

Family Law, minorities and legal pluralism:

Should English Law give more recognition to Islamic Law?

Lecture by Shaykh Faizul Aqtab Siddiqi, Barrister

Chairman, Governing Council of Muslim Arbitration Tribunal

Origins of Law

In approaching the question of potential for interaction between Islamic and English law it is important to make the distinction as to the origins and the history of the two sets of laws.

It is believed by Muslims that the Islamic Laws are those principles and codes of living established according to the Mind of God, the Creator of the Universes. These principles are found in an unprecedented way in His direct words in the Holy Quran and subsequently de-codified into a practical manifestation of daily life according to the acts and sayings of the Holy Prophet Muhammad p.b.u.h. To this extent the sources of Islamic Law are absolute, infallible and not open to review.

The traditions of the companions of Prophet Muhammad p.b.u.h. are encapsulated through common consensus (Ijma). Thereafter, the decisions of the renowned Jurists in the established Schools of Law, namely Hanafi; Maliki; Shafi; Hanbali and Jaafri, set a precedent in accordance with the application of the human mind (Qiyas). The existence of Ijma and Qiyas allowed a great deal of certainty in the interpretation of the absolute sources of Islamic Law. However, the existence of Ijma and Qiyas did not rule out the possibility of renewed interpretation (Ijtihad) according to societal changes. Ijtihad guaranteed a process of dynamic and contemporary application. Islamic Laws did not preclude the formation of administrative laws being formed by various political states in accordance with their local circumstances.

English Law is based on the codes and principles according to the mind of man. This thought process is found either in the books of statute at the Houses of Parliament, representing the citizens of the English state, or by way of precedent, that is decisions of judges, representing human intellect and wisdom. These laws are fluid and constantly changing according to the values that prevail amongst society at any given time. The common theme that runs through the establishment of current English Law, more so with legislation than with precedent is the notion of fortifying the secular state.

The modern secular political state remains defensive over the application or imposition of any forms of 'religious Laws'. This attitude is understandable given the history of the inquisition and the intolerance that was suffered prior to the Renaissance period. Therefore any attempt to establish even a dialogue for the accommodation of religious laws in a secular state is not only met with resistance but outrage. The response to the pragmatic views of the Archbishop of Canterbury bears clear evidence to this effect. However, the Archbishop aptly concluded in his speech that *"if we are to think intelligently about the relations between Islam and British law, we need a fair amount of 'deconstruction' of crude oppositions and mythologies, whether of the nature of Sharia or the nature of the Enlightenment."*

In answering the question 'to what extent should English Law accommodate Islamic Law,' the answer would have to be in three parts.

Firstly, there are examples where English Law has been historically influenced by Islamic Law. Currently there are trends within English Law which also indicate that their eventual fate would pitch them very close to Islamic legal principles. The examples that will be offered are not intended to boast or stake a claim upon English Law. Their function is to provide context to the debate of the potential interaction between the two sets of laws. It is intended to pacify the outrage that follows the proposition that English Law should accommodate Islamic Law.

Secondly, there are certain aspects of Islamic Law that can and do sit very well within the framework of the ADR mechanism under the regime of the current Arbitration Act 1996. This process of voluntary submission offers scope to fulfil the specialist and acute needs of the Muslim community. The outcomes in these tribunals would neither conform to nor threaten the fundamental principles of the English Law. The decisions simply advance and enrich the lives of the submitting parties by bringing closure and certainty to an unpleasant part of their life.

Finally, recognition can only be advanced through a process of dialogue, discussion and interaction between those that are the proponents of both these legal disciplines. The dialogue of the interfaith bodies has had profound outcomes to the betterment of the adherents of both faiths. The dialogue of the inter-law body could equally produce profound outcomes in order to enrich the substance, process and the outcomes found in English Law.

Historical Influences and Interactions

Several academics, historians and commentators have suggested that there are strong indications of English common law being influenced by Islamic Law. This may have come through the close connection and interaction between the Arabs and Normans, following the Norman conquest of Sicily in 1061, as well as the crusaders interaction with the Middle East and European interaction with Andalusia. One of the key features suggested is in the establishment of the rule of law and the separation of powers.

