Shari'a – A Way of Life

Regents Park Mosque
& Islamic Cultural Centre

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"How some elements of Shari'a can be accommodated in the British legal system"

by Hajj Ahmad Thomson, Barrister

In order to understand the significance of this presentation, it is important to be aware of the legal and social context within which it has come to be published.

We live in a society where some jurists argue that man-made laws should be in harmony with divinely revealed laws, while others who believe neither in God nor divine revelation insist that 'divinely revealed' laws should only be tolerated if they do not conflict with secular laws. Secular jurists speak about man-made laws as if they were divinely revealed while referring to divinely revealed laws as if they were man-made.

We live in a society which in the last hundred years has changed almost beyond recognition. The European countries which used to be ruled by Christian monarchs are now governed by secular democratic systems, with the bank replacing the cathedral as the most imposing building in the city. Similarly, there is hardly a Muslim left on the face of the earth today who knows what it is like to be governed by a khalif, or by a ruler appointed by a khalif, the most recent of whom was Sultan Abdulhamid II, who was deposed on the 6th Rabi'ath-Thani 1327 / 27th April 1909. As with the cathedral, the central mosque is now dominated by the central bank.

In the modern brave new world, there is not a single country that can accurately assert that all of its laws are in harmony with divinely revealed laws.

During the last hundred years, rule in accordance with the Shari'a of Islam under the Ottoman Empire has disappeared, while rule under its successor, the Bankers Empire, is itself currently on the verge of collapse. Not one of the post-colonial era 'Islamic' states can be described as being governed in accordance with the Shari'a of Islam, while all of them have the national debts which provide the leverage needed to ensure that the dictates of the IMF and the World Bank are obeyed. One of the laws of the IMF is that no member country may use bi-metal (gold and silver) currency as a medium of exchange – which is why all the 'Islamic' states have abandoned the traditional currency of the Muslims, the gold dinar and the silver dirham, and have submitted instead to worthless paper, plastic, or electronic digital tokens as their means of exchange.

As a result of this transfer of power from the political realm to the economic realm, many of the traditional centres of Islamic teaching and learning in what were once described as the Muslim lands have been closed down or 'modernised'. Although traditional Islamic sciences are still taught around the world, they have often been reduced to subjects of study, rather than the living and transformative sciences of doing or deciding things which they once were.

And yet in spite of ferocious and equally ignorant attacks on Islam and the Muslims by armies of journalists and soldiers alike, most of whom have not even bothered to study or try to understand its teachings, Islam is the fastest growing religion in the world, with even some of its greatest critics becoming its greatest supporters.

The greatest threat to the teachings of Islam therefore is that wherever they are not embodied by people of wisdom they are in danger of becoming refashioned, reformed and redefined into a state religion which, whilst permitting personal worship and the individual quest for truth and self-enlightenment, ensures that the dominant secular political and economic spheres of human activity, the former masking the latter (democratic usury), remain unaffected and impervious to the way of Islam, which is indeed a way of life and neither a set of rules nor a collection of principles.

And throughout the world, the muminun, those who trust in Allah, strive to learn and live the same Islam which was first established and embodied by the Prophet Muhammad and his family and companions and the first generations of their immediate followers, may the blessings and peace of Allah be on all of them, who were the best community that Allah has ever raised up on the earth – not the most primitive.

This process, which is activated and driven by love of Allah and His Messenger, takes place principally by means of direct transmission from one person to another – but part of this process also involves the study of source texts and the commentaries which explain the meanings of these texts.

The source texts, the Qur'an and the authenticated Hadith, are well known and well protected, but in the current age, facilitated by modern technology, an almost bewildering number of books on Islam are available. Some are inaccurate and misleading, some are well intentioned but out of focus – and some are invaluable and nourishing.

It is in this legal and social context, where Muslim communities are everywhere present, but nowhere in charge of their own governance or finance, that the possibilities of implementing at least some if not all of the Shari'a of Islam are identified and discussed.

