



This is the transcript of the opening presentation for the motion:

**THIS HOUSE BELIEVES THAT SHARI'AH LAW IS FAIRER
THAN ENGLISH LAW**

Delivered by Zara Faris in the debate alongside Abdullah Al-Andalusi for the motion, with Adrienne Page QC and a retired Judge against the motion.

The Motion

The motion for debate this evening, '*Is Shari'ah law fairer than English law*', is no doubt *somewhat* confrontational. The term '*Shari'ah law*' has, for one, been deeply misrepresented by popular culture, populist demagogues, politicians deflecting blame for foreign policies, and by the selective, sensationalist and exaggerated reporting of the media, creating many deeply entrenched but *false* misconceptions about the Shari'ah.

Attempting to undo decades of misrepresentation and over-simplification of the Shari'ah in the short time allotted today will be somewhat of a challenge - especially in the presence of an opposing side with equal time. So I would simply ask you today to keep an open mind and, like in any *court*, judge solely on what you hear substantiated here today, not what you have heard outside.

An important message before we begin: **We are not here debating whether the UK should be under Shari'ah law**, *nor* are we debating whether *you* as a matter of *taste*, find the Shari'ah preferable to English law. The simple question is: **whether Shari'ah is FAIRER than English law** - that is all. It could be that something is fairer, but not to your convenience or to your preference or taste. For example, one may believe that a purely egalitarian society is fairer than a meritocracy, but one may still prefer to live in a meritocracy. Likewise I would call upon you to consider today's motion in the same way.

Fairness - the yardstick

So where the motion is based upon the idea of 'fairness', the question that arises is, what *is* fairness? How do *you* define it? Islam posits that fairness is:

- I. the quality of treating identical things equally;
- II. being consistent; and
- III. giving what is deserved (and what is deserved must address human nature correctly).

"The Muslim world exemplifies the Shari'ah."

The first misconception that I must address is the idea that the Muslim world *exemplifies* the Shari'ah.

This is false. The Muslim world today is a post-colonial creation, defined and delineated by other states, fashioned from borrowed Western concepts of 'nation-state' and Secularism, and given so-called 'independence' once a *client* ruler was established. Two centuries of such Western colonialism have disrupted and abolished centuries of continuous

enlightened Islamic legal thought and jurisprudence - leaving populations **politically illiterate**, and possessing only a **rudimentary understanding of Shari'ah**. They live under secular regimes which restrict and control Islamic scholarship and, at best, misapply token aspects of Shari'ah law to placate their populations. Where once they were ruled by principle and wisdom, they became ruled purely by power and brute force, with conflicting interest groups becoming embroiled in fighting for self-interest and privilege.

And when post-colonial governments in the Middle East are *toppled*, this political illiteracy and lack of understanding of the Shari'ah causes the rise of Islamic movements, little different from vigilantes and militias of laymen, applying a crude and shallow understanding of the Shari'ah - such as witnessed by some cases of ISIS (ISIL) and many other groups.

It is this that leads to the injustices that the media selectively reports on.

It is the equivalent to the UK being colonised by a foreign power for 100 years, having all education of English law removed from teaching and the collapse of the English government along with all traditional institutions. After 100 years, all that *would* remain is a shallow understanding of the English law. Vigilantes, ruled by warlords, would be subject to frenzy, zealotry and hysteria and dole out harsh sentences upon the slightest suspicion or accusation, denying people due process or habeas corpus or innocent until proven guilty. Anyone merely *accused* of being a paedophile, rapist, or even 'terrorist' would be unfairly judged and harshly punished. No doubt the media of the foreign power that had colonised Britain, would then selectively report on the injustices that occur in a post-colonial England and make their own people believe that English law is barbaric, unfair and harsh.

Myself and my colleague today do not seek to explain some modern reformed Shari'ah, nor how it is acted out in the current Muslim world. Rather, we will present to you for your deliberation, the *true* face of Shari'ah as it was taught and practiced by the Prophet Muhammad (s) and practiced in the courts by an entire civilisation for over 1400 years, bringing peace, enlightenment, and co-existence to a previously *benighted* region.

What IS the Shari'ah?

The purpose of the Shari'ah is to provide for the fulfilment of human nature, its proclivities and tendencies; to protect the weak from the strong; and to create an environment conducive to virtue and good conduct in the public sphere, while allowing un-impinged free agency within the *private* sphere.

Islamic law *rightly* does not conceive the human nature as being individualist, but regards human beings as *social* creatures, imbued with free will, and created for a purpose higher than base, narcissistic self-interest.

In its courts, the Shari'ah has features such as Habeas Corpus and the right to a *fair* trial, innocent until proven guilty, case law and precedent, testimony, and the need for evidence.

1 - Shari'ah law is not totalitarian; you may be surprised at how *laissez-faire* it is, in:

1. the autonomy of families;
2. no holds barred intellectual discourse and debate - *including the criticism of Islam*;
3. no jurisdiction to spy or interfere into household privacy (something that English law does not entirely respect);
4. no interference in private worship;
5. less regulation in the free market; and
6. **Shari'ah is fairer than English law because it is not imposed on minorities who hold a different worldview:**

The Shari'ah *only* applies to Muslims, and does *not* apply on non-Muslims. This is because Islam believes that it is NOT FAIR for non-Muslims to be under a law that they do not believe in.

