

The Law Society withdraws controversial Sharia guidance and apologises

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The sharia succession practice note has been withdrawn by the Law Society, following widespread criticism for gender discrimination.

The note had advised solicitors that "illegitimate and adopted children are not sharia heirs" and that "the male heirs in most cases receive double the amount inherited by a female heir." The note also stated that "non-Muslims may not inherit at all" and that "a divorced spouse is no longer a sharia heir."

The note has now been removed from the Law Society website, and the society's president, Andrew Caplen has apologised for issuing the guidance. Caplen said that the note "was intended to support members to better serve their clients as far as is allowed by the law of England and Wales."

Caplen added that the Society had "reviewed the note in the light of criticism" and they had "withdrawn the note" and were "sorry".

The National Secular Society and the Lawyers Secular Society met with the Law Society in September and called for withdrawal of the guidance. The NSS objected to the practice note on the grounds that it encouraged discrimination, "legitimised sharia law" and was religious, rather than legal advice. The NSS also pressed home its concerns about the wider implications of this advice being issued, particularly for women.

The National Secular Society has welcomed the withdrawal of the guidance. Keith Porteous Wood, NSS executive director, said: "This is an important reversal for what had seemed to be the relentless march of sharia to becoming de facto British law. Until now, politicians and the legal establishment either encouraged this process or spinelessly recoiled from acknowledging what was happening. I congratulate the Law Society for heeding the objections we and others made. This is particularly good news for women who fare so badly under sharia, which is non-democratically determined, non-human rights compliant and discriminatory".

The Law Society thanked the NSS for raising concerns, and said that they hoped the NSS would "continue to engage with the Society and its work in the future".

Campaigners had previously called the guidance a "gross derogation of duty on both legal and moral grounds" and in an open letter published in September, campaign groups including Southall Black Sisters, One Law for All, Centre for Secular Space and LSESU told the Law Society that the note endorsed discrimination against minority women and children "on the grounds of their gender, marital status and religious backgrounds".

The open letter also drew attention to the fact that the advice note encouraged "legal and state welfare services to accommodate highly gender discriminatory religious that are being increasingly defined by religious fundamentalists in our society".

The campaigners had urged the Law Society to "adhere to the spirit of the equalities and human rights legislation and to its own equality policy by recognising that its main business lies in the promotion of a culture of human rights and norms based on principles of equality for all rather than on the promotion of 'sharia compliant' laws that discriminates against minority women and children in particular."

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