The other partners were unconcerned. 'So it was me that was left in limbo thinking, 'Well, am I allowed or am I not?', because alcohol is involved, the nightclub scene is involved.' So he sought advice from the local community's resident scholar, who replied that he thought the investment was religiously permissible because the firm's involvement was restricted to buying a property and collecting rent from it, rather than being directly engaged in the sale of alcohol or running the nightclub. This response made sense to the accountant at the time, so he went ahead.

A number of years later, something he heard in a sermon set him thinking about the issue again. Perhaps the earnings were illicit after all; perhaps he needed to purify any money gained (most likely through paying a tithe on it). This would be no easy matter, as the profits had been reinvested in further property transactions. 'So for me it was a major, major issue.' He asked again. There was now a new resident scholar, who also wondered whether the accountant would need somehow to reverse what he had done, and so rang the UK office of a major authority in the Middle East for clarification. Their response was that, although the initial transaction should in fact have been considered impermissible, the accountant need do nothing now, because he had acted upon the advice that he was given at the time. 'Obviously it was a big relief for me!', the accountant laughed. 'Because it saved me a hell of a lot of aggro.' Faced with uncertainty as to the rules, this man turned to a religious specialist for help and was provided with the means to ease his conscience through authoritative guidance. The notion of 'strictness', let alone discipline, would hardly serve here.

Indeed, there is a common feeling that using rules as justifications in this way can sometimes make life too easy. One well-known example is that of the legal 'devices' (*hiyal*) that facilitated various forms of interest-bearing financial arrangements in classical Islamic law

(Horii 2002). In the case of the community that Bhojani and I study, every year the fasting month of Ramadan gives rise to a different sort of problem, caused by the multiplicity of different religious authorities available to Shi'i Muslims today. There is a corresponding variety of opinion as to the right method to determine the start of the lunar month, and thus when Ramadan begins, and then its end, with the communal feasting day of Eid. If people in the same household, of different generations say, follow different authorities, then they face the untenable prospect of some of the family feasting while others are still fasting. The most common solution is to manipulate some of the other rules around fasting, in this case the rule that you should not fast when you are travelling. The classical definition of such major travel is a journey of forty-four kilometres—which arose in an era before the advent of motorised transport. Nowadays, people can get into their car, drive to a town twenty-two kilometres away and come back, now free to eat with their family as they have been 'travelling'. They have followed the rules. But have they followed their spirit? Not everyone thinks so. As one woman put it, 'I hate these get out clauses. (…)manipulating the religion.'

So, again, rules are not necessarily best seen as 'strict'. How demanding a rule is depends on circumstance (the classical definition of an arduous journey has been trivialised by the advent of the car[15]), but still more on interpretation. A 'literal' interpretation of the rule on fasting and travel, or rather one that follows it as a rule rather than its underlying justification, is strict in a sense—but its consequences are the opposite of demanding. This sort of legalistic 'playing with the rules' (thinking like a lawyer, in Schauer's [2009] terms) comes in for some criticism in the community and reflects a common accusation that 'mere' rule-following can mask insincerity (cf. Seligman et al. 2008). To open up a comparative perspective, it is also what led to another famously ruly ethical tradition, early modern Catholic casuistry, being condemned as 'laxist'. Casuistry, with its minute and massive elaboration of such rules and justifications, has become in many European traditions the archetype of the moral perils of legalism (see Jonsen and Toulmin 1988). But it is important to remember that the Catholic casuists were in fact trying to help people, to extricate them from the toils of dilemma, by finding ways of interpreting the rules in a given situation to save them from damnation (Clarke 2021b). This is what I meant by the seeming paradox that having many rules (and even interpreting them formalistically) can in a sense be liberating rather than constraining.