One relevant publication, for example, is Dr Hashem Mahdi's book on *Muslim Personal Law*. This is a book which deals with some of the aspects of Muslim civil law which historically have been implemented both under Muslim and non-Muslim colonial rule. This book is worth reading for anyone who wishes to acquire more than a superficial knowledge of the subject. It summarises the main principles of those aspects of the Shari'a which govern the most fundamental personal human relationships in a straight forward and yet comprehensive manner. As Dr Hashem Mahdi makes clear in his Forward, it represents a culmination of one of the mainstream Sunni attempts to codify these aspects of Islamic law, based on centuries of practical application and experience – and relying principally on the Hanafi madhhab.

As such, although it is as impossible to codify Islam as it is to codify life itself, it nevertheless provides the reader with a reliable checklist of the identifiable features of the Shari'a which govern the fundamental milestones in life which most people experience during their life's journey: birth, childhood, marriage, divorce, death and inheritance.

The knowledge of a judge in a Shari'a court would not be limited to the contents of this book, but a student of Shari'a – who might one day become a judge – will find this book helpful in pursuing initial or intermediate studies. Dr Hashem Mahdi recommends that it is utilised and implemented throughout the world by Muslim communities, whether they constitute a majority or a minority of the general population of any given country.

In other words, this book represents more than a subject of study. It opens up several aspects of the Shari'a which can be implemented today. And in the modern legal and social context this is significant: As more and more Muslim communities begin to emerge in countries in which the way of Islam is being established for the first time, the possibilities of Muslims actually living what their divine guidance calls on them to follow are always being identified, activated and established.

Ignorant people inevitably produce extreme interpretations of this guidance, but balanced Muslims seek only to follow a middle course through life. By leading their lives in this way, they seek the mercy and compassion of their Creator and the Originator of this guidance, in this world and in the next.

Since God is the Source of everything that exists, including the human race and the situations in which people find themselves, it comes as no surprise to Muslims that God has not had to experiment when defining the boundaries between what behaviour is acceptable, or doubtful, or unacceptable – nor has God had to speculate about what laws should govern fundamental relationships between people. Muslims believe that God has always been in the unique position of being able to get everything right first time, simply because God knows best!

For those who believe there is no God, such a perspective is anathema – but for those who believe there is no god except Allah and that Muhammad is the final Messenger of Allah – the Muslims – the Shari'a is viewed as a mercy, which is why it is a road which they wish to follow.

And wherever there is a significant body of Muslims, living as a community, these wishes cannot simply be ignored – especially when it is recognised by people of intellect that this is not a bad thing and especially since it is recognised and accepted that the Shari'a is for those who wish to be governed by it – and not for those who reject it.

It is important to note that in those countries where the Shari'a is the law of the land, it does cater for minority non-Muslim communities living within Muslim governed territory. This is known as the dhimma contract. In exchange for payment of the jizya tax (four gold dinars, equivalent to approximately the price of four sheep) by all of its able-bodied men, a minority non-Muslim community living in Muslim territory is legally entitled to protection by the Muslims in times of danger and legally permitted to be self-governing in all its members' personal law matters.

It is this condition of dhimmi status which minority Muslim communities are seeking to acquire in the non-Muslim countries in which they reside today – and it is within this relatively limited context that the possibility of secular legal systems accommodating religious personal law is currently being considered and debated.

Thus in 1429 / 2008, a year which will soon be located in the past, it is significant that both the Archbishop of Canterbury and the Lord Chief Justice of England and Wales have publicly recognized that Muslim personal law has a place in English law – not as a parallel Shari'a jurisdiction in competition with the English legal system

and certainly not as part of a subversive legal coup d'état designed to replace entirely the former with the latter – but in a valuable supplementary role.

Thus the Archbishop of Canterbury, Dr Rowan Williams, while accepting in his lecture given on the 7th February 2008 that a detailed discussion of the Shari'a is beyond his competence, drew attention to "some of the broader issues around the rights of religious groups within a secular state, with a few thoughts about what might be entailed in crafting a just and constructive relationship between Islamic law and the statutory law of the United Kingdom."

The Lord Chief Justice of England and Wales, Lord Phillips, while accepting in his lecture given on the 7th July 2008 that Shari'a law "is not a topic on which I can claim any special expertise," looked positively at the interaction between the practice of Islam and the application of the law of the land.

