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## Britain Grapples With Role for Islamic Justice

By [ELAINE SCIOLINO](#)

LONDON — The woman in black wanted an Islamic divorce. She told the religious judge that her husband hit her, cursed her and wanted her dead.

But her husband was opposed, and the Islamic scholar adjudicating the case seemed determined to keep the couple together. So, sensing defeat, she brought out her secret weapon: her father.

He walked a bearded man in long robes who described his son-in-law as a hot-tempered man who had duped his daughter, evaded the police and humiliated his family.

The judge promptly reversed himself and recommended divorce.

This is Islamic justice, British style. Despite a raucous national debate over the limits of religious tolerance and the pre-eminence of British law, the tenets of [Shariah](#), or Islamic law, are increasingly being applied to everyday life in cities across the country.

The Church of England has its own ecclesiastical courts. British Jews have had their own “beth din” courts for more than a century.

But ever since the archbishop of Canterbury, the Most Rev. [Rowan Williams](#), called in February for aspects of Islamic Shariah to be embraced alongside the traditional legal system, the government has been grappling with a public furor over the issue, assuaging critics while trying to reassure a wary and at times disaffected Muslim population that its traditions have a place in British society.

Boxed between the two, the government has taken a stance both cautious and confusing, a sign of how volatile almost any discussion of the role of [Britain](#)’s nearly two million Muslims can become.

“There is nothing whatever in English law that prevents people abiding by Shariah principles if they wish to, provided they do not come into conflict with English law,” the justice minister, [Jack Straw](#), said last month. But he added that British law would “always remain supreme,” and that “regardless of religious belief, we are all equal before the law.”

Conservatives and liberals alike — many of them unaware that the Islamic courts had been functioning at all, much less for years — have repeatedly denounced the courts as poor substitutes for British jurisprudence.

They argue that the Islamic tribunals’ proceedings are secretive, with no accountability and no standards for judges’ training or decisions.

Critics also point to cases of domestic violence in which Islamic scholars have tried to keep

marriages together by ordering husbands to take classes in anger management, leaving the wives so intimidated that they have withdrawn their complaints from the police.

“They’re hostages to fortune,” said Parvin Ali, founding director of the [Fatima Women’s Network](#), a women’s help group based in Leicester. Speaking of the courts, she said, “There is no outside monitoring, no protection, no records kept, no guarantee that justice will prevail.”

But as the uproar continues, the popularity of the courts among Muslims has blossomed.

Some of the informal councils, as the courts are known, have been giving advice and handing down judgments to Muslims for more than two decades.

Yet the councils have expanded significantly in number and prominence in recent years, with some Islamic scholars reporting a 50 percent increase in cases since 2005.

Almost all of the cases involve women asking for divorce, and through word of mouth and an ambitious use of the Internet, courts like the small, unadorned building in London where the father stepped in to plead his daughter’s case have become magnets for Muslim women seeking to escape loveless marriages — not only from Britain but sometimes also from Denmark, Ireland, the Netherlands and Germany.

Other cases involve disputes over property, labor, inheritances and physical injury. The tribunals stay away from criminal cases that might call for the imposition of punishments like lashing or stoning.

Indeed, most of the courts’ judgments have no standing under British civil law. But for the parties who come before them, the courts offer something more important: the imprimatur of God.

“We do not want to give the impression that Muslims are an isolated community seeking a separate legal system in this country,” said Shahid Raza, who adjudicates disputes from an Islamic center in the West London suburb of Ealing.

“We are not asking for criminal Shariah law — chopping of hands or stoning to death,” he continued. “Ninety-nine percent of our cases are divorce cases in which women are seeking relief. We are helping women. We are doing a service.”

Still, there is ample room for clashes with British custom. Three months ago, for example, a wealthy Bangladeshi family asked Dr. Raza’s council to resolve an inheritance dispute. It was resolved according to Shariah, he said. That meant the male heirs received twice as much as the female heirs.

Courts in the United States have endorsed Islamic and other religious tribunals, as in 2003, when a Texas appeals court referred a divorce case to a local council called the Texas Islamic Court.

But Shariah has been rejected in the West as well.