The rule of law is without doubt a fundamental and integral aspect of any legal system, the strongest guarantee of administering justice and the means to protect the institutions of government and protect public and individual freedoms. A glance at Islamic history will make it clear to any objective observer that both the theory and practice of the rule of law as understood today had already been established in the seventh century by the rightly guided Caliphs as derived from Islamic Law. This is distinct from previous civilisations, where the theory existed in practice; the ruler and the ruling class would be above the law. Whilst there is no absolute proof to this connection, one cannot overlook the similarities in the theories articulated by Montesquieu and later by Dicey relating to these concepts and Islamic Law. It was only after their postulations that the rule of law was established in the English legal system.

The second Caliph, Umar Ibn al-Khattab (592 – 644), presented himself before a judge and subjected himself to the rule of law on account of a claim brought against him by an ordinary member of the public from whom he had purchased a horse. A similar narration is also recorded regarding the fourth Caliph Ali (596 – 661), who was unable to prove title to an item he claimed ownership of. The judge ruled that he could not present his son, an emancipated slave to give testimony, and consequently ruled against him.

The Holy Quran states:

“So judge (O Muhammad) between them by what God has revealed and do not follow their vain desires, but beware of them lest they turn you away from some of what God has sent down to you.” (Quran 5:49)

Islamic Law does not simply prohibit the political leaders from interfering with the decisions of the judge, but in fact stipulates other safeguards to ensure judicial integrity and to keep corruption at bay. Such safeguards include offering high levels of pay to the judges, a prohibition of sitting when any ascendants or descendents are the litigants, and even from passing judgement in a state of anger so as not to cloud one's judgement. Such safeguards would seem obvious and not necessarily noteworthy today, amid a mass of guidance available to the judiciary and though the continued training from the Judicial Studies Board. However, this guidance was groundbreaking novelty for emerging civilisations.

The Holy Quran states:

“...And let not the hatred of others dissuade you from justice. Be just, that is nearer to piety; and fear God. Verily, God is well acquainted with what you do.” (Quran 5:8)

“...And if you judge (O Muhammad), judge between them with justice. Verily, God loves those who act justly.” (Quran 5:42)

“Verily, Allah commands you to make over the trusts to those entitled to them, and that when you judge between people you judge with justice.” (4:58)

The Holy Prophet Muhammad p.b.u.h. stated:

“If a judge gives a judgment using his best judgment and is correct, then he receives a double reward (from God). If he uses his best judgment but makes a mistake, then he receives a single reward.” (Reported in *Sahih Ahmed*)

“Whoever Allah tests by letting him become a judge between people, should treat them justly in the way he looks at them, the way he speaks to them, the gestures he makes to them and the place where he makes them sit.” (Reported in *Baihaqi*)

Other areas of influence include the laws relating to: trusts, agency, land, contract, trial by jury and even the presumption of innocence.

The parallels between Islamic Law and English Common Law can be observed in the law of trusts and charitable endowments (*waqf*). Islamic Law requires that every *waqf* has a Settlor, Trustee and Beneficiary. One cannot help but notice that the common law trust, as developed in English Law, came into being at the time when the crusaders were engaging the Muslims in the holy lands. It is perfectly conceivable that they may have been influenced by *waqf*

institutions they came across during the crusades. The hospitals where some crusaders would have been treated by the Muslims had been established on these waqf principles.

In an article by Mukul Devichand, he suggests that the Inns of Court may have been “modelled” on Muslim ideas about Islamic schools of law.

Islamic Law formulated, and the jurists duly developed, many of the concepts and provisions relating to contract law several centuries before the same appeared in English Law. These included concepts relating to recession, frustration, and capacity in contracts. It will be noted from case law that some of these clearly important concepts in contract law were not developed until the 1800s.

Criminal Law

In the medieval ages in this country, a dispute or allegation was settled by trial by combat (not much good unless you were particularly good with a sword or mace) or trial by ordeal (not much good if you get a blister easily from hot irons). The jury system did not come into force until the Crusades. Henry II is credited with the beginnings of this type of trial, but what is the link between the jury trial and the Crusades? The precursor to the jury trial was the *Lafif* which was found in classical Islamic Maliki jurisprudence, developed between the 8th and 11th centuries in North Africa and Islamic Sicily. The Islamic *Lafif* was a body of twelve members drawn from the neighbourhood and sworn to tell the truth, who were bound to give a unanimous verdict. According to Professor John Makdisi, “no other institution in any legal jurisdiction studied to date shares all of these characteristics with the English jury.” At the same time King Louis IX introduced the concept of presumption of innocence in criminal trials in France, and the right of silence, an already established practice in Islamic courts.