COPING WITH UNCERTAINTY

Relying on authority in this fashion is a way of coping with (or exploiting) the ultimate uncertainty as to the right course of action. Ruliness generally could be seen as a way of trying to cut through that uncertainty: rules set out explicitly what to do. One woman told us how she had written to the scholar whose teachings she follows, in common with most (but not all) members of the community, Ayatollah Sistani of Iraq, for a definitive answer to a question that had been troubling her. Can you eat the food in a restaurant where the staff preparing your meal might be non-Muslims? Her friends had different opinions and interpretations. But, 'I want it all black and white. It can't be like very grey.' Explicit, written rules are indeed commonly characterised as 'black and white'. And yet, paradoxically again, the more rules there are, and the more discussion there is about them, the less certain

(and potentially the less constraining) they can become. (Witness the response this woman had received, with which she had been less than satisfied: 'He [the Ayatollah, or at least his staff] said if you don't know who has cooked the food you can eat it. And you can assume that they wore gloves. It depends how much investigation you want to do. (…)I think he should have been a bit like, yes or no.')

Many ruly traditions, including Islamic and Christian ones, have developed sophisticated concepts and processes for handling the resolution of such tensions between different rules and principles. But these are very often an elaboration of ideas familiar to us all. For example, one common response in the face of uncertainty is not to assume the best (as in the Ayatollah's response above), but to 'play it safe', to adopt the most cautious—the 'strictest'—course. This is moral rigorism, in the terms of Catholic moral theology.[16] Another woman told Bhojani and me how she had wanted to wean her infant daughter off breastfeeding but did not know what the right course of action was. So, she and her husband had twice sent an email asking what to do to the offices of their chosen religious authority, Ayatollah Sistani again. She could not remember exactly why they had written twice; but it was clearly related to their lack of satisfaction with the first response. 'The first one was really, it was like really flexible and it said, oh just, you know, 'slowly, take your time'. And the next one was 'it's *haram*' [forbidden, to continue breastfeeding after the child is two years old] and that's it, you know, you've got to stop.' That they had received two different opinions from representatives of a single authority was troubling, but they had to decide. They went with 'the more strict version'. 'We latched off straight away'. Another woman again told us how she had long wanted to learn how to play a musical instrument. But she knew that music is considered in some ways dubious in the eyes of the sharia. So she tried to check the rules in Sistani's legal handbook, produced for the benefit of his followers.

> So we went through it, and then we went through it again and we went through it again. You know with, 'Okay, is this obscure?' (…)If he is learning to play, but then if he is playing for entertainment, then it got a little bit complicated. So we just, we did not learn, I did not learn (…) Although I must admit in later years (…) we often talked about, 'You should have just learnt how to play,' you know.

She had found the Ayatollah's minute analysis, laying out different rules for different cases, unclear. Given that, why did she decide the way she did, against her own desires? 'Because it is better to be safe than sorry, is it not … we tend to live like that.'

By we, she no doubt means the community, or perhaps (Shi'i) Muslims more generally. But 'better safe than sorry' is a maxim known to us all. And yet, rigorism has its dangers, as the Catholic theologians knew, and as another of our interlocutors, an older man, expressed vividly. He told us about the difficulties he had had satisfying the rulings of the Iranian Ayatollah that had been seen in the community as the best qualified in an earlier generation: 'Gulpaygani [d. 1993] was so strict in the West.' He gave an example, which turned on a difficult issue for Shi'i Muslims living amongst non-Muslims, the widely (but not universally) held opinion that physical contact with non-Muslims might be polluting, in terms of the ritual purity required for prayer.

> For example, on a rainy day, you have to get a bus. You go in, you sit down. The seat is wet. Then your clothes are *najis* [polluted, because of the indirect contact with a non-Muslim]. So many other examples. I was scared. I didn't have an option (…) It's very scary what comes from the pulpit, you can't sleep at night.

He felt that people, especially young people, were leaving the faith because there were too many such strict rulings. And it raised troubling questions as to the meaning of religion. 'God is Almighty—how does it benefit him to send people to Hell?'

Rigorism with regard to the rules thus not only causes intense anxiety—and may drive people away from their religion—but it would potentially damn many to Hellfire. One response to its strains, as I have already noted, is to rely on more liberal opinions as to what the rules are. The sharia is the site of intense scholarly debate, with careers made by advocating anything from the most progressive approaches to intensely conservative ones. If a reputable scholar backs a certain interpretation, then, as a lay person, you can rely on their authority. It is this course that the accountant quoted above termed 'picking and choosing' between different scholars' opinions—something he had turned away from.[17] Another response is to be more of 'an independent thinker', as the older man I just cited said he had become determined to be—to think about the justifications for the rules oneself. Or you could of course just turn your back on the rules altogether, as was his fear.