The Canadian province of Ontario had allowed rabbinical courts and Christian courts to resolve some civil and family disputes with binding rulings under a 1991 law. But when the Islamic

Institute on Civil Justice there tried to create a Shariah court, it was attacked as a violation of the rights of Muslim women.

As a result, Ontario changed the entire system in 2006 to strip the rulings of any religious arbitration of legal validity or enforceability.

In Britain, beth din courts do not decide whether a Jewish couple's marriage should end. They simply put their stamp of approval on the dissolution of the marriage when both parties agree to it. The beth din also adheres to the rules of Britain's [1996 Arbitration Act](#) and can function as an official court of arbitration in the consensual resolution of other civil disputes, like inheritance or business conflicts.

"People often come to us for reasons of speed, cost and secrecy," said David Frei, registrar of the London Beth Din. "There's nothing to prevent Muslims from doing the same thing."

In Britain's Islamic councils, however, if a wife wants a divorce and the husband does not, the Shariah court can grant her unilateral request to dissolve the marriage.

Most Shariah councils do not recognize the Arbitration Act, although Mr. Straw has been pushing them in recent months to do so. The main reason for their opposition is that they do not want the state involved in what they consider to be matters of religion.

The conflict over British Shariah courts comes at a time when Islamic principles are being extended to other areas of daily life in Britain.

There are now five wholly Islamic banks in the country and a score more that comply with Shariah.

An insurance company last summer began British advertising for "car insurance that's right for your faith" because it does not violate certain Islamic prohibitions, like the one against gambling.

Britain's first Shariah-compliant prepaid MasterCard was begun in August.

Here in London, Suhaib Hasan's "courtroom" is a sparsely furnished office of the [Islamic Shariah Council in Leyton](#), a working-class neighborhood in the eastern corner of the city. It has no lawyers or court stenographer, no recording device or computer, so Dr. Hasan takes partial notes in longhand.

"Please, will you give him another chance?" he asked the woman in black who was seeking divorce — that is, before she brought in the weighty voice of her father.

"No, no!" the woman, a 24-year-old employment consultant who had come seeking justice from 200 miles away, replied. "I gave him too many chances. He is an evil, evil man."

"I'll give you one month's time to try to reconcile," Dr. Hasan ruled.

Then her father tipped the scales.

“He was not a cucumber that we could cut open to know that he was rotten inside,” the father testified. “The only solution is divorce.”

Apparently convinced, Dr. Hasan said he would recommend divorce at the [London Central Mosque](#), where he and several other religious scholars meet once a month to give final approval to cases like this.

Dr. Hasan, a silver-bearded, Saudi-educated scholar of Pakistani origin, handles the Pakistani community; an Egyptian ministers to the ethnic Arab community, while a Bangladeshi and a Somali work with their own communities.

The council in Leyton is one of the oldest and largest courts in the country. It has been quietly resolving disputes since 1982 and has dealt with more than 7,000 divorce cases.

Under some interpretations of Islamic law, a woman needs the blessing of a scholar of Islamic jurisprudence to be divorced, while a man can simply say three times that he is divorcing his wife.

Dr. Hasan counsels women that they must have their civil marriages dissolved in the British civil system.

“We always try to keep the marriages together, especially when there are children,” said Dr. Hasan’s wife, Shakila Qurashi, who works as an unofficial counselor for women.

If the husband beats her, she should go to the police and have a divorce, Ms. Qurashi said. “But if he’s slapped her only once or something like that,” she said, “and he admits he has made a mistake and promised not to do it again, then we say, ‘You have to forgive.’”

One recent afternoon, the waiting room was full of women and their family members.

A Pakistan-born 33-year-old mother of five explained that her husband would beat her and her children. “He threatens to kill us,” she said, as her daughter translated from Urdu. “He calls me a Jew and an infidel.” Dr. Hasan told her to immediately get police protection and request an Islamic divorce.

Another woman, 25, wanted out of a two-year-old arranged marriage with a man who refused to consummate the relationship. Dr. Hasan counseled dialogue.

“Until we see the husband,” he said, “we can’t be sure that what you’re saying is true.”

*Basil Katz contributed reporting.*

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