Prior the Criminal Evidence Act 1898 the defendant could not give evidence on his own behalf in a criminal trial. This law protected the court knowing about his previous bad character except in situations where it was strikingly similar to the current offence he was contesting. Over a century of case law followed until the Criminal Justice Act 2003, which made it easier to place the defendant's bad character before the trial court. In Islamic Law this was allowed 1400 years ago. Muslims have always believed that a person's character is important in understanding the defendant's potential tendencies towards the offence committed.

Islamic Law allows for a reduction or mitigation of sentence due to compensation or forgiveness by the victim. In Islamic Law the victim may accept money as damages for the wrong committed if they so chose. Even in the case of murder the family of the victim can opt for monetary compensation instead of the offender being punished by capital punishment.

In this country, there is a limited right of the victim to address the court on the issue of compensation. The view of the victim's family in murder cases has been the subject of a pilot scheme before certain crown courts in this country. An advocate on behalf of the victim's family was allowed to address the court before sentencing. It has just been announced by the government that this pilot scheme is a success and will be expanded. This idea is common in the USA and Europe, but Islam has allowed it for 1400 years.

Compensation to a victim has not traditionally been awarded in criminal cases in this country. It is only in recent times [*see section 130 Powers of Criminal Courts (Sentencing) Act 2000*] that the English law requires compensation to be at the forefront of the criminal court's mind. Even if awarded, it is usually a token sum which means the victim may still need to go elsewhere to find a remedy, such as a civil court or the Criminal Injuries Compensation Agency. Criminals have to be sent to prison because of the seriousness of the offence, even though they may have the means to fully compensate the victim. Surely a defendant should be able to ask for further mercy of the court by fully compensating his victim. It may be suggested this is a case of buying one's way out of prison since the poor defendant cannot make this offer, but why should the victim not benefit if the accused has the means?

The new Magistrates' Court Sentencing Guidelines issued by the Sentencing Guidelines Council in May 2008 have divided fines into 5 Bands, labelled A-E. Band E (the top band) is 400% of the offender's weekly income and is the appropriate band where the offence normally merits a custodial sentence but the court can now impose a fine instead. This is a brand new approach to sentencing in English criminal law. Hopefully there will be a corresponding increase in the amount of compensation being awarded to victims.

Family Law

In the realm of family law there has been significant conceptual movement in English Law in the last fifty years. Marriage is generally in all jurisdictions regarded as sacrosanct. The essence of it is regarded as both spiritual and contractual. There is now a greater attention in many Western legal jurisdictions to view the contractual aspect of the marriage with greater

focus. The American experience has shown merit in the parties wishing to regulate their affairs by way of the prenuptial agreement. Public and judicial opinion in the United Kingdom seems to be slowly favouring such trends. Historically it was thought that the introduction of such discussion may affect the 'love and happiness' normally found at the beginning of such a relationship. Spouses today take a more pragmatic approach in the interests of the transparency, stability and certainty.

Islamic Law recognises both parties as separate legal entities with reciprocal responsibilities under the 'contract of marriage.' This incorporates certain implied terms, which are maintenance by the husband of the wife with food, clothing and shelter in accordance with her standard of living prior to marriage. However, if either party desired to add or stipulate any extra conditions or future requirements into the contract of marriage, they are able to do so as long as they do not violate established principles of equity. The resultant certainty and stability for the parties and the children has a positive impact even if the relationship breaks down. With all marriages in Islamic law being evoked through the auspices of a contract, the parties to a relationship are therefore bound by a set of obligations (financial, pastoral and moral) placed upon them for which they remain accountable both in accordance with the law and ultimately, in accordance with their beliefs, and on the Day of Judgement.

One of the cornerstones of the marriage contract in Islamic law is the idea of compulsory Mahr (dowry). The bride can stipulate what her dowry should be and whether it needs to be paid at the time of the ceremony or after marriage. This is an additional safety mechanism for the wife's maintenance and accommodation, and sometimes a useful instrument of forced consideration for the man in case he decides to arbitrarily terminate the marriage. Currently English law does not accommodate this concept and a Muslim wife upon divorce may not be able to enforce her rights under the contract.