RULES AND REASON

One man we spoke with, a father with young children who had come to the UK as a boy, exemplified this drive to understand the reasons for the rules, 'rather than just, you know, blindly following a set of do's and don'ts'. Like many others, he clearly suffered some angst with regard to his practice, admitting to being gripped sometimes by a sort of 'inner conflict' over trying to follow the rules of his religion.

> Growing up, (…) we are taught that (…) you must follow the law otherwise you're going against God's commandments, for example. And, so (…) I want to make sure that I'm leading my life in the way that, you know, God wants me to.

The danger is of 'going too far with that in that it sort of occupies my thinking on a day to day basis' and gets in the way of his spiritual life. You can worry too much about the rules—a classic example being the detailed rules of ritual purity and ablution for prayer, too obsessive an attention to which might distract from the attempt to connect with God that prayer demands (see Clarke 2015: 254). So, he tries to get to a position where he feels 'comfortable that I'm sort of in a safe place.' That is, that he can 'feel like I'm, you know, ethically and morally doing what's right, and my approach is correct, but not to get too bogged down in it.'

For this man, this sense of safety came not so much from following the most demanding (and thus safest) line, as from immersing himself in the justifications for the rules themselves. Understanding—rather than 'blindly following'—brought confidence. In explaining this to us, he picked up the question of handshaking that was touched upon above, a key ethical dilemma in a multicultural setting. He told us about the moment when he had come seriously to question his assumptions on the issue, at a university awards ceremony.

> I was telling my university colleague, who was from Vietnam, and I was being honest, I was saying 'Oh, you know, if a woman asks to shake my hand I can't shake hands.' That was my view at the time. And he just looked at me like, 'Why?' I said, 'No, it's the rule.' And okay, now I'm not saying that that's the reason why, but it's things like that just make you think. And then I tried to do a bit of research into 'Okay, what could be the reasons why it wasn't permitted, is there a contextual element to it, you know, and therefore if the reasons why I think it was prohibited are not present in any of my interactions, then it's a different case.'

For instance, if the prohibition on shaking hands with the opposite sex is due to a concern that this might be somehow sexual, this might have been true of the pre-modern Middle Eastern settings where the scholarly rules were first elaborated, but not true of the contemporary UK, where it is a conventional greeting with no sexual overtones. (Or as another man put it, it's 'just a mere gesture of, 'Hi, this is me.' That's all it is. And the reason I know that's all it is is because I live here, and I know what these people are like.') This requires some scholarship of his own: 'I like to find out why, on what basis the law is given. I like to drill down into the details, what narration [of what the Prophet or the Imams said and did], what verse [of the Quran], how have you put it all together. And so now,

> I always shake hands, and (…) there is no sort of inner thing saying, 'Oh my God I'm going against, you know, what's the majority opinion in this.' (…) I feel like I'm in a safe space. (…) I've made my argument and my reasoning for it, and I'm happy to go down that route.

This sort of autonomous moral reasoning has been seen by many academic commentators as symptomatic of modernity, a function of the transformational shift to near universal literacy and mass higher education across the Muslim world in the last century or so, together with the mass dissemination of scripture and scholarly resources, including in translation, undermining a previous reliance on clerical authority (Eickelman 1992; Eickelman and Anderson 2003). That is no doubt in many ways true. A dissatisfaction with 'blindly following' religious obligations, and valorising the understanding of the reasons behind them, has been seen as a key element of Muslim modernities (Deeb 2006). Nevertheless, there remains a strong constituency disapproving of such autonomy. The woman cited above, who valued the 'black and white' certainty that rules and authority might bring, as well as her own very 'strict' upbringing, 'very fundamental in the rules', expressed her impatience with the sort of inquiring and flexible approach that I have just described.

> These days, we've seen what happens when people go (…) so free, and, you know, they want to experiment, they want to ask about this (…) Sometimes there's some rules that you just need to follow and not ask questions about. Because they've been brought down for you, for a reason. And we might not understand that with our limited understanding, or the reasons behind, like praying five times—why not ten times, why not three times? Sometimes you just need to follow the rules. I think the rules are good.

