

challenging religious privilege

national  
**secular**  
society

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**Speech by Keith Porteous Wood at the**

**One Law for All campaign against Sharia law in Britain**

**Launch at House of Lords on 10 December 2008**

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The primary purpose of Secularism is to fight for an equal society for all, regardless of their beliefs or lack of them. Nothing could be more fundamental to that equality than one law for all. And that law should be democratically determined and respect Human Rights. I am fast coming to the conclusion that these principles are no longer taken as read, and indeed are under sustained attack.

This building was opened in the mid 19<sup>th</sup> century. Some of the first laws passed here were to limit the jurisdiction of the established Church's ecclesiastical courts over members of the public.

Now, 150 years later, we appear to be heading back to something even worse in some respects, self-appointed religious "authorities" awarding themselves court-like powers. In some cases they are using the Arbitration Act and other legal devices to enforce their decisions with the full weight of English law.

According to the *Sunday Times* article on 14 September<sup>1</sup> headlined UK's 'First Official Sharia Courts': "Islamic law has been officially adopted in Britain, with Sharia courts given powers to rule on Muslim civil cases. The Government has quietly sanctioned the powers for Sharia judges to rule on cases ranging from divorce and financial disputes to those involving domestic violence. Rulings issued by a network of five Sharia courts are enforceable with the full power of the judicial system, through the county courts or High Court."

I had hoped this was an exaggeration, yet the Muslim Arbitration Tribunal's (MAT's) own website says in a similar vein<sup>2</sup>: "Although MAT must operate within the legal framework of England and Wales, this does not prevent or impede MAT from ensuring that all determinations reached by it are in accordance with one of the recognised Schools of Islamic Sacred Law. MAT will therefore, for the first time, offer the Muslim community a real and true opportunity to settle disputes in accordance with Islamic Sacred Law with the knowledge that the outcome as determined by MAT will be binding and enforceable."

<sup>1</sup> <http://www.timesonline.co.uk/tol/news/uk/crime/article4749183.ece>

<sup>2</sup> <http://www.matribunal.com/>

*Honorary Associates:* Graham Allen MP • Prof. Peter Atkins • Iain Banks • Lorraine Barrett AM • Edward Bond • Michael Cashman MEP • Colin Challen MP • Nick Cohen • Prof. Richard Dawkins • Lord Desai • Angela Eagle MP • Baroness Flather • Rt. Hon. Michael Foot • Ricky Gervais • Ian Gibson MP • Prof. A C Grayling • Johann Hari • Dr. Evan Harris MP • Patrick Harvie MSP • Christopher Hitchens • Paul Holmes MP • Prof. Ted Honderich • Mary Honeyball MEP • Kelvin Hopkins MP • Sir Ludovic Kennedy • Stewart Lee • Graham Linehan • Baroness Massey of Darwen • Lord McIntosh of Haringey • Jonathan Meades • Robert Marshall-Andrews QC MP • Sir Jonathan Miller • Maryam Namazie • Taslima Nasrin • Lord O'Neill of Clackmannan • Lord Peston • Harold Pinter • Philip Pullman • Lord Raglan • Claire Rayner • Martin Rowson • Joan Ruddock MP • Lord Russell-Johnston • Joan Smith • Dr. David Starkey • Lord Taverne QC • Polly Toynbee • Baroness Turner of Camden • Sophie in't Veld MEP • Gore Vidal • Prof. Lord Wedderburn of Charlton QC •

Over the last year or so, there has been a procession of eminent figures making public pronouncements or taking part in prestigious debates and seminars about the inevitability or desirability of expanding the power and reach of Sharia law in the UK. The constant stream of events and pronouncements would do credit to the best-oiled public relations campaign. What I have found the most worrying in these events is a serious downplaying of the problems or dangers of Sharia - if they are mentioned at all.

The most prestigious of the rolling programme of events have been in the Inns of Court as part of a series entitled *Islam in English Law*. One of these was the Archbishop of Canterbury's now infamous speech *Civil and Religious Law in England: a Religious Perspective*<sup>3</sup>. To be fair, he did acknowledge some of the problems. Nevertheless he has been seduced by the advantage that giving greater clout to any religious law will give him in his own self-serving campaigns. I refer to his determination to elevate religious conscience above the law in all but the most extreme cases, and to elevate rights for religious groups over rights for individuals. We saw many attempts to realise both these aspirations in the debates downstairs on what is now the Equality Act 2006 over the provisions outlawing discrimination on the grounds of Sexual Orientation. All those who spoke on behalf of churches opposed the provisions.

A later event in the series *Islam in English Law*<sup>4</sup> left me even more uncomfortable. The thrust I took away from this was of a professor insisting that because for Muslims religion was part of their very being, they deserved protection by the law to an extent no one else does. So this went beyond a parallel legal system to seeking one that was, it seemed to me, new and overriding.

By a curious coincidence I was sitting next to Lord Phillips of Worth Matravers, then Lord Chief Justice. I had hoped he would react to this special pleading, but he did not. I was similarly disappointed in him endorsing the Archbishop of Canterbury's embracing of Sharia rather than pointing out some of the dangers it poses.<sup>5</sup> Lord Phillips reportedly said "it was 'not very radical' for Dr Williams to argue that Sharia can be used to help govern issues like family disputes". A picture of Lord Phillips is proudly displayed on the MAT's home page with the words "Lord Chief Justice endorses Alternative Dispute Resolution under Sharia law - a resounding endorsement of the need of the Muslim Arbitration Tribunal model."