English law does not recognise an Islamic marriage ceremony celebrated within this jurisdiction. This has resulted in the celebration of many marriages without proper information being offered to the weaker spouse, namely the wife. It may be said that such practice of divulging information does not exist in many Muslim jurisdictions. This is no excuse for not correcting a wrongful practice carried out in these countries. The Muslim Registrar of marriages would have to ensure that the terms of the contract were fair, reasonable, and made in clear terms to both parties. There would be no symbolic amounts agreed in the dowry for example – it must be a realistic figure given the true intentions and circumstances of the parties. This process would require the Imams to advise the parties about the terms of the contract and ensure that the rights of the wife were particularly

ensured. MAT would seek to undertake this educational process with potential aspirants to an Islamic marriage to be fully informed of their right and duties. I propose that any form of validation attributed to an Islamic marriage ceremony must carry with it clear guidelines from an Islamic perspective rather than a cultural perception.

There will be some comment and inhibitions raised by those that oppose the recognition of polygamous or potentially polygamous marriages. In a jurisdiction where rights are afforded to many mistresses, and there is recognition of same sex marriages: the idea of polygamy should not be so alien or distant.

The regime of divorce law in England was rigid and reflected the centuries notion that marriage was for life and could not and should not be terminated. Although this was relaxed with the establishment of the Church of England, however the essence of the rigidity remained until the latter part of the 20th century. The Matrimonial Causes Act 1973 established a regime of discretion, tolerance and opportunity to abate limping marriages.

Even under the current regime of English Law, married couples find that if they decide, unilaterally or bilaterally, that their marriage has irretrievably broken down, then dissolving it is a mammoth task by having to prove it through one of five facts. The consequent allegations that have to be pleaded, attract the unnecessary inclusion of some material that is exaggerated, false or economical truths. This creates:

- Bitterness in the dissolution process;
- Exacerbates acrimony between the parties;
- Increases costs;
- Unnecessarily protracts the dissolution process;
- Reduces the capacity of the parties to amicably deal with important issues pertaining to the children and their welfare and ancillary relief.

The Family Law (Reform Act) 1996, attempted to remedy this unnecessary conundrum but this failed to reach fruition and was subsequently repealed.

Islamic Law provides a framework for dissolution that encourages reflection as well as the ability to move on quickly without the tethers of long winded procedures and unrealistic inhibitions. There is provision for terminating a marriage without pleading conduct or making public matters that are better left with the parties. There are opportunities afforded to both parties to a process of reconciliation or mediation. There is also an optional period of

reflection and consideration for both parties to carefully make an objective decision. However it is recognised that if the marriage is in a dire situation, then there is no wisdom in enforcing that state of affairs to continue. A swift process of termination of the marriage is also available. These are the principles of Islamic law of divorce that are influencing the direction of the laws of many jurisdictions in the world today.

Muslim women are often seen as the victims and the worst off in the application of Shariah Law. This is as a result of an influence of certain cultural practices, largely inherited from the Indian sub-continent, which raise eyebrows even amongst Muslim jurists, and do subjugate the rights of women in society. These cultural practices have to be distinguished from Islamic legal principles. Upon examining such practices and their roots, one can maintain that there are no Islamic legal principles that subjugate the rights of women. A good example would be where the husband has failed in his duty to maintain and accommodate his wife either during or after the dissolution process, the Muslim judge can order the wife to take out a loan from a third party in the name of her husband. In this instance the husband would be solely responsible for the repayment of that loan. This principle would certainly find favour with all wives no matter what their religion and even the Child Support Agency.

Muslim Arbitration Tribunal (MAT)

An example of the second aspect of interaction can be found in the establishment of the Muslim Arbitration Tribunal (MAT).

MAT was created in 2007 to deal with dispute resolution within the Muslim community in England and Wales. It complies fully with the Arbitration Act 1996 and so it operates within the English law and not as an alternative legal system in this country as some parts of the media suggest. It allows both parties who want their personal religious law to direct the case before a panel of two arbitrators; one is an expert in Islamic law sitting together with a fully qualified lawyer. MAT offers the Muslim community the regular benefits of arbitration supplemented with the expertise to have decisions made according to their faith.

Both the legal and Islamic scholar members of the tribunal have to produce a joint written judgment, which is then given to the parties. The training given to both panel members would be similar to that given to new judges appointed in this country. They are taught how to conduct the proceedings in a fair and impartial manner, and how to write an acceptable judgement which can stand up to scrutiny of the High Court if there is an appeal. The

governing body of MAT has a disciplinary function over its panel members, again similar to many other disciplinary bodies.

The procedural rules governing MAT are publicised on its website for all to see. They are modelled on the tribunals that already exist in the UK and cannot be criticised as resembling some strange legal system.