Both the Archbishop and the Lord Chief Justice were broadly in agreement as to the status of English law. The Archbishop stated that, "the law of the Church of England is the law of the land" (and therefore implicitly **not** the law of Moses which Jesus came to uphold), while the Lord Chief Justice stated that, "British law has, comparatively recently, reached a stage of development in which a high premium is placed not merely on liberty, but on equality of all who live in this country. That law is secular. It does not attempt to enforce the standards of behaviour that the Christian religion or any other religion expects … Whilst breaches of the requirements of any religion in the U.K. may not be punished by the law, people are free to practise their religion. That is something to be valued."

The Lord Chief Justice illustrated his statements by outlining what degree of religious freedom is permitted by British law. He quoted Article 9(1) of the European Convention on Human Rights (as incorporated in English domestic law by the Human Rights Act 1998) which provides:

> *"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private life, to manifest his religion or belief, in worship, teaching, practice or observation."*

The Lord Chief Justice also quoted Article 14 of the Convention which requires all the signatories to ensure that:

> *"The enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."*

The Lord Chief Justice did not quote Articles 1 and 13 of the Convention which require all the signatories to secure all Convention rights by providing an effective remedy for breaches of Convention rights.

Article 1 states:

> *"The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention."*

Article 13 states:

> *"Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."*

The Lord Chief Justice also did not quote Article 9(2) of the Convention which sets out the broad limitations to the exercise of the Article 9(1) right:

> *"Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."*

The Lord Chief Justice also did not quote Section 13(1) of the Human Rights Act 1998 which states:

> "If a court's determination of any question arising under this Act might affect the exercise by a religious organisation (itself or its members collectively) of the Convention right to freedom of thought, conscience and religion, it must have particular regard to the importance of that right."

Given this well-established and important legal right of British Muslims either alone or in community with others and in public or private life, to manifest their religion or belief, in worship, teaching, practice or observation, both the Archbishop of Canterbury and the Lord Chief Justice sought to define acceptable limits within which this right can be exercised.

Thus in examining "the role of Shari'a (or indeed Orthodox Jewish practice) in relation to the routine jurisdiction of the British courts," the Archbishop of Canterbury explored the possibility of the "transformative accommodation" of certain aspects of the Shari'a as a "supplementary jurisdiction" whereby there could be "a scheme in which individuals retain the liberty to choose the jurisdiction under which they will seek to resolve certain carefully specified matters." He continued, "This may include aspects of marital law, the regulation of financial transactions and authorised structures of mediation and conflict resolution – the main areas that have been in question where supplementary jurisdictions have been tried, with native American communities in Canada as well as with religious groups like Islamic minority communities in certain contexts."

In assessing this view, the Lord Chief Justice said, "It was not very radical to advocate embracing Shari'a Law in the context of family disputes, for example, and our system already goes a long way towards accommodating the Archbishop's suggestion. It is possible in this country for those who are entering into a contractual agreement to agree that the agreement shall be governed by a law other than English law. Those who, in this country, are in dispute as to their respective rights are free to subject that dispute to the mediation of a chosen person, or to agree that the dispute shall be resolved by a chosen arbitrator or arbitrators. There is no reason why principles of Shari'a Law, or any other religious code should not be the basis for mediation or other forms of alternative dispute resolution. It must be recognised, however, that any sanctions for a failure to comply with the agreed terms of the mediation would be drawn from the laws of England and Wales."

Although neither the Archbishop nor the Lord Chief Justice went so far as to make any detailed recommendations or suggestions as to how the law of England and Wales could be developed so as to recognise and accommodate Muslim Personal Law, they have both attracted negative media attention, particularly the Archbishop of Canterbury. For the most part, their critics have displayed such a degree of ignorance of what the Shari'a is and as to what the Archbishop and the Lord Chief Justice have actually said about it, that they have unwittingly provided us all with a vivid lesson on what the true characteristics of ignorance and arrogance are.

The most basic of their criticisms has been that the law of the land must be protected at all costs from 'foreign' influences, so that the English 'way of life' is not changed beyond recognition.

As far as change is concerned, I remember my parents, may God bless them, telling me not so long ago that the England which they used to know had already gone, forever.

