

Let UK Muslims enjoy freedom

Melanie Phillips



IN BOTH Britain and the US, there are now attempts to push back against the steady encroachment of sharia law. In Britain, a Private Members' Bill has been introduced in the House of Lords by the cross-bench peer Baroness Cox to curb the increasing use of sharia courts to dispense family law and settle disputes in Muslim communities. This bill, which is being supported by secular groups and an Iranian and Kurdish women's rights group, will require **government support** if it is to become law.

In the US, legislators in some 20 states are currently considering more than 40 bills that would ban or restrict the use of sharia law in their courts. Among many Jews, such moves are likely to engender an ambivalent or even hostile reaction. Such a response would be misguided and regrettable. For it arises from dangerously muddled attitudes in the Jewish community towards Muslims, sharia law and the proper place of Islam in British society.

Jews are very properly sensitive to the dangers of prejudice and discrimination against other minorities. And very often they see in Muslim communities echoes of their own. After all, they say, don't we Jews also sometimes dress in

strange and distinctive ways, follow religious practices that are not understood by the population in general and have our own religious courts, just like the Muslims?

The answer to that last point, however, is an emphatic no. For the big difference between British Jews and Muslims is sharia law.

Contrary to the popular misapprehension, sharia is not like halachah and sharia courts are not like the batei din. Jews believe that the law of the land is the law. Decisions of the batei din are therefore essentially informal rulings; any binding decisions about family or other matters are made in accordance with the law of the land, which is acknowledged to hold sway.

Those who promote sharia say it supersedes the law of the land

By contrast, Muslims promoting sharia believe that Islamic law must supersede the law of the land because sharia is divinely ordained and recognises no superior secular authority.

That alone should be reason enough to oppose the operation of sharia courts.

For if the law of the land is not recognised by a section of the population, society will at best fragment into areas of separate development and at worst eventually adopt Islamic values overall.

Moreover, the principles of sharia are inimical to British and western society — not least when it comes to the status of women, whose testimony under sharia is afforded half the weight of that given by men.

Two years ago, a report from the think-tank Civitas stated that decisions by Britain's 85-plus sharia courts were likely to be unfair to women and backed by intimidation. Lady Cox's Bill would create a new offence punishable by a

five-year prison sentence if such courts falsely claimed or implied legal jurisdiction over criminal or family law.

The peer says she is deeply concerned in particular that sharia courts are enforcing decisions that discriminate against women and, in effect, perpetuate the enslavement of women through systemic domestic abuse. She is also extremely troubled by the development of a parallel jurisdiction of Islamic law.

These concerns should surely be shared by all who care about the survival of the basic tenets of a liberal democracy. So it would be troubling if Jews were to oppose such a Bill. Yet, to judge from previous positions taken by the British community leadership, it is likely that there will indeed be precisely such opposition, even if in public heads are kept well below this particular parapet.

The reason is that British Jews are driven by their concern to do the decent thing by the Muslim community. And there may also be a feeling that by showing solidarity, as it were; between one minority religious court system and another, the Jewish community may help draw the sting of Muslim hostility.

But many Muslims want nothing to do with sharia. They want to enjoy the benefits of western freedoms. They want equality for women. They want to be regular British citizens living under one law for all. Just like British Jews, in fact.

So why should any Jew want the status and rights of British Muslims to be different from their own? False assumptions and moral muddle can never be the basis for doing the decent thing.

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