Her rhetorical stance was clear. But wouldn't the complexities of everyday life in the UK still sometimes pose challenges for her in this regard, as they did for others, we wondered? She worked as a dental hygienist. Did this not sometimes require physical contact with people of the opposite sex, for example?

> Well, I see everybody, men and ladies, although we have rules about touching men and stuff like that, who are not our, we say *mahram*, who are not within our family.[18] But I wear gloves so I don't technically touch them.
>
> And I wouldn't touch them like that [i.e., with any hint of sexuality]. Sometimes they shake my hand, that is a rule that we shouldn't, but there's also a rule that you have to be a good human being, and a nice person and not to offend people, so I would, if they put out their hand, I would shake their hand. Men. But as a rule, I wouldn't go and offer my hand.
>
> It's a lot about common sense.

This woman thus saw herself as firmly committed to following the rules, which are a given, 'black and white', rather than a matter for debate. She knows well the rule that no physical contact is allowed with non-relatives of the opposite sex, and also encounters the tensions between this rule and the practicalities of life in the UK. But she perceives and manages these tensions in a different way from the others cited above. In the case of physical contact during treatment, as she notes in somewhat legalistic fashion, she wears gloves, so 'technically' there is no contact. But there are also occasions where people (non-Muslims perhaps) offer a handshake, in greeting or farewell (when presumably she is not wearing gloves). Rather than spurn the offered hand, she takes it. But for her this is not, as it was for the accountant above, a moment of 'grinding tension' and failure. It is a question of how to reconcile the demands of one rule, not to shake hands, with another one—not to give offence. Nor does she think of this as a matter of 'questioning' the rules themselves, in order to find her own 'safe space', as in the case of the man discussed immediately above. The rules are the rules—and she clearly feels secure in her relationship to them. Having to think for oneself, however, is in some sense inevitable, as moral life is never as simple as just following a given rule. One has to decide how to interpret and apply it; obligations often conflict. But she framed this as simply a matter of 'common sense'. Although, like the two men cited above, she ended up shaking hands, she did not see this as an instance of rule-breaking or rethinking. As far she is concerned, she follows the rules rather than breaks or questions them.[19]

CONCLUSION

I hope to have established, first and foremost, that rule-following is a complex and varied moral form, more complex than has perhaps been allowed in recent anthropology. The new anthropology of ethics—for which projects of piety have been such an important theme—has made a point of stressing the need to go beyond rules in our understanding of morality (e.g. Laidlaw 2002; Lambek 2010). There have been undoubted gains. But it would be a mistake to bypass rules altogether. They are too common and people's relationship to them too interesting to ignore. Rather than being one-dimensional, 'ruliness' has many facets and affordances.

The dominant model for understanding the role of rules in personal Muslim life has of late been that of discipline, as in Mahmood's (2005) account—and the dominant counter-trend, as in Schielke's (2009, 2010) response, has been to

doubt how disciplined most Muslims really are. But I hope to have shown how diverse responses to rules can be, in ways beyond these.[20] Discipline constitutes at best a partial account of the roles of rules in pious practice, one that plays to the common stereotype of rules, and especially those of Islam, as 'strict'. Rules also provide reasons, and hence justifications, for action. They can thus provide excusability, here before God. Indeed, rather than solely being strict, religious rules have sometimes been criticised as too lax—as in Christian casuistry, or the contemporary Muslim uses of rules to get around restrictions that I presented above. These uses depend on the formalism that rules enable: it is right to follow a rule because it is established as a rule. On the other hand, in many other instances, rules are interpreted with reference to their supposed underlying rationale: should the prohibition on handshaking with a member of the opposite sex apply where handshaking is not a sexually suggestive practice, for instance? 'Flexible' such interpretations strike a chord with the liberal imagination. But interpretations can be stricter as well as less so, and 'playing it safe' is in fact a very common strategy—in religious and non-religious contexts.

