



Activity 3 – Muslim Women in the UK and Sharia Courts

The continued existence of *sharia* courts – community courts run by local *sharia* councils in the United Kingdom, which adjudicate on issues of marriage, maintenance, domestic violence and inheritance for Muslims has stirred up controversy in recent times. The proponents of the courts highlight the benefits of the system as cheap and informal mechanisms for delivering justice at a community level. However, the critics of the system feel that these courts are creating an alternative to the state courts. They are also perceived as inimical to the interests of women. According to a Reuters report there were 85 such courts in the UK in 2015:

<http://www.reuters.com/article/us-britain-sharia-court-idUSKBN0OV2EX20150615>.

A number of women's groups have demanded the shutting down of these courts as they claim that these are merely instruments through which Islamic right-wing forces control women. This case also brings to the fore the question of what freedoms are allowed to minority religious communities. The issue became politically sensitive in early 2016 as the Home Office ordered an enquiry into *sharia* courts in the UK to test their compatibility with British law. This move was perceived as driven by paranoia about the rise of Islamic 'radicalism'.

<https://www.theguardian.com/law/2016/jun/27/mps-launch-inquiry-sharia-law-courts-uk>

A lot of academic literature, however, has noted that the *sharia* courts are a way of managing cultural diversity in a multi-cultural society. Werner Menski, a renowned academic who specialises in South Asian law, has coined the term "angrezi shariat". This roughly translates as "British Muslim law" and is used to describe the existence of multiple legal systems in Britain, which takes into consideration the diversity of community identities. The term was used by Menski to describe instances where Muslims in the UK abide by the British law even while following the customary norms associated with their socio-cultural and religious affiliation.

In reading the articles below, we will try to think about women's rights under diverse legal systems.



- <https://www.theguardian.com/law/2016/sep/04/uk-courts-should-be-able-to-issue-islamic-divorces-sharia-expert-says>
- <http://www.independent.co.uk/news/uk/politics/sharia-councils-uk-muslim-women-stuck-abusive-marriages-warning-naz-shah-islam-a7390471.html>
- <https://www.theguardian.com/law/2016/jun/27/mps-launch-inquiry-sharia-law-courts-uk>

Read the articles carefully and try to think about the following questions:

1. What are the different voices of women that emerge in the debate? Do they come into conflict?
2. Do you see a contrast between the approach towards sharia courts in articles 1 and 2?
3. Does the same law for everyone ensure justice for women? (Hint: Read what the second article is saying)
4. Who are involved in the project of reforming Muslim law? What are their aims? Do they have aims other than securing justice for Muslim women? Does it say something about the politics of reforming Muslim law?

You can then read the following article which comments on a documentary. This will help us address the larger question of 'integration' in a multi-cultural society. What are the ways in which religious minorities are expected to 'integrate'? Is there a moral value in the idea of integration or is it merely a way of wiping out differences in society? These are some of the questions we can keep in mind while looking at the following articles and videos.

<http://www.aljazeera.com/indepth/opinion/2016/04/beware-british-muslims-160414102212060.html>

1. Think about what is meant by 'integration'. Is it just a convenient mechanism to marginalise certain communities?
2. Also, take a look at the video embedded in the above article, in which a London mosque opens its doors to visitors who have never been to a mosque before. What do you make of such efforts?