As far as protecting the law of the land is concerned, this attitude reveals a profound ignorance of English history: current English law already combines aspects of Celtic law, Viking law, Roman law, Judaic law, Christian law and Norman law, all of which were once 'foreign' to the British Isles – and all of which through time have developed into the common law as interpreted by judges and amended or replaced by statutory law. The mottos of 'Dieu et mon droit' and 'Honi soit qui mal y pense' which greet anyone who enters a civil or criminal court in England and Wales can hardly be described by any stretch of the imagination as good old anglo-saxon aphorisms.

Even those who staunchly assert in the face of today's multi-racial, multi-faith, multi-cultural society that "England is a Christian country with Christian laws" appear to overlook the fact that Jesus was from Palestine (descended on his mother's side, peace be on her, from the Tribe of Israel), that he was sent by the same God as the God who sent Abraham, Moses and Muhammad – and that his original teachings and way of life bear a striking resemblance to all the original teachings and ways of life of all of the Messengers of God, may the blessings and peace of Allah be on them, none of whom were British citizens.

Historically, the Shari'a of the Messengers of Allah has always been instantly recognisable as such. It is the way of submission to God – which is the meaning of Islam – and in every age this has always been accepted by those who accept and rejected by those who reject.

As far as the Muslims living in the UK today are concerned, it is their secular legal right to be able to follow the way of Islam provided this does not interfere with the interests of public safety, the protection of public order, health or morals and the rights and the freedoms of others. The government of the day is under a legal duty to secure this right and to provide a remedy if this right is violated, while the courts of the land must have particular regard to the importance of this right in determining any question arising under the Human Rights Act 1998 which might affect the exercise by a religious organisation (itself or its members collectively) of this right.

It was with this right firmly in mind that proposals were made to the Law Commission in March 2007, well before the Archbishop of Canterbury and the Lord Chief Justice raised the subject in public, as to how the laws of England could be developed in order to accommodate Muslim personal law, particularly by

recognising Muslim marriages, Muslim divorces and Muslim inheritance and including the recognition of the binding nature of judgments passed by Shari'a courts – which as also proposed by the Lord Chief Justice in his talk would only be enforceable by recourse to the English civil courts. These proposals were summarised briefly in an article entitled*: Thinking Outside the Box: The Shari'a of Islam* (http://www.wynnechambers.co.uk/pdf/Thinking_Outside_the_Box.pdf), a copy of which is appended to this paper.

Most people, from a tender age, know the difference between what is fair and unfair. Most of us, when we suffer an injustice, want justice. There is no harm and much good in utilising whatever promotes and establishes justice between people. The Shari'a of Islam is but one way of doing justice and although Muslims have always believed that it is by far the best way of doing justice amongst themselves, because its source is divine, even non-Muslims who have intellect have been able to recognise that there is much good in it, provided that it is implemented by wise people who know and understand it well.

I have no doubt that in time many people will come to recognise and understand both the simplicity and profundity of those aspects of the Shari'a which govern Muslim personal law. They may even reflect further and contemplate what it would be like to live in a usury-free economy governed by a wise God-fearing ruler. If they are really intellectually brave and honest, they may even consider why the Shari'a hadd punishments act as such a powerful and effective deterrent against the anti-social actions which they have been designed to prevent.

In the meantime, I hope and pray that there will come a time when Muslim personal law is eventually introduced and accepted as an invaluable part of the English legal system, insh'Allah – God willing.

To conclude: in his talk the Lord Chief Justice quoted the following words of Sir John Donaldson: "The starting point of our domestic law is that every citizen has a right to do what he likes, unless restrained by the common law or by statute." The Qur'an describes the Muslims as those who say, "We hear and we obey." In recognising rather than restraining Muslim personal law, English domestic law will be enriched – while the Muslims who obey and embody it will as promised be rewarded in both worlds by the Lord of the worlds, Allah.

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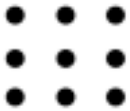
Thinking Outside the Box: the Shari'a of Islam



Ahmad Thomson explores recent and possible developments in the interaction between English Law and Islamic Shari'a Law.