Need for MAT

Historically, because there have been problems in the Muslim community in the UK which could not be resolved through the civil courts, a number of Sharia councils sprung up to resolve these matters. An example is the religious marriage and divorce which is not recognised by the English law. A man could divorce his wife through the family Court but decline to issue a religious divorce. Consequently he was free to re-marry but the wife was constrained by her religious law and was stuck in what we describe as a limping marriage. The only way to resolve the problem for her was to issue a religious divorce by a Sharia council. These Sharia councils have moved on to deal with other types of disputes within the Muslim community. However they do not purport to resemble anything like the courts in this country. For example there are no female members of the councils sitting in judgement. There are no legally qualified members sitting on the council. These shortcomings have been highlighted by the media. In contrast to this MAT has about 40% of its panel who are female. Every MAT hearing requires a qualified lawyer to sit in judgement. Therefore whilst the councils served a necessary purpose in the past, it is now time to move on and incorporate Islamic law and English law in the way MAT does.

Role of MAT in forced marriage cases:

The policy of MAT is not to take a passive role in purely dealing with Arbitrations. It plays an active role in dealing with underlying causes to the problems of society. This is illustrated by its role in forced marriage cases. MAT produced a report entitled “Liberation from Forced Marriages” in which it was maintained that the position of forced marriages are greater in number than even the government had thought, and instead of trying to hide this fact, MAT has described it as a ‘crisis’ in the Muslim community that needs to be dealt with. Since then senior members of MAT undertook a nationwide consultation on the proposals in the report. These findings are about to be published in the forthcoming days.

MAT takes a strong view against forced or coerced marriages. In Islam, full consent of both parties is required before a valid marriage can take place. Thus MAT welcomes the introduction of the Forced Marriage Act 2007. The Governing Council of MAT has felt that additional protective measures should be considered. They advocate for an early warning system which would enable agencies and the community to recognise a potential problem. In the cases where one of the parties to the marriage involved a foreign spouse, MAT has offered to undertake a deposition from the British citizen in order to determine their free consent and then to issue a certificate of satisfaction. If this practice was implemented by the Home Office then the absence of such a certificate would be prima facie indication of a forced marriage.

Like every other community, there is domestic violence in the Muslim community. MAT recognises that such violence should normally engage the services of the police force and the criminal law takes primacy over civil law or arbitration. However, there are instances where the victim is faced with a dilemma. Prosecuting the spouse to a criminal conviction would mean the certain demise of the marriage. Continuing with the marriage without reporting the violence is also not an easy option. There are no obvious alternatives available to the victim. MAT has begun to develop processes and procedures through which an alternative may be presented to the victim. This process would include making a finding of guilt against the offender. That finding would be followed up by guidance, mentoring, and a programme of correction to be followed by the offender. The offender would be tasked with positive steps towards reconciliation and bridge-building with the victim. This solution has the potential of avoiding future abuse and maintaining the marriage.

It is often reported in the media and discussion blogs that women's rights are not upheld by organisations that incorporate Islamic law. Senior figures in the community adopt these arguments in their intellectual criticism of Sharia. Nothing could be further from the truth. Firstly, from MAT's outlook it has sizeable female representation on its arbitration panels. Secondly, over 80% of applicants to MAT are females seeking help. MAT is sometimes unable to assist them because the husband withholds the agreement required for arbitration. This is because most Muslim men are aware that in Islamic law their liability to the wife is greater than that imposed by English Law.

The recent judgement of Lord Hope in the case of *EM (Lebanon) v Secretary of State for the Home Department* [2008] AER (D) 206 has not been helpful. In paragraphs 5 and 6 of his judgement, he described the appellant as a fugitive from Shariah law as opposed to being a fugitive from Lebanon. The appellant was a lady who did not even take her case to a court in

Lebanon to have the case tried. Instead the English court was told that her child would be taken away from her and given to her divorced husband at the age of seven years. This argument was based upon the opinions of some ancient scholars of Islam. There was no evidence of what the Lebanese Court would have actually decided. It was not even considered that Lebanon is not actually an Islamic country. Its constitution provides that the President must be a Christian Maronite, the Prime Minister must be a Sunni Muslim and the Speaker in parliament must be a Shia Muslim. The country is 60% Muslim and 40% Christian and Druze. As a further sign of its secularism, the government licences all the prostitutes who work in Lebanon just as the Netherlands government does to legalise the same. Is this the Shariah law that the applicant in this case was running away from?

