



The Joseph Interfaith Foundation

United in a Vision for Truth

It is a truism that the Jewish-Muslim relation in England is not one of the easiest of inter-faith relations. Regrettably, there are many myths and misconceptions by both sides about each other which tend to overwhelm the genuine concerns that should be addressed.

Ignorance breeds fear, particularly when journalists whip up people's fears by muddled and misunderstood information. Melanie Philips' article "Let UK Muslims enjoy freedom"; the JC 17th June was a perfect example. She tried to address "misguided and regrettable" sympathies or support from the Jewish community or leadership towards "Muslims, sharia law and the proper place of Islam in British society". She further maintained that Batei Din and Shari'a Courts are completely different: "...the principles of sharia are inimical to British and Western society". The article was riddled with factual errors and miscomprehensions.

Let me begin with a few facts which were confirmed by the President of Leyton Shari'a Council, the first established Shari'a Council in England (1982), and the senior imam of the London Central mosque.

The British legal system places exactly the same jurisdictions on Shari'a Courts and Batei Din. All religious courts are obliged to comply by the same law. Neither Shari'a Courts nor Batei Din deal with criminal law in this country. Both institutions decide on practical applications of ritual law such as circumcision, conversion, Kashrut and Halal. A perfect example of positive cooperation between the two institutions was on the matter of ritual slaughter which led to a satisfactory outcome for both communities.

Batei Din and Shari'a Courts deal with certain aspects of civil law, namely financial disputes and family law. In financial disputes, both institutions act as arbitrator, provided both disputing parties give legal undertaking in advance to abide by the ruling of the religious court.

Family law is divided into marriage, divorce and child custody. Neither Batei Din nor Shari'a Courts interfere with child custody because it is under the jurisdiction of the Family Court. Shari'a Courts may arbitrate between husband and wife in divorce cases and inform the couple on religious laws regarding custody of children. It seems that Batei Din may do the same. However, Shari'a Courts deal with settlement of payment of (*mahr*), which does not exist in Judaism. *Mahr* is the marriage portion bestowed by husband on the wife in the marriage contract and she can ask for it at any time.



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It is often assumed mistakenly that Halacha and Shari'a are absolutely incompatible. Actually, despite this popular assumption, they have many similarities and commonalities. Both Hebrew and Arabic are cognate languages, therefore, many technical terms in Halacha and Shari'a are of the same or similar root. The methodology used by jurists from both sides based on their respective Scripture is in many ways similar. Although there has been scholarly research on comparative Hebrew and Islamic poetry, philosophy and, grammar, to name but a few in the Golden Age of Judaism, I am unaware of any research on comparative Halacha and Shari'a. Perhaps scholars are reluctant to undertake such research in case they cause offence since each side uses its Scripture as its primary source.

A current topic for attacking Shari'a is its laws concerning women. For instance Melanie Philips berates Shari'a “..the principles of sharia are inimical to British and Western society – not least when it comes to the status of women, whose testimony under sharia is afforded half the weight of that given by men”.

Islam, like Judaism, differentiates between attesting witness and a testifying witness. According to Shari'a, just like Halacha, the testimony of a single male is insufficient in all cases to convict. Furthermore, witnesses must be just and truthful regardless of sex. According to Shari'a, testimony of a woman is equal to half a man's testimony **only** in criminal law [not undertaken by Shari'a Courts in England] or financial disputes. In **all** other cases, male and female witnesses are equal.

However, it seems that traditionally, women in Judaism can not be witnesses (*eideem*) who give full and legal testimony. I am not here to criticise Halacha which is highly nuanced and complex. Neither am I in any way supporting the oppression of Muslim women or any women, but we should not get our facts muddled.

We should not shy away from discussing these matters or offering positive criticism where appropriate. But sensationalising the Shari'a is not the positive way forward. These matters should be looked at with legal expertise and an impartial and constructive perspective. Sophistry is not pertinent to jurisprudence.

Encouraging the Jewish community not to support and cooperate with their fellow Muslims is one of the most demeaning ways of presenting the Jews and the universal ethical values of Judaism. Such an approach does a great deal of harm to good relations between the two communities and damages efforts for community cohesion.

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