Different people have different attitudes to the rules, and experience different sentiments in response to them.[21] Rules provoke affect. (Just think of 'rules' and see what feelings come over you.) Consider the first case discussed above, the accountant who experienced 'grinding tension' at the thought of trying to live up to the rules of his religion in the context of the everyday demands of his job, versus the relief felt by the second man who found that his investment fell within the letter of the law, or the nagging worries of the young father trying to find his way to 'a safe place' through the tangled dilemmas of the rules, so 'scary' for some, versus the uncomplicated conscience of the dental hygienist, for whom following their 'black and white' certainties was a matter of simple common sense. This is not just a question of individual personality, and such sentiments no doubt vary according to circumstance and the issue at hand: the rules of ritual observance may inspire different feelings from those of social interaction, say. The practice of a single individual might indeed embrace the whole range of the possibilities sketched above. People may often follow authority, but still sometimes make up their own minds; they may play it safe on some issues but take advantage of a liberal interpretation to excuse themselves on others. Whatever one's stance, rules conflict and dilemmas arise. Compromises must be made, decisions justified. As Jonsen and Toulmin (1988: 5–11) say with reference to Christian casuistry, it is mere prejudice to assume that adherence to a code of rules necessarily implies a simplistic or inflexible attitude to morality—even if, for some, rules do hold the prospect of simplicity and sticking to them seems valuable in itself.

Even if rules by their very nature appear thin, then, the dilemmas, affects and practices that they provoke are thick and knotty. Far from being something to be passed over, 'rule-work', as Alava and Gussman (this issue) put it, is a crucial and fascinating domain of ethnographic enquiry. If we can be more open to the very different ways in which people relate to rules, rather than lapsing into clichés of 'mere' and 'rigid' rules, blindly followed or boldly evaded, then we can truly provide the thick description we aspire to.

ACKNOWLEDGEMENTS

I am very grateful to Ali-Reza Bhojani, the Council of European Jamaats, and the Khoja Shia Ithna-Asheri community for their generous assistance, and the Leverhulme Trust and John

Fell Fund for their financial support. I must also thank my co-editors and fellow workshop participants, and especially the two anonymous reviewers and the journal's editors, for their careful reading and insightful comments.

MORGAN CLARKE
PROFESSOR OF SOCIAL ANTHROPOLOGY
FELLOW OF KEBLE COLLEGE
UNIVERSITY OF OXFORD
morgan.clarke@anthro.ox.ac.uk

NOTES

1 On 'normative theory' and its rejection more widely see Edgerton 1985.
2 Alongside this, the rule of law is also of course a central liberal ideal.
3 Wittgenstein's (1958) discussion of the complexities of what we might mean by following a rule has given rise to extensive philosophical debate, as some anthropologists have noted (e.g. Sidnell 2003; see also Clarke n.d.).
4 From Sind and Gujerat, the Khoja became traders across the Indian Ocean and settled across East Africa; many migrated to the West after the end of colonial rule in the 1960s. The majority of the Khoja worldwide are Isma'ili. The smaller Twelver Shi'i community (ca. 125,000 worldwide) split away in the nineteenth century. See e.g. Akhtar 2016; Asani 2001.
5 So far, we have conducted over 40 interviews and focus group discussions in several different local associations in England with more than 60 different individuals. About one quarter to date have been women.
6 Unlike Dresch (2012), I thus prefer to reserve the term 'legalism' for this sort of formalism in the interpretation of rules. Schauer speaks of a process of 'entrenchment' of rules, which ends conversation about their underlying reasons: see Clarke 2015 for an attempt to make anthropological use of this idea.
7 Edgerton (1985) puts this question at the heart of his comparative study of social rules.
8 Worth knowing here is that, in 'Islamic law', actions can be categorised as commendable (*mustahabb*) or disapproved (*makruh*), as well as permitted (*halal*) or prohibited (*haram*), and more besides (see e.g. Hallaq 2009: 84–7). The distinction between law and morality is a slippery one – important to liberal thought, but not necessarily straightforwardly applied elsewhere. I do not attempt to try to pin it down here; but see Clarke and Corran 2021a: 7–11 for a brief discussion.
9 For a reading in these terms of the duty of Muslims to 'urge what is good and oppose what is reprehensible', see Asad 2015, esp. 177ff.
10 Aristotelian virtue ethics, which influenced Islamic as well as Christian ethical thought, and has been inspirational for the new anthropology of ethics (including Mahmood's work), calls this cultivated capacity for good judgement *phronesis* (Lambek 2000). See Jouili (2015: 18–21 et passim) for a fine exploration of its relevance to describing the dilemmas of Muslim projects of piety in Europe.
11 Hursthouse (1999) argues that virtues (and vices) can be seen to entail rules of conduct ('v-rules') in themselves: 'be courageous'; 'don't be mean'; etc. See e.g. Langlands 2021 on ancient Roman piety.
12 Physical contact is prohibited between people of the opposite sex who are not close relatives, or, to be precise, *mahram*, i.e. prohibited in marriage. See Deeb 2006: 106–10; Fadil 2009; Clarke 2015: 233–4. Deeb and Clarke cite examples of scholarly statements and discussion of these rules.
13 This certainly sounds like the Aristotelian notion of the cultivated virtue of good judgement, or *phronesis*, alluded to in the note above.
14 Here I concentrate on the personally enabling aspects of rules, rather than their socially productive possibilities such as social coordination (think e.g. of traffic regulations). Beyond that, in the form of the fundamental infrastructure and categories of language and thought, rules shape our very 'form of life', in Wittgensteinian terms (Clarke n.d.; see also Dresch and Scheele 2015).
15 But other rules can be made much more demanding. For example, the Ramadan fast from dawn till dusk can stretch up to twenty hours in British summertime. And, unlike in Muslim-majority contexts, working hours do not adjust to compensate.
16 Or 'tutiorism', adopting the safer course. See Clarke 2021b for further discussion and references.

