



Max Planck Institute for
Comparative and International
Private Law | Hamburg

AFTERNOON TALKS ON ISLAMIC LAW

Prof. Dr. Shaheen Sardar Ali

University of Warwick/UK

"Authority and Authenticity:
Shari'a Councils in Britain and Muslim Women's Rights"

Wednesday, 19 November 2014 – 4 pm

Conference Room 1, 1st floor

All employees and guests of the institute as well as
other interested parties are cordially invited to the lecture.

Nadjma Yassari

About the Speaker:

Following professorships at the Universities of Oslo and Peshawar/Pakistan, *Prof. Dr. Shaheen Sardar Ali* is Professor of Law at the University of Warwick/UK since 1998.

She has held several public offices, such as cabinet Minister for Health, Population Welfare and Women Development in Khyber Pukhtunkhwa (Pakistan) and Chair of Pakistan's first National Commission on the Status of Women.

Among the numerous national and international awards she has received were the Public Sector Award (Asian Women Achievements Awards) 2005, and the British Muslims Annual Award at the House of Lords 2002, as well as an honorable mention in the UNESCO Prize for the Teaching of Human Rights in 1992. In 2012, she was named one of the 100 most influential women of Pakistan.

Her teaching and research experience is mostly in International Law of Human Rights, Women's Human Rights, Children's Rights, Public International Law, Islamic Law and Jurisprudence, Alternate Dispute Resolution and Gender and the Law.

About the Topic:

The presentation will explore the role and rationale of Sharia Councils in Britain and consider questions of authority and authenticity in their operative frameworks from an Islamic jurisprudential perspective. As stated by the institutions themselves and documented in academic studies on the subject, "Shariah Councils have been set up specifically to issue Muslim women with Muslim divorce certificates on occasions where Muslim husbands may fail to issue Muslim women with the unilateral Muslim divorce, *talaq*." In fact, 95 per cent of the case load for Sharia Councils encompasses women seeking divorce, of whom women in unregistered 'Islamic' marriages form the predominant majority as they have no recourse to the English courts to dissolve their union should they so choose.

But since 'Islamic laws' are susceptible to interpretative plurality many questions remain unanswered, such as who determines what constitutes 'authentic' Islamic law in the absence of an identifiable 'authority', at least within the Sunni Islamic legal traditions? Is there a tangible socio-religious requirement for British Muslim communities to have a parallel quasi-legal system for dispute resolution? How do responses to these questions frame the assumed central role currently fulfilled by Sharia Councils, and what are the alternatives?