

## **ISLAM IN ENGLISH LAW**

Wednesday 8 July 2009 6.00 – 7.30 pm

Temple Church, off Fleet Street, London EC4Y 7BB

For a map: [www.templechurch.com](http://www.templechurch.com)

*The series concludes with the most topical of all themes. We hope you can join us, with as many colleagues and friends as will find the discussion of interest.*

# **Should the UK adopt a Pluralistic Legal System?**

*In Discussion:*

**The Hon. Marion Boyd,  
former Attorney General of Ontario, Canada**

**Professor Shaheen Sardar-Ali,  
Warwick University**

£10; free for all students of the Inns of Court and Universities,  
and for University lecturers. Booking at  
[www.templemusic2009.org](http://www.templemusic2009.org)

**CPD Points applied for (BSB and Law Society): 1.5 hours**

*We will air, robustly but courteously, the hopes and concerns of those who value Sharia Law and of those who fear in it a challenge to the social cohesion of the country and to the equality of men and women; and we ask what inequities can arise in a pluralistic system – by giving the more powerful parties in a dispute an opportunity to choose the system more advantageous to themselves – and how, if at all, such inequities could be overcome.*

*The formal dialogue will be followed by Questions and Answers.*

‘It might be possible to think in terms of what [Ayelet Shachar] calls “transformative accommodation”: a scheme in which individuals retain the liberty to choose the jurisdiction under which they will seek to resolve certain carefully specified matters, so that “power-holders are forced to compete for the loyalty of their shared constituents”’ (122). – The Archbishop of Canterbury, *Islam in English Law, Foundation Lecture*, 7 Feb. 2008.

‘I would be very concerned about sharia courts applying in the UK....At some stage in the future I do not rule out the possibility that the Muslim diaspora in this country may be advanced enough. But now is not the right time...There is unequal bargaining power between [Muslim] men and women in this country; women can be abused and persuaded to do things that they shouldn’t have to do.’ – Sadiq Khan, MP, Parliamentary Under Secretary of State in the Department for Communities and Local Government, in *The Sunday Times*, 12 Oct. 2008.

‘Sharia law has no jurisdiction in England and Wales and there is no intention to change this position.... Any order in a family case is made or approved by a family judge applying English family law.’ – Bridget Prentice, M.P. (Parliamentary Under-Secretary, Ministry of Justice), *Written Parliamentary Answer*, 23 Oct. 2008.

*We are very grateful to the principal participants in this discussion:*

#### THE HONOURABLE MARION BOYD

Elected in 1990 to the Ontario Provincial Parliament, Marion Boyd served in the Cabinet as Minister of Education, Minister of Community and Social Services, Minister Responsible for Women’s Issues and Attorney General. In 2003 the Islamic Institute of Civil Justice announced a plan to establish a “Sharia Court” in Ontario, within the scope allowed by Ontario’s *Arbitration Act*, 1991. In June 2004, Marion Boyd was asked to lead a Review of the Act as it applied to family and inheritance law, ‘and to examine the impact that the use of arbitration has on vulnerable people.’ Her report, *Dispute Resolution in Family Law: Protecting Choice, Promoting Inclusion*, was released on December 20, 2004. In November, 2005, the government introduced legislation, *The Family Statute Law Amendment Act*, 2005, implementing many of her recommendations. Marion Boyd’s report:

<http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/boyd/>

#### PROFESSOR SHAHEEN SARDAR-ALI

Professor Sardar-Ali was formerly Professor of Law, University of Peshawar, Pakistan. She was a member of the British Council Task Force on Gender and Development, the National Commission of Inquiry on Women and the Prime Minister's Consultative Committee on Women in Pakistan. I have served as Minister for Health, Population Welfare and Women's Development in the Government of the North West Frontier Province (Pakistan) and Chair of the National Commission on the Status of Women of Pakistan. She is co-editor and co-author of *Conceptualising Islamic law, CEDAW and Women's Human Rights in Plural Legal Settings: A*

*Comparative Analysis of application of CEDAW in Bangladesh, India and Pakistan* (2006) and of *Human Rights, Plural Legalities and Gendered Realities: Paths are Made by Walking* (2007), and, most recently, author of *Indigenising Development Processes: Some experiences on development and good governance in the NWFP of Pakistan* (2008),