17 In Catholic moral theology this was termed 'probabilism', here meaning reliance on 'probable', i.e. attested to, opinion. See Clarke 2021b. Within mainstream Twelver Shi'i Islam, this is in fact frowned upon – you should, according to the majority normative model at least, select one scholar to be your 'source' (*marja'*) and follow their opinions consistently, rather than 'picking and choosing' between different scholars' opinions.
18 I.e., again, those relatives of a degree of closeness such that they are prohibited in marriage.
19 Breaking the rules could also of course be a deliberate act of transgression, tied to different projects of the self (Fadil 2009).
20 This is not to minimise the subtlety of Mahmood's analysis of religious rules, or that of others writing in her tradition (see especially Jouili 2015). But this work is, I think it fair to say, primarily oriented towards the trope of virtuous self-cultivation, whereas I want to highlight the breadth of possible uses of and attitudes towards rules beyond it.
21 Here is not the place to attempt to identify patterns in such differences, but I would note that the diversity that Bhojani and I encountered in our fieldwork defied any easy analysis in terms of, say, gender or generation.

REFERENCES

Ahmed, Shihab 2016. *What is Islam? The Importance of Being Islamic*. Princeton: Princeton University Press. https://doi.org/10.2307/j.ctvc77krt.

Akhtar, Iqbal 2016. *The Khoja of Tanzania: Discontinuities of a Postcolonial Religious Identity*. Leiden: Brill. https://doi.org/10.1163/9789004292888.

Asad, Talal 2015. Thinking about Tradition, Religion, and Politics in Egypt Today. *Critical Inquiry* 42(1): 166–214. https://doi.org/10.1086/683002.

Asani, Ali 2001. The Khojahs of South Asia: Defining a Space of Their Own. *Cultural Dynamics* 13 (2): 155–68. https://doi.org/10.1177%2F092137400101300202.

Beekers, Dann and David Kloos (eds) 2017. *Straying from the Straight Path: How Senses of Failure Invigorate Lived Religion*. New York: Berghahn. https://doi.org/10.2307/j.ctvw04jdt.

Bourdieu, Pierre 1977. *Outline of a Theory of Practice*. Cambridge: Cambridge University Press. https://doi.org/10.1017/CBO9780511812507.

Clarke, Morgan 2009. *Islam and New Kinship: Reproductive Technology and the Shariah in Lebanon*. New York: Berghahn Books.

Clarke, Morgan 2015. Legalism and the Care of the Self: *Shari'ah* Discourse in Contemporary Lebanon. In Paul Dresch and Judith Scheele (eds). *Legalism: Rules and Categories*. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780198753810.003.0010.

Clarke, Morgan 2018. *Islam and Law in Lebanon: Sharia within and without the State*. Cambridge: Cambridge University Press. https://doi.org/10.1017/9781316888957.

Clarke, Morgan 2020. Sharia. *The Cambridge Encyclopedia of Anthropology*. http://doi.org/10.29164/20sharia.

