

Religious arbitration in family matters - Sharia courts have no place in UK family law. Listen to women who know

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There must be no religious arbitration in family matters. It leaves minority women vulnerable to control by fundamentalists

“We oppose any religious body – whether presided over by men or women – that seeks to rule over us.” So say more than 300 mostly Muslim women, but also others from different faiths who have been abused in their personal lives. These women are voicing their alarm, through a powerful statement published by *Open Democracy* [1].

From their own lived experiences, they warn against any attempt to normalise profoundly regressive religious codes of conduct as the basis of social interaction with, and policy development aimed at, minority women. They do so against the backdrop of Louise Casey’s report that warns of minority women who are trapped in abuse and isolation [2], and two ongoing inquiries into sharia councils: one initiated by the government [3] and the other by the home affairs select committee [4].

The signatories to the statement have witnessed, experienced or fled from the horrors and degradations of “honour” killings, domestic violence, child and ritual abuse, forced marriage, polygamy, rape and sexual assaults. They speak out against religious impositions that exacerbate their daily struggles to live their lives as they choose. They reject the forces of fundamentalism and patriarchy that seek to divide and govern through surveillance and control of female sexuality.

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These women remind us of the inherent dangers faced by all vulnerable minority women when religious fundamentalists masquerade as “guardians of faith” in order to take control of personal and family relationships. They speak out against the forces that would squeeze out the richness of cultural diversity and the life-affirming values of tolerance, humanity and compassion. As they put it, their ability to freely share and partake in diverse religious and secular traditions, creates “small pieces of happiness” in otherwise relentlessly difficult circumstances [5].

In our day-to-day work at Southall Black Sisters [6], we find little evidence to suggest that marginalised women within minority communities want engagement with the “marketplace” of Islamic or other religious ideals in family matters. The women we work with readily recognise that religion is itself implicated in the violence they experience, and in the community and state structures of power that militate against their rights. This insight is, of course, behind many struggles for equality and accountability that women have waged within and outside of the formal legal system.

The experiences of these women tell us that the entrenchment of sharia councils and parallel legal

systems within minority communities creates a space for the perpetuation of patriarchal control and harm to women, children and others perceived to be apostates, atheists and nonconformists. Secular feminist spaces – the long fought for and now beleaguered refuges and advocacy centres – are their best hope of accessing justice. Secular – not religious – spaces provide vulnerable minority women with alternatives to violence, isolation and fear, creating opportunities to build solidarity based on need and not religious or communal identity. The evidence and testimonies gathered from such women have been submitted to the home affairs select committee by Southall Black Sisters [7] and our coalition partners as part of the One Law for All campaign [8].

Sadly, these warnings are necessary because fundamentalist demands are embraced by some in feminist circles who claim to speak from positions of faith while failing to recognise the political dimensions of resurgent religious fundamentalist movements in the UK. Disconcertingly, this form of faith-based feminism is also co-opted by religious fundamentalists. By using the language of female “agency” and “choice”, they strengthen patriarchal structures of power and subvert the emancipatory goals of feminism and human rights. Feminism in minority communities has reached a critical juncture, caught in the eye of powerful reactionary forces of religion and racism.

Rather than oppose both in equal measure, the imperatives of religious identity politics appear to lead some faith-based feminists to align themselves with the religious right and thereby strip their politics of its progressive and ethical content. Such a stance is not any the less regressive simply because some Muslim women may refer themselves – or be referred by others acting on their behalf – to sharia councils.

Those of us who try to challenge religious laws – on the basis of long-established secular feminist principles, international human rights and gender equality laws – are increasingly labelled “anti-faith”, “unrepresentative” or “Islamophobic”. But we work to help the most marginalised women – like those who signed today’s statement – to build feminist cultures based on common and universal values of human rights, citizenship and the rule of law. We work to prevent the entrenchment of deeply misogynist and highly unaccountable religious power; a power that, once established, will not be easily relinquished in the current climate of social and economic instability.

For the record, Southall Black Sisters has never claimed, and will never claim, to represent or speak on behalf of Muslim women or anyone else. We have spent our political lives opposing self-appointed religious and community leaders who allocate to themselves the power to speak on behalf of entire communities. Some claim their views to be representative of the voice of “Muslim women”. We choose not to assume such a mantle for any group of women. Our only endeavour is to advocate for the rights of all black and minority women – those of all religious backgrounds and none – in the face of racism, discrimination, violence and inhuman and degrading treatment by their families, communities and the state. We will not forsake the experiences of our Muslim sisters who, like other women, arrive at our doors desperately seeking access to justice.

Our demand is simple: no religious arbitration of any kind in family matters. We want a secular law underpinned by human rights values to be applicable to all, without exception. As the One Law for All campaign has continued to assert, this is the only way to guarantee freedom of religion as well as freedom from religion. The challenges we face are too important to be reduced to a crude and regressive politics of representation.

Pragna Patel

P.S.

* "Sharia courts have no place in UK family law. Listen to women who know". The Guardian.
Wednesday 14 December 2016 09.30 GMT Last modified on Wednesday 14 December 2016 12.58 GMT:

<https://www.theguardian.com/commentisfree/2016/dec/14/sharia-courts-family-law-women>

Footnotes

[1] ESSF (article 39909), [Religious arbitration bodies – Sharia debate in the UK: who will listen to our voices?](#), about the growing power of religious bodies such as sharia councils, and demand that their voices also be heard in the current debate

[<https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/inquiries/parliament-2015/inquiry6/>]

[2] <https://www.theguardian.com/world/2016/dec/04/social-integration-louise-casey-uk-report-condemns-failings>

[3] ESSF (article <http://www.europe-solidaire.org/spip.php?article38403>), <http://www.europe-solidaire.org/>...

[4] <https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/inquiries/parliament-2015/inquiry6/>

[5] <http://www.southallblacksisters.org.uk/reports/cohesion-faith-and-gender-report>

[6] <http://www.southallblacksisters.org.uk>

[7] <http://onelawforall.org.uk/sharia-testimonials/>

[8] <http://onelawforall.org.uk>