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Change would help to expose unjust rulings

Frances Gibb: Analysis

The move towards creating Britain's first formal network of Sharia courts is a logical next step after the encouragement given to Islamic tribunals by leading legal and church leaders.

In the past 18 months the Archbishop of Canterbury and the Lord Chief Justice have both given their blessing to the settling of some disputes under Sharia. A new network would formalise Sharia tribunals, lending them a new authority and credibility, as well as a more public face.

Such a move would, however, also run into fierce opposition, restoking debate about whether such tribunals, or courts, are a parallel legal system, or worse, above the law. Whatever the Church and the judiciary say, politicians have been clear. Jack Straw, the Justice Secretary, said last October [that Sharia principles would always be subject to English law](#). While such tribunals could be used to resolve disputes, English law remained supreme.

There was no room, he said, for parallel legal systems in England. The Justice Secretary's intervention provided welcome clarity after Dr Rowan Williams, in February last year, suggested that the rise of Sharia "seems unavoidable". His comments unleashed a furious row and he apologised for his "unclarity".

Then Lord Phillips of Worth Matravers, at the time Lord Chief Justice, joined the debate, agreeing that Islamic legal principles could be used in settling family and marital arguments, and to regulate finance. There was no reason why people entering into a contractual agreement, he said, could not agree that their agreement would be governed by a law other than English law. They could subject it to mediation or have it resolved by their chosen arbitrator, according to Sharia principles or any other religious code.

The right to go to a court would remain and the courts would not uphold any decision that conflicted with the laws of the country.

But as with Dr Williams, Lord Phillips's comments raised questions. Lawyers expressed concern that women could be coerced and forced to accept apparently voluntary agreements to their disadvantage.

David Green, a director of the independent think-tank Civitas, said that such tribunals reflected a male-dominated culture in direct conflict with British legal norms.

So there is a danger that a more formal and extended network of Sharia tribunals might be giving official sanction to a system that conflicts with human rights and fundamental British laws.

Maybe, but a more public face for such tribunals would help to expose when such rulings were out of line.

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