Clarke, Morgan 2021a. The Trial of Dominic Cummings: Rules and Reason in the Pandemic. *Anthropology Today* 37 (2): 6–9. https://doi.org/10.1111/1467-8322.12640.

Clarke, Morgan 2021b. Comparing Casuistries: Rules, Rigour and Relaxation in Islam and Christianity. In Morgan Clarke and Emily Corran (eds). *Rules and Ethics: Perspectives from Anthropology and History*. Manchester: Manchester University Press.

Clarke, Morgan Forthcoming. Rules. In James Laidlaw (ed). *The Cambridge Handbook of the Anthropology of Ethics and Morality*. Cambridge: Cambridge University Press (in press).

Clarke, Morgan and Emily Corran 2021a. Introduction: Rules and Ethics. In Morgan Clarke and Emily Corran (eds). *Rules and Ethics: Perspectives from Anthropology and History*. Manchester: Manchester University Press. https://doi.org/10.7765/9781526148919.

Clarke, Morgan and Emily Corran (eds) 2021b. *Rules and Ethics: Perspectives from Anthropology and History*. Manchester: Manchester University Press. https://doi.org/10.7765/9781526148919.

Deeb, Lara 2006. *An Enchanted Modern: Gender and Public Piety in Shi'i Lebanon*. Princeton: Princeton University Press. https://doi.org/10.1515/9781400840786.

Dresch, Paul 2012. Legalism, Anthropology, and History: A View from Part of Anthropology. In Paul Dresch and Hannah Skoda (eds). *Legalism: Anthropology and History*. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199664269.001.0001.

Dresch, Paul and Judith Scheele 2015. Rules and Categories: An Overview. In Paul Dresch and Judith Scheele (eds). *Legalism: Rules and Categories*. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780198753810.001.0001.

Edgerton, Robert 1985. *Rules, Exceptions, and Social Order*. Berkeley: University of California Press. https://doi.org/10.1525/9780520347434.

Eickelman, Dale 1992. Mass Education and the Religious Imagination in Contemporary Arab Societies. *American Ethnologist* 19 (4): 643–55. https://doi.org/10.1525/ae.1992.19.4.02a00010.

Eickelman, Dale and Jon Anderson (eds) 2003. *New Media in the Muslim World: The Emerging Public Sphere*. Second Edition. Bloomington: Indiana University Press.

Fadil, Nadia 2009. Managing Affects and Sensibilities: The Case of Not-Handshaking and Not-Fasting. *Social Anthropology* 17 (4): 439–54. https://doi.org/10.1111/j.1469-8676.2009.00080.x.

Fadil, Nadia and Mayanthi Fernando 2015. Rediscovering the 'Everyday' Muslim: Notes on an Anthropological Divide. *HAU: Journal of Ethnographic Theory* 5 (2): 59–88. https://doi.org/10.14318/hau5.2.005.

Geertz, Clifford 1973. *The Interpretation of Cultures*. New York: Basic Books.

Gelfand, Michelle 2018. *Rule Makers, Rule Breakers: How Culture Wires Our Minds, Shapes Our Nations and Drives Our Differences*. London: Robinson.

Hallaq, Wael 2009. *Sharīʿa: Theory, Practice, Transformations*. Cambridge: Cambridge University Press. https://doi.org/10.1017/CBO9780511815300.

Hursthouse, Rosalind 1999. *On Virtue Ethics*. Oxford: Oxford University Press.

Horii, Satoe 2002. Reconsideration of Legal Devices (*Ḥiyal*) in Islamic Jurisprudence: The Hanafis and their 'Exits' (*Makhārij*). *Islamic Law and Society* 9 (3): 312–57. https://doi.org/10.1163/156851902320901189.

Humphrey, Caroline 1997. Exemplars and Rules: Aspects of the Discourse of Moralities in Mongolia. In Signe Howell (ed). *The Ethnography of Moralities*. London: Routledge.

Jonsen, Albert and Stephen Toulmin 1988. *The Abuse of Casuistry: A History of Moral Reasoning*. Berkeley: University of California Press.

Jouili, Jeanette 2015. *Pious Practice and Secular Constraints: Women in the Islamic Revival in Europe*. Stanford: Stanford University Press. https://doi.org/10.1515/9780804794893.

