

Secular lawyers question Law Society about guidance on sharia-compliant wills

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A group of lawyers concerned by the publication of a [practice note on Sharia succession rules](#) by the Law Society have written to the Society outlining their concerns.

The [Lawyers' Secular Society](#) (LSS) wrote the letter in order to highlight the real problems it sees in connection with the Law Society's practice note on Sharia compliant wills, and to get clarification on some points that came out of previous correspondence with the Law Society on the issue.

In its letter, the LSS notes that whilst it does not dispute the concept of testamentary freedom under English law, it sees as quite different the Law Society's offering of guidance on drafting wills which give effect to a set of rules "avowedly discriminating on the grounds of gender and religion". Disputing the relevance of whether these rules are religious in origin, and arguing that what matters is the effect of such rules, not their provenance, the LSS observes that this practice note on Sharia is as inappropriate as it would be if the Law Society were to publish guidance on writing racist or homophobic wills.

In its [previous correspondence](#) with the LSS, the Law Society noted that the Society is not subject to the Public Sector Equality Duty (PSED). In its recent letter however, the LSS queries the appropriateness of a regulatory body issuing specific guidance on how to comply with a body of rules which are fundamentally discriminatory. It asked the Law Society whether it not being subject to the PSED, means that it "does not in any event consider it necessary or appropriate for it to have due regard to the need to avoid discrimination and promote equality of opportunity".

The LSS letter also points to the reference in the practice note to a textbook, Inheritance – Regulations & Exhortations, by Muhammed Al Jibaly, whilst noting a number of things Mr Al Jibaly is on record as saying. For example, that adulterers should be stoned to death, that girls should start wearing the hijab at seven – and that they should be beaten if they refuse to do so by the age of ten - and that Muslim parents should discourage their children from mixing with "the kuffar".

The LSS concedes that the Law Society cannot be expected to know about all that is said by authors it references, but asks whether the Law Society had undertaken a reasonable amount of due diligence before choosing to promote Mr Al Jibaly's book.

Secretary of the LSS, Charlie Klendjian, has warned against the Law Society's implicit legitimisation of Sharia as a form of inheritance rules through the publication of its practice note, saying that "the Law Society is legitimising, normalising and sanitising – or at the very least being seen to legitimise, normalise and sanitise – the distribution of an estate in accordance with the fundamentally discriminatory provisions of Sharia law".

You can read the LSS's letter in full [here](#).

A [public protest against the Law Society's guidance](#) will take place on Monday 28 April.

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