Introduction and Overview

After decades of academic dissection and media stereotyping, usually formulated under the influence of a cocktail of ignorance, misconception and distortion, any attempt to discuss rationally what the Shari'a of Islam has to offer the societies of Europe and America is often automatically rejected without consideration in a predictably programmed response. Social conditioning runs deep.

At worst the reader or viewer will think, "I *know* what Islam is," and look no further, or at best will read or watch on, secure in the personal conviction that the only possible and inevitable conclusion is that any proposal based on the Shari'a of Islam is an ideal which is incapable of ever being realised – and this in spite of the fact that history reminds us that during the course of the last fourteen centuries, several great and lasting civilisations have flowered, fruited and faded as living organic realities, precisely because of their having been firmly based on and within the parameters of the Shari'a of Islam.

Nevertheless, this brief article seeks to consider seriously what the Shari'a of Islam has to offer the societies of Europe and America – not as a few minutes of absurd entertainment, nor as an ideal which can never be achieved, but as a very practical solution to many of our current difficulties.

The underlying premise of what follows is that the Shari'a of Islam, in its original and still accessible form (*not* as amended or re-formed), is a divinely revealed guidance whose source is the Source of all existence, not man. If this be true, then it is feasible that the Merciful and Compassionate has provided us with the best solution to all of the difficulties that are part and parcel of the human condition – which He has created and knows so intimately.

For those who feel unable to acknowledge or recognise this, but who nevertheless find themselves existentially boxed in and unable to resolve the contradictions in their lives (the control of which is often simply not in their hands), perhaps what follows will assist at least in illuminating the nature of their dilemma even if they disagree with the remedy. This proposal must be viewed in context – in other words, not only in a legal context, but also with awareness of our current economic, political and social climate. Otherwise we may not perceive either the relevant wood or its trees.

As lawyers, we all recognise keenly the necessity as well as the sanctity of the rule of law, but we are entitled to ask ourselves in whose hands the matter of framing the laws which comprise the rule of law really is. If we consider "the law of England and Wales", we are all aware that this is the product of a historical process, a collection of laws which originally derive from ancient common practice as modified by the decisions of heedless tyrants, benevolent dictators, sage kings, the influence of various religions (particularly those based on the teachings of Moses and Jesus, blessings and peace be on them), the views of various social, economic and legal philosophers as championed by a variety of transient political parties and promulgated through parliament – and all of them as interpreted and applied by the judiciary.

We are not always fully aware, however, of how or why or even what new laws are created – there are so many of them and they are always subject to change. Certainly in my lifetime the rule of law has been transformed by a plethora of statutes and statutory instruments, often hastily fashioned from various disparate elements forged in the furnace of recent event and technological change and shaped by the hammer of political expediency with the temper of human rights.

In recent years a significant addition to the general mix has proved to be the Shari'a of Islam, based on the revelation of the Qur'an and the example and teachings of the Prophet Muhammad, blessings and peace be on him, and recognised implicitly by Article 9 of the European Convention on Human Rights as incorporated in the Human Rights Act 1998.

Economics

In the arena of the right to non-usurious finance, for example, the present Chancellor has publicly announced that he wishes London to become the centre of international Islamic Finance (which prohibits usury) – and laws have been and are being passed to facilitate this.

Unfortunately, up to now, not only he but also the Islamic scholars who are responsible for sanctioning the Shari'a compliancy of an ever burgeoning array of modern Islamic financial products have resolutely and repeatedly side-stepped the most essential and completely unavoidable element of Shari'a compliancy – which is that for any financial product to be Shari'a compliant, the means of exchange must be Shari'a compliant. Paper and digital electronic money are simply not acceptable as Shari'a compliant means of exchange unless and until they are backed one hundred per cent by a commodity which possesses intrinsic value, traditionally gold or silver.

In fact in an Islamic Shari'a based society, not even an IOU for gold dinars or silver dirhams can be used as a means of exchange, let alone an unredeemable IOU – which is what little paper money there is in existence (approximately 0.2% of our "cash in hand" at the bank) is. Any financial product or transaction which utilises paper or electronic money as its sole means of exchange is not Shari'a compliant and cannot therefore be described as Islamic.

It is for this reason that England's first "Islamic" bank, the Islamic Bank of Britain, has been requested to initiate a dialogue with the Bank of England and the Financial Services Authority with a view to facilitating the provision of gold dinar and silver dirham savings accounts.