Particularly in the area of family law the stakes are very high. As well as the dissolution or continuation of marriages and the custody of children, these tribunals also oversee the allocation of millions of pounds of assets, for example in divorce or intestacy.

It is far from clear over whom these Arbitration Councils have so-called jurisdiction. According to Christian Research's statisticians, "active [Muslim] members are taken as half of the community". So to what extent do the Councils hold sway over those who are not active, or indeed those who are forced by their families to be active? Why should those who have not actively and of their own free will opted for a Sharia arbitration be bound by its decisions? Even though not all arbitration members are male, the reality of Sharia is law made by men to protect their patriarchal interests and its administration overseen by men.

Until a few months ago, I seemed to be almost alone in worrying that Alternative Dispute Resolution is creeping into criminal law. Yet the Sunday Times article reported that the chairman of the governing council of the tribunal, Sheik Faiz-ul-Aqtab Siddiqui, expected the courts to handle a greater number of 'smaller' criminal cases in coming years as more Muslim clients approach them. According to him: "All we are doing is regulating community affairs in these cases."

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<sup>3</sup> 7 February 2008

<sup>4</sup> 9 July 2008

<sup>5</sup> In a speech at the East London Muslim Centre <http://www.telegraph.co.uk/news/uknews/2242340/Muslims-in-Britain-should-be-able-to-live-under-Sharia-law,-says-top-judge.html>

The fair and transparent administration of justice is a key point here. Will the Tribunals punish those committing legal acts, for example homosexual ones – and how severe will they be permitted to make that punishment? In contrast, how will those found guilty of genuine criminal acts be treated for criminal record purposes - or will the absence of a record be a perk reserved for those submitting to this quasi justice? Will this 'justice' be effectively hidden from wider scrutiny?

It gets worse. Someone very senior in this area, Sheik Suhaib Hassan, who is general secretary of a London-based organisation called the Islamic Sharia Council, told a television team: "Sharia is knocking on the door of Britain. ...If Sharia law is implemented, we can turn this country into a haven of peace, because if a thief's hand is cut off, nobody steals. If once -- just once -- an adulterer is stoned, no one would commit this crime," he said. British society, he added, should acknowledge this system. "If they don't accept it, they'll need more and more prisons."<sup>6</sup>

To me, both the Government and the judicial authorities appear to be sitting on their hands and letting the justice system slowly disintegrate. But some at least have got the message and we need to start the fight back.

I am indebted to Khalid Mahmood, Labour MP for Birmingham Perry Bar and a practising Muslim, for saying, with admirable directness, "What Lord Phillips and the archbishop are discussing is something that is completely outside their area of understanding." ...

"Allowing Sharia in parts of the UK would be divisive. ... "This would create a two-tier society. It is highly retrograde. It will segregate and alienate the Muslim community from the rest of British society.

"The majority of British Muslims want to live only under British law and they would reject anything that means they are treated differently.

And I was even more relieved that in this building in October the Law Lords concluded in a family law and asylum case that "Sharia law is incompatible with Human Rights legislation."<sup>7</sup> They were referring to the imposition of Sharia abroad, but I do not see any safeguards to give us any confidence that Sharia applied here would be any better. Liberty said the ruling "upheld basic protections which must be available to us all". But are they?

Alternative Dispute Resolution has a legitimate role, especially in commercial matters and where there is no question that it is being entered into voluntarily by two parties of equal power. But the growth industry in ADR is not in these kinds of cases. And the self-appointed, unregulated tribunals are gaining in strength; they increasingly hold themselves up as courts with as much force as the law of the land, but are not operating with the same controls and safeguards.

The National Secular Society will be working together with the One Law for All campaign and the Lawyers' Secular Society to gather much more information about how the vulnerable suffer under Sharia law in the UK.

This is not entirely virgin territory. There is a possible template for success. As you will no doubt have heard, the Canadian province of Ontario was as concerned as we on the platform are about Sharia, similarly operated through arbitration mechanisms. After a comprehensive study, they ended all religious arbitration in 2005. You will find a paper describing what happened in Canada on our website on [www.secularism.org.uk/onelawforall.html](http://www.secularism.org.uk/onelawforall.html)

Our next task is to come up with proposals, possibly including legislative ones, as to how the vulnerable can be better protected and how existing equality and Human Rights for all in the UK can be permanently protected from the never-ending clamour for yet more religious privileges.

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<sup>6</sup> <http://www.spiegel.de/international/world/0,1518,534579,00.html> and [http://www.channel4.com/culture/microsites/C/can\\_you\\_believe\\_it/debates/divorce.html](http://www.channel4.com/culture/microsites/C/can_you_believe_it/debates/divorce.html)

<sup>7</sup> <http://www.guardian.co.uk/world/2008/oct/23/religion-islam>

If you would like to support us in this endeavour, please contact anyone on the platform or email [enquiries@secularism.org.uk](mailto:enquiries@secularism.org.uk) This speech and other papers presented here are being posted on [www.secularism.org.uk/onelawforall.html](http://www.secularism.org.uk/onelawforall.html) which we will be updating as the campaign unfolds.