In this case Shariah law was described as being 'created by and for men in a male dominated society.' This is the first time there has been a suggestion that Muslims believe that 'God is a man who lived amongst us'.

In the matter of inheritance law there is a lot of controversy in the media accusing Islamic Law of unfairness. The classic example is always given of a daughter inheriting half as much as her brother. In Islam the testator cannot write his spouse and children out of a will as one can in English law. They will inherit their shares whether or not there is a written will. In an Islamic will, the testator can bequeath up to one third of his estate (to anyone including his daughter) and the rest is distributed according to Shariah law (under which the daughter inherits again). In English law a man is able to determine the shares of his children at his own whim depending upon his mood. Strangely, the media never criticises this aspect of English inheritance law. It is important to be aware that under Islamic inheritance law, what the female inherits is hers alone to use at her disposal and does not belong to her husband; whereas the male's inheritance belongs to him to be used for himself, his wife, children, parents and other dependant siblings, appropriately. Some Muslim females are unaware of this due to lack of requisite education. In reality, not many Muslim females actually complain about inheritance laws, save for those who are unaware of their rights. The overwhelming emphasis on The Law of Islamic Succession is upon the rights of those who are directly related to and affected by the life of the testator and testatrix. Any violation of such rights would render the Will to be deemed void. An Islamic Will, properly drafted in compliance with the criteria of English Law, needs to be regulated by a competent Islamic Law authority to uphold the rights of relevant parties.

Mosque disputes:

The 1980s and 1990s saw a lot of mosque disputes around the country. This was a natural development of the history of Islam in the UK with the arrival of new sects and new influences upon our communities. The result was vitriolic disputes, sometimes fights, as the two sects argued over control of the expensive building. As mosques are usually registered as charities, such cases inevitably involved the Charity Commissioners leading to cases ending up in the High Court with expensive litigation much to the comfort of legal practitioners but to the dismay of the community who inevitably donated in the cause of promoting their religion. Today the High Court or the Charity Commission could direct the parties to have the matter settled by expert Islamic and legal arbitrators.

The above examples demonstrate that MAT has a very wide remit and role to play in the future of ADR. The problems in Muslim society are not going to go away and there is a strong need for such institutions with the professions and the expertise to deal with them.

It is also my view that the establishment of MAT is also part and parcel of an enrichment process of the Muslim community. I would disagree with those who contend that the establishment of such institutions inhibit the integration of members the Muslim community. The 1st and 2nd generation of Muslims settled in the UK did so for economic reasons, hoping that they will return back to their “homeland”. They did not manage to return until their demise. The 3rd and 4th generation of Muslims settled in the UK do and must consider themselves to be British Muslims. They are bound by the social contract in the same way as all other citizens of our country. The establishment of institutions such as MAT are part of a process of advancing and encouraging the settlement of the 3rd and 4th generation in the UK and British citizens. They must feel they can continue to live in Britain without compromising their faith and values.

I also reject the view that Islamic Laws and Shariah can be applied in its fullest terms as part of English society today. It would be incredible to call for the application of Laws framed according to the Mind of God where the majority of citizens don't practically lead their lives according to the teachings of God. Shariah Law cannot be applied in a vacuum.

I also reject the idea that there are “Muslim countries that are the embodiment of a classical Islamic state applying Shariah Law” today. This is because the vast majority of citizens of those countries also do not lead their practical lives according to the Mind of God. They may

claim to be adherents of the Islamic faith but the claim is simply insufficient. There is a requirement for that belief to be followed by a practical manifestation of that mindset, in the daily conduct of people in that society. That requirement is clearly not met.

The third aspect of interaction between the two legal disciplines would be one of discussion, dialogue and bridge-building.

I am of the view that we can overcome the outrage felt by the ill-informed minority and bring together the voices of reason through which we can discover not only the mutuality between the two disciplines, but how this dialogue can initiate a mutual process of enrichment. It has been established earlier that it is incorrect to state that English Law has no connections with Islamic Law. Clearly many laws and decisions have been made in English Law through the inspiration of Islamic Law.

I would call upon those gathered here today to initiate a continuing process of dialogue. I welcome the establishment of these series of lectures; quite clearly they will go a long way towards dispelling those crude oppositions and mythologies. This process could be maintained through the establishment of a permanent forum including the experts of both disciplines. I welcome the call for 'transformative accommodation' of Islamic Laws by the Archbishop of Canterbury. However, I believe that there is a dire need for 'transformative dialogue' before that accommodation can begin to take shape.