Laidlaw, James 2002. For an Anthropology of Ethics and Freedom. *Journal of the Royal Anthropological Institute* 8 (2): 311–32. https://doi.org/10.1111/1467-9655.00110.

Lambek, Michael 2000. The Anthropology of Religion and the Quarrel between Poetry and Philosophy. *Current Anthropology* 41(3): 309–320. https://doi.org/10.1086/300143.

Lambek, Michael 2010. Introduction. In Michael Lambek (ed). *Ordinary Ethics: Anthropology, Language, and Action*. New York: Fordham University Press.

Langlands, Rebecca 2021. Rules and the Unruly: Roman Exemplary Ethics. In Morgan Clarke and Emily Corran (eds). *Rules and Ethics: Perspectives from Anthropology and History*. Manchester: Manchester University Press.

Lévi-Strauss, Claude 1949. *Les Structures élémentaires de la parenté*. Paris: Presses universitaires de la France.

Mahmood, Saba 2005. *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton: Princeton University Press.

Malinowski, Bronislaw 1978 [1922]. *Argonauts of the Western Pacific: An Account of Native Enterprise and Adventure in the Archipelago of Melanesian New Guinea*. London: Routledge. https://doi.org/10.2307/3031829.

Mattingly, Cheryl 2012. Two Virtue Ethics and the Anthropology of Morality. *Anthropological Theory* 12 (2): 161–84. https://doi.org/10.1177%2F1463499612455284.

Mittermaier, Amira 2013. Trading with God: Islam, Calculation, Excess. In Michael Lambek and Janice Boddy (eds). *Companion to the Anthropology of Religion.* Chichester: Wiley-Blackwell. https://doi.org/10.1002/9781118605936.ch15.

Pelto, Pertti 1968. The Differences Between 'Tight' and 'Loose' Societies. *Trans Action* 5 (5): 37–40. https://doi.org/10.1007/BF03180447.

Radcliffe-Brown, A.R. 1957 [1948]. *A Natural Science of Society*. Glencoe: The Free Press.

Raz, Joseph 1999. *Practical Reason and Norms*. New edition. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780198268345.001.0001.

Schaueblin, Emanuel 2021. Counting Good and Bad Deeds under Military Rule: Islam and Divine Bookkeeping in Nablus (Palestine). In Morgan Clarke and Emily Corran (eds). *Rules and Ethics: Perspectives from Anthropology and History*. Manchester: Manchester University Press.

Schauer, Frederick 1991. *Playing by the Rules: A Philosophical Examination of Rule-Based Decision Making in Law and in Life*. Oxford: Oxford University Press.

Schauer, Frederick 2009. *Thinking Like a Lawyer: A New Introduction to Legal Reasoning*. Cambridge: Harvard University Press. https://doi.org/10.4159/9780674054561.

Schielke, Samuli 2009. Being Good in Ramadan: Ambivalence, Fragmentation, and the Moral Self in the Lives of Young Egyptians. *Journal of the Royal Anthropological Institute* 15 (S1): S24–S40. https://doi.org/10.1111/j.1467-9655.2009.01540.x.

Schielke, Samuli 2010. Second Thoughts about the Anthropology of Islam, or How to Make Sense of Grand Schemes in Everyday Life. *Working Papers* (no. 2). Berlin: Zentrum Moderner Orient. https://d-nb.info/1019243724/34.

Scott, James 2009. *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. New Haven: Yale University Press.

Seligman, Adam, Robert Weller, Michael Puett, and Bennett Simon 2008. *Ritual and its Consequences: An Essay on the Limits of Sincerity*. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780195336009.001.0001.

Sidnell, Jake 2003. An Ethnographic Consideration of Rule-Following. *Journal of the Royal Anthropological Institute* 9 (3): 429–45. https://doi.org/10.1111/1467-9655.00157.

Widlok, Thomas 2004. Sharing by Default? Outline of an Anthropology of Virtue. *Anthropological Theory* 4 (1): 53–70. https://doi.org/10.1177%2F1463499604040847.

Wittgenstein, Ludwig 1958. *Philosophical Investigations*. Translated by G.E.M. Anscombe. Second edition. Oxford: Basil Blackwell.