Unlike in English law, Islam was *fair* to its minorities by not expecting them to be subjected to the *majority's* law, or the law of a small *minority* of corporate-influenced politicians. Non-Muslims were given their own courts, and their own freely accessible areas or city quarters where they had autonomous jurisdiction to create a community environment to their pleasing. This was how Islam fairly treated its minorities, by giving them their own cultural and legal space, and even their own judges and law enforcement.

Such was the fairness and justice that the famous historian Richard Bulliet notes in his 2004 book "*The Case for Islamo-Christian Civilization*", in which he said "*minutely studying case after case, they have shown that justice was generally meted out impartially, irrespective of religion, official status and gender...Not being subject to the Shari'ah, Jews and Christians were free to go to their own religious authorities for adjudication of disputes*".

2 - Shari'ah is fairer to married men and women than English Law:

- Women are granted fundamental equality in the Quran. God says, "*I do not waste the deed of any doer among you, be they male or female. The one of you is as the other*" (Quran 3:195)

Marriage

- Although both Shari'ah and English law agree that both women and men have the right to consent to marriage, due to *Individualism*, English law provides no *critical rights* that either can expect from their marriage partner, save for a few legal roles and powers that could easily be replicated by a number of other legal techniques, like trusts, powers of attorney, etc.
- The Shari'ah, on the other hand is fairer because it gives women and men the rights to have their *human needs* fulfilled by their spouses. For both husband *and* wife, a Shari'ah marriage constitutes:

- The right to **respect, affection and time** from their spouse (whereas English law does not even strictly prohibit husbands from casually insulting their wives);
- The right to sexual satisfaction from their spouse, which is a pre-agreement for *both parties* (which *either party* can withdraw by *initiating* divorce); and
- The right to divorce, which is quicker and faster than divorces in UK law - with only one meeting with a minor judge needed.

The wife, in particular, has:

- The right to shelter *provided by her husband*;
- The right to food and clothing *equal in quality to her husband's*;
- The right to physical protection provided by her husband; and
- The right to a dowry; and
- The ability to divorce without being unfairly left without adequate provision (i.e. alimony).

A man asked the Prophet (s), "What do you say (command) about our wives?" He replied, "*Give them food what you have for yourself, and clothe them by which you clothe yourself, and do not beat them, and do not insult them.*" (Sunan Abu-Dawud, Book 11, Marriage (Kitab Al-Nikah), Number 2139)

The husband, in particular, has:

- The right to *access to his children*. *It's not fair that* English law permits sex outside marriage YET provides women with an automatic right to her children, regardless of whether she is married or not, but imposes a financial obligation on men to pay child support whilst denying them a necessary right to a relationship with their biological children - in effect a tax without representation, which is completely unfair; and
- The ability to divorce without being *unfairly* being deprived of ownership of any property or assets (which is more likely in English divorce courts).

4 - Shari'ah law is fairer than English law because it shows more Mercy

Whilst English law *demand*s its pound of flesh, the Shari'ah shows mercy and *encourages forgiveness*:

- Shari'ah is fairer than English law because it also shows mercy to weak humans - it does not punish poor people who have to steal to feed themselves or their families.
- Shari'ah also better protects men from some *false* accusations of rape by *prohibiting the consumption of alcohol* (leaving no related confusion regarding 'consent').
 - English law is less fair to men in many respects, for example, English law supports the traditional understanding of rape, but is defined exclusively by use of the male genitalia - effectively rendering women not prosecutable for rape despite directly raping someone, but merely for sexual assault. Which is not fair.

5 - Shari'ah is fairer to victims and victims' families than English law.

- The Shari'ah does not punish by putting criminal humans into cages like human zoos, but provides like for like retribution for bodily harms, including capital punishment for murder. Thus, if a successful conviction is obtained, it *lets the family of the victim decide* whether to punish, or forgive and demand pecuniary compensation.
- John Clough, whose daughter was murdered by her bodybuilder former partner, said: *“Our daughter Jane was murdered by her ex-partner. We don't believe Jane received justice for the crimes he committed against her. In Shari'ah law, in the case of pre-meditated murder, the judge does not pass the sentence, it is given to the victim's family and they can choose to have retribution, execution or they can have blood money paid. They can even choose to forgive. Had the decision been there to have him executed or sent to prison, I would have built the gallows, I would have carried out the deed myself. The Shari'ah system that gives the victim's family some input is worthy of consideration. For me, for Penny, for my family to have some say in the punishment factor for the crimes he committed against Jane would give us some satisfaction”.*

On that note, I ask you to vote today in favour of the motion that, having the qualities of treating identical things equally, being consistent, and giving what is deserved in accordance with human nature, Shari'ah law is, indeed, fairer than English law.

**The motion, “This House Believes That Shari’ah Law is Fairer than English Law”
was WON on voter changes from before and after the debate.**