Since the Royal Mint already regularly mints gold sovereigns and silver coins, it clearly has the necessary expertise and facilities to mint the first state authorised British gold dinars and silver dirhams in accordance with the specifications originally confirmed and established by Umar ibn al-Khattab in Madina. This simple measure would transform international Islamic finance immediately. The issue of these Shari'a compliant coins would attract investors from right across the Muslim world – and the Chancellor's dream would come true.

Personal Law

In the arena of the right to family life, members of the Muslim community wish to have their personal law matters dealt with in accordance with the Shari'a – and representations to this effect have been and are being made to the Government and the Law Commission.

Civil Liberties

In the arena of the rights to security and due legal process, we are constantly reminded via the media that innocent people are being indiscriminately blown to pieces in the UK and abroad, in their tens of thousands – and although they neither support nor condone such acts, practising Muslims in the UK have been affected disproportionately by the latest resulting anti-terror legislation. At times not only families but whole communities have been traumatised and victimised. This experience has resulted, for example, in publication of the *Anti-Terror Raid Guide* (http://www.aml.org.uk/Anti_Terror_Raid_Guide.pdf).

The significance of our current state of affairs which was almost inconceivable ten years ago can perhaps be grasped more fully by reflecting on the rapid development of the military-industrial complex of which President Dwight Eisenhower warned in 1961 (http://coursesa.matrix.msu.edu/~hst306/documents/indust.html) and which has so dramatically and dangerously changed the world in which we live by simultaneously making a multi-national business of warfare while gently but firmly insisting on the removal in the name of peace and security of many of our civil liberties – rights which, having taken a few centuries to establish, have in a few years been dismantled.

Having observed that America had "been compelled to create a permanent arms industry of vast proportions," as well as having "three and a half million men and women directly engaged in the defense establishment," and that "this conjunction of an immense military establishment and a large arms industry is new in the American experience," Eisenhower warned, "we must not fail to comprehend its grave implications," stating, "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes."

And yet "we" have. Today destruction and reconstruction on a global scale is a multi-million digital currency business, financed by an elite of the the ultra-rich who place little value on the unavoidable human collateral damage involved. While some of those who survive celebrate the "abolition of slavery", an increasing number of people around the world are bonded and bound by the invisible ties and chains of debt-slavery.

It is within this stark modern context that the following proposals for new projects have recently been made to the Law Commission as being worthy of inclusion in their tenth programme of work which is due to start in 2008:

1. Amendment of the law governing Inheritance Tax

In my respectful submission this is an unjust law which is having an increasingly adverse impact on more and more people as the purchasing power of paper, plastic and electronic money continues to decline rapidly – as evidenced by the exponential and absurd increases in house prices up and down the country. I therefore recommend that inheritance tax is abolished altogether, but since the Lord Chancellor has an almost £600 billion national debt to service, I accept that this is unlikely unless Proposal 4 below is also accepted.

As a fall back position, I therefore propose that the class of beneficiaries to whom transfers are tax exempt should be widened to include not only spouses, but also parents and off-spring (including adopted children). The new law on cohabitation may have to be amended to reflect these changes with respect to cohabitees.

2. Recognition of Religious Personal Law

Religious minorities should be allowed to be self-governing in respect of their religious personal law, that is with regard to marriages, divorces and inheritance. They should be permitted to have their own religious courts to adjudicate on these matters – but whose decisions would be enforceable not by the religious courts but in the main civil judicial system, either by way of the parties signing a binding arbitration agreement or preferably directly, by way of application to a civil court. If accepted, this proposal would mean that an effective and acceptable means of alternative dispute resolution would be introduced which would lighten the current burden on the civil justice system.

This proposal would entail, for example, legal recognition of the status of the Beth Din of the Jewish community, the Shari'a Council of the Muslim community and the Ecclesiastical Court of the Christian community.

3. Amendment to the Law of Bigamy

If Proposal 2 were to be accepted, this would necessitate a change in the law of bigamy, since under the Shari'a, although he is not permitted to have a mistress or a lover, a Muslim man may marry up to four wives provided he treats and maintains them and their children as equally as possible.

The issues which arise in Proposals 1-3 are considered in more detail at the following links:

Incorporating Muslim Personal Law into UK Domestic Law (February 2004)
[http://www.wynnechambers.co.uk/pdf/AMSS-ATNotes220204.pdf]

Muslims in Europe and Human Rights (March 2004)
[http://www.wynnechambers.co.uk/pdf/UMO060304.pdf]

Applying Islamic Fiqh in UK Arbitration Law (September 2005)
[http://www.wynnechambers.co.uk/pdf/RPM_Arbitration.pdf]

Accommodating the Islamic Dissolution of Marriage Law within English Law (September 2006) [http://www.wynnechambers.co.uk/pdf/RPM_Dissolution_10_09_06.pdf]

Islamic Law for Family Lawyers January 2007
http://www.wynnechambers.co.uk/pdf/FLJ_Islamic_Family_Law.pdf

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Understanding Islamic Wills (May 2004)
[http://www.wynnechambers.co.uk/pdf/IslamicWills.pdf]

Probate and Shari'a Law (April 2005)
[http://www.wynnechambers.co.uk/pdf/PRJ_Islamic_Wills.pdf]

Drafting Islamic Wills (March 2006)
[http://www.wynnechambers.co.uk/pdf/Drafting_Islamic_Wills.pdf]

4. Reduction of the National Debt & Return to the Gold & Silver Standard

We have reached a stage where general elections are fought and won primarily on the basis of the promises which are made by the respective political parties to the electorate to tax them the least, even though everyone knows that taxes will inevitably go up in order to

service the national debt and bolster (albeit temporarily, until the next tax increase) the ever diminishing purchasing power of money. I therefore propose firstly, that legislation is introduced whereby whatever proportion of the national debt has been created out of nothing by means of charging interest or applying the compound interest formula to the debt is simply written off – and secondly, that we return to a bi-metal (gold and silver) backed currency, so that the paper, plastic and electronic money which we use is backed by commodities with intrinsic value.

I am sure that the original capital sum which was first borrowed by King William of Orange has in fact already been repaid many times over – and therefore in effect the entire national debt would probably be written off, resulting in the abolition or reduction of other taxes.

5. Abolition of Usury

It follows on from Proposal 2 that the practice of usury (originally legalised in this country by King Henry VIII) should be made illegal once more – or at least unenforceable in a court of law. As with the national debt, the legislation would have to provide that any debts which had been created out of nothing by means of charging interest or applying the compound interest formula to the debt would be simply written off and only any original capital sum borrowed would remain repayable.

The issues which arise in Proposals 1-3 are considered in more detail at the following links:

Finding the Cure for the Cancer of Usury April 2003
[http://www.wynnechambers.co.uk/pdf/Usury.pdf]

Understanding Islamic Finance June 2005
[http://www.wynnechambers.co.uk/pdf/PRJ_Islamic_Finance.pdf]

The Colour of Shari'a Compliant Money – Gold and Silver July 2006
[http://www.wynnechambers.co.uk/pdf/The_Colour_of_Money.pdf]

Essential Elements in Islamic Finance April 2006
[http://www.wynnechambers.co.uk/pdf/Elements_Islamic_Finance.pdf]

I appreciate that if acted on the results of these proposals would be far-reaching – but I suggest that they would be instrumental in introducing a renaissance into a society which is seriously in decline. I have noticed when studying the history of past societies that once interest rates in excess of 30% are applied, a society collapses under the weight of its debts.

Conclusion

It may well be that a time will come when the realisation dawns that far from posing a problem, the Islamic Shari'a provides practical solutions. In the words of Lord Alfred Tennyson:

The old order changeth, yielding place to new,
And God fulfils himself in many ways
Lest one good custom should corrupt the world.

Ahmad Thomson

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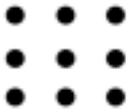

The phrase **Thinking Outside the Box** derives from the nine dots puzzle: The challenge is to connect the dots by drawing four straight, continuous lines without lifting the pencil from the paper. The puzzle is easily solved, but only if you draw the lines outside the confines of the square area defined by the nine dots themselves. – This is one of the solutions: