



# Muslim Law in Britain: Reflections in the Socio-legal Sphere and Differential Legal Treatment

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## Introduction

This paper seeks to demonstrate that the dynamic reconstruction process of Muslim identity in Britain has remarkable reflections in the socio-legal sphere since law is a socio-cultural construct. It is abundantly clear that there are some cultural differences between Muslims in Britain and the British way of life. Thus, in the socio-legal arena, there would appear a number of clashes between these two cultures and their legal systems. Muslim mind as a *sujet de droits* is under the pressure of these conflicting laws. As we shall see below, a crucial but unfortunate aspect of the issue is the differential legal treatment of the different ethnic minorities in Britain.

## Muslims and Muslim Law in Britain

Britain is a both *de facto* and *de jure* multi-ethnic, multi-religious, multi-communal, multi-cultural and multi-racial society.<sup>1</sup> Through its Race Relations Acts of 1965, 1968 and 1976, the state has actively recognized this reality.<sup>2</sup> Muslims constitute a substantial part of these minority groups and Islam is now the second largest religion of the country in terms of the number of adherents.

Estimations of the total number of Muslims in Britain vary between three-quarters of a million to two million. Despite the diversities and differences in the perception of Islam, their Islamic background remains a common-identity symbol to these Muslim minority communities differentiating them from the larger society surrounding them.<sup>3</sup> Muslim ethnic identity in Britain is, thus, constructed on a cultural rather than racial basis. However, as we shall see below, English law has not so far been willing to recognize Muslims as a group under its Race Relations Acts.

While much of the literature has been focused on race, and thus on the colour of the skin, the present paper argues that the most important characteristic of these minority communities is probably their adherence to certain customs, traditions, religious beliefs, value systems, cultures and laws which are at variance from those of the majority white community.<sup>4</sup>

## English Law and the Laws of Ethnic Minorities and Muslims

In contrast to purported uniformity and expected assimilation of the legal system, diversity of laws is a reality in today's England. At times, the legal system comes face-to-face with the demands for recognition of ethnic minority customs and laws that have not been abandoned. Muslim laws and customs which are the unofficial normative standards of the country's largest minority, and the second largest religion in terms of

the number of adherents, are of much concern in that regard. The English legal system's approach to these customs and laws has crucial implications and consequences.

In modern 'democratic' societies in which uniformity of the legal system is claimed, ethnic minorities are expected to conform to social and legal patterns of the dominant majority. The legal system expects adherence to mainstream culture. It is widely believed that settlers from abroad should conform to the norms of societies in which they have decided to settle. This is an ideology which assumes that it is in the best interest of the ethnic minority population to be like the majority. Ethnic identities should be confined to the private realm.<sup>5</sup>

'When in Rome do as the Romans do' is one of the most pronounced assimilationist proverbs.<sup>6</sup> However, the challenge of multi-culturalism is a crucial hindrance to assimilationist policies of the modern societies including Britain. Religious groupings, particularly, in the post-modern age, not only in Britain but almost everywhere emerged as a basis of refusal of assimilation. Ethnic minorities have been developing avoidance and resistance strategies. Moreover, as a reaction, they reasserted their identities.<sup>7</sup> These groupings in the post-modern age emerged as a basis of refusal of assimilation. A reconstruction of forms of community life has become a reality.<sup>8</sup> As a result, a very diverse 'post-modern' picture emerged.<sup>9</sup> In that picture, one can easily identify the active resistance of these groups to the assimilation expectations of the legal system. Ethnic minorities of England as well have actively developed strategies of resistance to 'English hegemony' which are mainly religiously inspired.<sup>10</sup> This post-modern phenomenon is very much the same for British Muslims as well. Instead of assimilation or adaptation along expected lines, they have reordered their lives on their own terms.<sup>11</sup>

The assumed assimilation process of the Muslim ethnic minority could be in three stages. In the first stage, they might be ignorant of particular legal requirements. Customary practices would be continued. At the second stage, they would learn to follow certain rules and requirements of the *lex loci*. At the third stage, it might be argued that they would completely abandon their Muslim personal law and, in a rational progression, would use only the English law.<sup>12</sup> However, evidence does not suggest that the third stage has come into existence. Law and customs of Muslims, among others, are still alive.<sup>13</sup> As has recently been asserted, Muslim personal law in Britain exists as an unofficial law which shows that 'the banishment of religion from the legal sphere has not made religion non-existent'.<sup>14</sup> For Muslims, this phenomenon confirms that Muslims place Islamic law higher than state law and view perceived Muslim norms as crucially binding by Muslim conscience. Put differently, in the minds of Muslims, 'universal' rules of Muslim law are superior to the local *lex loci*.

### **Recognition of Ethnic Minority 'Customs' by the English Legal System**

In England, because of the purported separation between state and religion there can not be a question of Islam or any other religious community being recognized as 'religion' in any legal sense, nor of a concerted government policy towards Islam or any other religion. Religious affiliation is not registered at all and not even the subject of inquiry during a census.<sup>15</sup> The Home Office refuses even to consider introducing a law on religious discrimination.<sup>16</sup> Indeed, the official message is that religion does not matter for the law.<sup>17</sup>

Moreover, there are some observable elements of legal recognition granted to ethnic and/or religious minorities in Britain.<sup>18</sup> One can find a number of concessions afforded

to ethnic or religious minorities in the history of English law. In the field of family law, as a result of these concessions and recognitions, there is neither a uniform procedure in English law for marriages nor a uniform tradition.<sup>19</sup> Jews and Quakers have had their marriage rites protected on a statutory basis since 1753 with Lord Hardwicke's Marriage Act and they are exempt from the rules concerning the solemnizing and registering their marriages which are regulated by Marriage Acts 1949–1996. Jewish couples and Quakers do not have to celebrate their marriages in the daytime and in a registered building.<sup>20</sup> They do not require the presence of any official appointed by or notified to the state authorities; and the form of the wedding merely has to follow the usages of the Society of Friends or the usages of the Jews.<sup>21</sup> They might register their marriage after it took place. However, these exemptions for non-Anglican beliefs have not been granted to other ethnic minority groups in the country.<sup>22</sup>

In short, as Hamilton's study has skilfully shown, the English legal system gradually introduced more and more official legal recognition to some religious minorities during the nineteenth and early twentieth centuries.<sup>23</sup> The same concessions, however, have not automatically been granted to new ethnic minorities.<sup>24</sup> However, English law has partially adjusted itself to the new socio-legal reality. Rather than outlawing them, the importance of some Asian customary rituals has been officially endorsed.<sup>25</sup> For instance, it was held in a case that it is only after registration and the respective religious ceremony that an Asian marriage achieves full legal validity.<sup>26</sup> It was found in this case that:

... in order fully to marry according to Sikh religion and practice, it is necessary to have not only a civil ceremony in a register office but also a Sikh religious ceremony in a Sikh temple.<sup>27</sup>

With the Marriage (Registration of Buildings) Act, separate building requirement which was a significant impediment to certification and thus to reconciling civil and religious forms of marriage was abolished to the effect that one obstruction removed to help people to jointly celebrate a religious and civil marriage.<sup>28</sup>

Under s1(2) of the Slaughter of Poultry Act 1967 and s36(3) of the Slaughterhouses Act 1979, Jews and Muslims may slaughter poultry and animals in abattoirs according to their traditional methods. Under s(1) of the Motor-Cycle Crash-Helmets (Religious Exemption) Act 1976 amending the Road Traffic Act 1972, the Sikhs are excused from wearing crash helmets provided they are wearing turbans. The law on carrying knives in public places contained in the Criminal Justice Act 1988 exempts those carrying them for religious reasons. Also, it was decided in *Mandla v. Dowell Lee* (1976) that Sikh school children could wear their special garments and turbans in the school.

### **Consequences of the English Law's Approach: Differential Treatment**

In the current English vernacular, the term 'ethnicity' has no agreed meaning. Very often it is understood as either a synonym or a euphemism for 'race'.<sup>29</sup> Paradoxically, however, on the basis of the questions in the 1991 Census, ethnicity is seen 'as membership of or affiliation to a culturally distinctive community of some sort, while race is best understood as referring in some way (...) to a person's distinctive biological inheritance'.<sup>30</sup> Confusion about the definition of ethnicity or ethnic minority causes some problems, especially for Muslims since both the general public and the authorities define minority communities according to a variety of social variables, not according to religious criteria.<sup>31</sup> On the other hand, a catchall category is not sufficient to distinguish

non-European whites from other ethnic or racial background or from other religions other than the religion of the majority.<sup>32</sup>

There are inconsistencies in English law's approach. Although Sikhs are not a separate racial group and rather a separate religion, they are recognized as a separate ethnic group by the official legal system within the ambit of the 1976 Act.<sup>33</sup> As a result, Muslims, unlike religious groups like Sikhs and Jews, are not deemed to be an ethnic group so are outside the terms of existing anti-discrimination legislation.<sup>34</sup> In *Mandla v. Dowell Lee*, the House of Lords defined seven criteria by which, according to the Race Relations Act of 1976, a group of people could be regarded as an ethnic group. There are two essential criteria: a long shared history and a cultural tradition of its own. Religion, although it is not in the statute, is among the other non-essential criteria. *Per se* it does not qualify a group to be an ethnic group. According to this, Muslims in Britain are not an ethnic group but the whites, Gypsies, Sikhs and Jews are.<sup>35</sup> However, as Poulter declares:

... the most important characteristics of the minority communities today are not so much the (predominantly) brown or black skins of their members but their adherence to certain customs, traditions, religious beliefs and value systems which are greatly at variance from those of the majority white community.<sup>36</sup>

As a matter of fact, 'race is not and has never been, a useful category for debates about socio-legal issues'.<sup>37</sup> It is plain that '(e)thnicity is predominantly cultural rather than merely racial, it is in the mind rather than visible from a person's appearance'.<sup>38</sup>

Another major predicament of the English legal system pertaining to recognition of ethnic minority laws and customs is its piecemeal and *ad hoc* character. It does not have a uniform, systematic, coherent and objective recognition system.<sup>39</sup> The English legal system has not found it necessary to define 'customary law' as an abstract concept. It has reacted to a wide range of customary values haphazardly.<sup>40</sup>

Muslim law as a religious law can have the status of moral but not legal rules, in civil as well as in public law. Muslims are therefore subject to the same rules as all other inhabitants of the country concerned.<sup>41</sup> As a result, as a new study by the Runnymede Trust shows, it is a serious anomaly that, although it has been established through the case law that members of Judaism and Sikhism are fully protected under the Race Relations Act, no such protection exists for members of other faiths.<sup>42</sup>

In the final analysis, it appears that the official legal system is unable to command the respect and attention of a large segment of the Muslim minority population. There exists a distrust to the English system of justice. As a consequence of the predicaments of the legal system, the state has failed to comprehend the problems of the ethnic minorities.<sup>43</sup>

As can be seen, 'discrimination against certain people is allowed' in England.<sup>44</sup> It is evident that the protection of the law is not extended even equally to all ethnic minorities.<sup>45</sup> In conclusion, thus, it would not be wrong to argue that '(t)o describe the law as being neutral to matters of religion when it is concerned with family life is ... inaccurate or, at least unhelpful'.<sup>46</sup> The legal system in spite of the all claims and assumptions plainly discriminates between different kinds of religions.<sup>47</sup> This might easily cause differential treatment to the different ethnic minorities that can possibly undermine the respect for the lawmaker.<sup>48</sup> The view from within the ethnic minorities is therefore that 'the law and its personnel are biased and that the criteria for making exceptions and distinctions are not maturely reflected'.<sup>49</sup> Since 'the official approach is

to tell “the other” to put up with inferiority and differential treatment in the name of uniformity of law and equal treatment guarantees’,<sup>50</sup> Muslims, too, are told to adapt rather than to ask for recognition of Muslim law. The state is willing to accept social, but not legal pluralism. Thus, ‘the state’s desire for the maintenance or achievement of uniform legal standards is diametrically opposed to the religious and cultural diversities of the people’.<sup>51</sup> Obviously, this has put the burden of assimilation on Muslims and other minorities.<sup>52</sup>

Indeed, there exists a long-standing dissatisfaction among members of the Muslim community.<sup>53</sup> They feel ‘that the structures of white British society are, at best, blind to the existence of a Muslim community in the country’.<sup>54</sup> Muslims argue that they ‘are among the very worst-off group, and yet, unlike religious groups like Sikhs and Jews, they are not deemed to be an ethnic group and so are outside the terms of existing anti-discrimination legislation’.<sup>55</sup> Such referrals to the legal positions of Jews and Sikhs are frequently done by Muslim writers.<sup>56</sup> As a result of such unequal application of legal principles, there has been widespread alienation from the state among members of ethnic minorities in Britain. Particularly Muslims but also some others strongly feel ‘that the human rights of non-white Britons are somehow less valued than those of whites’.<sup>57</sup> They seem to be ‘disappointed about such obvious discrimination by the law itself’.<sup>58</sup> Muslim writers frequently stress that ‘Islam is explicitly a dimension of racial abuse and incitement to hatred ... cultural-racism’.<sup>59</sup> Muslims have a feeling of persecution, oppression and hostility towards the authorities.<sup>60</sup> It is ordinary to see similar themes in Muslim newspapers, magazines and conferences.

Lack of responsiveness of the English system to the expectations of Muslims ‘may to a very large extent have been responsible for the now commonly observed phenomenon of “avoidance reaction”’.<sup>61</sup> Muslims, thus, try not to get involved with the official legal system whilst they are ‘expected to learn and follow the rules of English law as part of their adaptation process’.<sup>62</sup>

## Conclusion

It is an undeniable fact that when the official law divorces itself from social reality and closes its eyes to it, then the unofficial laws gain strength. This is the case with Muslims as well. Now they are coming up with their own solutions and avoiding the official legal system.<sup>63</sup> Indeed, Muslims along with other ethnic minorities are not using the English legal system as they are expected to.<sup>64</sup> Research has shown that ‘thousands of important disputes among Asians, as among all communities, never come before the official courts’.<sup>65</sup> Furthermore, unofficial Muslim law has been applied in non-dispute situations of everyday lives of Muslims. Marriages including polygamous, unregistered, child marriages, *talaqs* and other divorces are arranged according to the rules of Muslim law and customs. Muslims seek their own ways to organize their affairs in the diaspora, too.<sup>66</sup> In the long run, this would undermine the respect for the lawmaker other than constantly producing injustice for certain segments of the society. Indeed, one of the *raison d’être* of any state is to prevent, not to cause, this kind of development.

As is seen, generally, English law is flexible enough to make concessions provided that the official law takes a cross-cultural and a socio-legal perspective rather than employing a limited multi-culturalism which does not take into account the socio-legal reality. Changing trends in the society must be deduced and responded to with a number of surveillance mechanisms for the sake of the state as well as for the sake of the society.<sup>67</sup> Law has ability to adapt itself to changing conditions of social life. The

recognitions and rights given to certain ethnic minorities can be extended to the others in this system. Then it would be possible to relieve discrimination against Muslims as well as other minorities.

## NOTES

1. Bhikhu Parekh, 'Britain and Social Logic of Pluralism', in *CRE Britain: A Plural Society. Report of a Seminar*, London: Commission for Racial Equality, 1990, pp. 59–60.
2. Charles Husband, 'The Political Context of Muslim Communities' Political Participation in British Society', in *Muslims in Europe*, eds Bernard Lewis and Dominique Schnapper, London and New York: Pinter, 1994, pp. 79–97; Roger Ballard, 'Introduction: The Emergence of Desh Pardesh', in *Desh Pardesh: The South Asian Experience in Britain*, ed. Roger Ballard, London: Hurst, 1994.
3. W. A. R. Shadid and P. S. van Koningsveld, 'Blaming the System or Blaming the Victim? Structural Barriers Facing Muslims in Western Europe', in *The Integration of Islam and Hinduism in Western Europe*, eds W. A. Shadid and P. S. van Koningsveld, Kampen: Kok Pharos, 1991, p. 17.
4. Sebastian M. Poulter, 'Cultural Pluralism and its Limits: A Legal Perspective', in *CRE Britain: A Plural Society. Report of a Seminar*, London: Commission for Racial Equality, 1990, p. 3.
5. Parekh, 'Britain and Social Logic of Pluralism', *op. cit.*, 1990, p. 67; see also Rohit Barot, 'Migration, Change and Indian Religions in Britain', in *The Integration of Islam, op. cit.*, p. 196.
6. Sebastian M. Poulter, *English Law and Ethnic Minority Customs*, London: Butterworths, 1986, pp. v–vi; Sebastian M. Poulter, 'Muslim Headscarves in School: Contrasting Legal Approaches in England and France', *Oxford Journal of Legal Studies*, Vol. 17, No. 1, 1997, pp. 43–74; Daniel Lawrence, *Black Migrants: White Natives. A Study of Race Relations in Nottingham*, London: Cambridge University Press, 1974; Chris, Mullard, *Black Britain*, London: Allen and Unwin., 1973.
7. R. K. Agnihotri, 'Conflicting Pressures. The Case of Sikh Children in Leeds (UK)', *South Asia Newsletter* (of University of Amsterdam), No. 6, 1990, pp. 18–22; Arthur Wesley Helweg, *Sikhs in England: The Development of a Migrant Community*, Delhi: Oxford University Press, 1979.
8. Jørgen S. Nielsen, 'Muslim Organizations in Europe: Integration or Isolation?', in eds Shadid and van Koningsveld, *op. cit.*, p. 46.
9. John Osmond, *The Divided Kingdom*, London: Constable, 1988.
10. Roger Ballard, 'New Clothes for the Emperor?: The Conceptual Nakedness of the Race Relations Industry in Britain', *New Community*, Vol. 18, No. 3, 1992, pp. 486–491.
11. Roger Ballard, 'Introduction: The emergence of desh pardesh', in *Desh Pardesh, op. cit.*, p. 8.
12. Werner F. Menski, 'English Family Law and Ethnic Laws in Britain', *Kerala Law Times*, No. 1, 1988, p. 65.
13. See in detail Werner F. Menski, 'Asians in Britain and the Question of Adaptation to a New Legal Order: Asian Laws in Britain', in *Ethnicity, Identity, Migration: The South Asian Context*, eds Milton Israel and Narendra Wagle, Toronto: University of Toronto, 1993, pp. 238–268; Werner F. Menski, *Angrezi Sharia: Plural Arrangements in Family Law by Muslims in Britain*, London: School of Oriental and Asian Studies, 1993, pp. 1–10.
14. Werner F. Menski, *Law, religion and South Asians*, London: School of Oriental and Asian Studies, 1996, p. 16.
15. J. Waardenburg, 'Muslim Associations and Official Bodies in Some European Countries', in *The Integration of Islam, op. cit.*, p. 36. The state responded to the criticism and now, in the forthcoming census 2001, the government is considering to have a question regarding religious affiliation.
16. See several issues of, for instance, *Q-News*.
17. Menski, *Law, Religion and South Asians, op. cit.*, p. 17. For a discussion about the anti-discrimination law in Britain and its predicaments, see Martin MacEwen, 'Anti-discrimination Law in Great Britain', *New Community*, Vol. 20, No. 3, 1994, pp. 353–370.
18. See in detail Carolyn Hamilton, *Family, Law and Religion*, London: Sweet & Maxwell, 1995.
19. A. Bradney, *Religions, Rights and Laws*, Leicester: Leicester University Press, 1993, p. 43.
20. *Ibid.*, p. 42.
21. Marriage Act, ss 26(1), 35(4), 43(3), 75(1)(a), 1949.
22. Bradney, *Religions, op. cit.*, p. 42.

23. Carolyn Hamilton, *Family, Law and Religion*, *op. cit.*
24. Menski, *Law op. cit.*, p. 20.
25. Werner F. Menski, 'Asians in Britain and the Question of Adaptation to a New Legal Order: Asian Laws in Britain', in *Ethnicity, Identity, Migration: The South Asian Context*, eds Milton Israel and Narendra Wagle, Toronto: University of Toronto, 1993, p. 260.
26. Kaur v. Singh, 1 All ER, 1972, p. 292.
27. *Ibid.*, p. 293. There are some other cases that took into account the cultural and religious background of the parties. See, for example, R v. Bibi (1980), R v. Bailey, R v. Byfield, R v. Adesanya, and Malik v. British Home Stores (1980).
28. Bradney, *Religions, op. cit.*, p. 41.
29. Roger Ballard and V. Singh Kalra, *The Ethnic Dimension of the 1991 Census: A Preliminary Report*, Manchester: Census Microdata Unit, University of Manchester, 1993, p. 3.
30. *Ibid.*
31. Jansen Johannes J. G., 'Islam and Civil Rights in the Netherlands', in *Muslims in Europe*, eds Bernard Lewis and Dominique Schnapper, London. New York: Pinter, 1994, p. 41.
32. Roger Ballard and V. Singh Kalra, *The Ethnic Dimension, op. cit.*, pp. 3–4; see also Roger Ballard, 'The Construction of a Conceptual Vision: Ethnic Groups and the 1991 UK Census (Review Article)', *Ethnic and Racial Studies*, Vol. 20, No. 1, 1997, pp. 181–194.
33. Mandla v. Dowell Lee, 3 All ER 1108 (CA), 1982; and Mandla v. Dowell Lee 1 All ER, 1062 (HL), 1983.
34. Tariq Modood, *Racial Equality. Colour, Culture and Justice*, London: Institute for Public Policy Research, 1994, p. 14; see also Tariq Modood, 'Muslim Views on Religious Identity and Racial Equality', *New Community*, Vol. 19, No. 3, 1993, pp. 513–519.
35. Poulter, 'Muslim Headscarves', *op. cit.*, p. 64.
36. Poulter, 'Cultural Pluralism', *op. cit.*, p. 3.
37. Werner F. Menski, *Ethnicity, Discrimination and Human Rights*, London: School of Oriental and Asian Studies, 1997, p. 4.
38. *Ibid.*
39. Hamilton, *op. cit.*, p. 38.
40. Campbell Alan McLachlan, *State Recognition of Customary Law in the South Pacific*, London: University College London, 1988, p. 84.
41. J. Waardenburg, 'Muslim Associations and Official Bodies in Some European Countries', in Shadid and van Koningsveld, eds., in 'The Integration of Islam' *op. cit.*, p. 36.
42. The Runnymede Trust (TRT), *Islamophobia*, London: Runnymede Trust. Cited in *Q-News*, June 1997.
43. Helen L. Conway, 'Divorce and Religion', *NLJ Practitioner*, 3 November 1995, pp. 1618–1619.
44. Menski, *Ethnicity, op. cit.*, pp. 1–10; The Runnymede Trust (TRT), *Islamophobia, op. cit.*; see also, *The Daily Telegraph*, 30 July 1997, p. 1.
45. Menski, 'Asians in Britain', *op. cit.*, p. 265; The Runnymede Trust (TRT) 1997, *Islamophobia, op. cit.*
46. Bradney, *Religions, op. cit.*, p. 51.
47. *Ibid.*, p. 42.
48. See in detail *ibid.*
49. Menski, *Law, op. cit.*, p. 21. To cast an eye over a few issues of, say, *Q-News* would easily show that resentment. See, for example, *Q-News*, June 1997, pp. 1–20.
50. Menski, *Law, op. cit.*, p. 6.
51. Werner F. Menski, 'Uniformity of Laws in India and England', *Journal of Law and Society*, Vol. 7, No. 11, 1988, p. 17.
52. Jørgen S. Nielsen, *Muslims in Western Europe*, Edinburgh: Edinburgh University Press, 1992, p. 164; see also David Pearl and Werner F. Menski, *A Textbook on Muslim Family Laws*, 3rd edn, London: Sweet & Maxwell, 1998, Chapter 5.
53. Jørgen S. Nielsen, 'Muslims in Britain: Searching for an Identity', *New Community*, Vol. 13, No. 3, 1987, p. 384.
54. *Ibid.*
55. Modood, *Racial Equality, op. cit.*, p. 14; United Kingdom Action Committee of Islamic Affairs (UKACIA), *Muslims and the Law in Multi-faith Britain. Need for Reform*, memorandum submitted by the UKACIA, London: UKACIA, 1993; Jan Rath *et al.*, 'The Recognition and Institutionalization of Islam in Belgium, Great Britain and the Netherlands', *New Community*, Vol. 18, No. 1, 1991, p. 106. See also *Q-News*, June 1997.

56. See, for example, Modood, 'Muslim Views', *op. cit.*, p. 516. For a comparison between Asian Muslims and Hindus and Sikhs, see Jean Ellis, 'Local Government and Community Needs: A Case Study of Muslims in Coventry', *New Community*, Vol. 17, No. 3, 1991, pp. 359–376.
57. Menski, *Ethnicity*, *op. cit.*, p. 7.
58. *Ibid.*, p. 6.
59. Modood, *Racial Equality*, *op. cit.*, p. 7.
60. Modood, 'Muslim Views', *op. cit.*, p. 517.
61. Menski, 'Asians in Britain', *op. cit.*, p. 241.
62. *Ibid.*, p. 243; Poulter, *English*, *op. cit.*, pp. 3–4; Sebastian M. Poulter, 'Ethnic Minority Customs, English Law and Human Rights', *International and Comparative Law Quarterly*, Vol. 36, 1987, pp. 589–590.
63. For examples, see Zaki Badawi, 'Muslim Justice in a Secular State', in *God's Law Versus State Law: The Construction of Islamic Identity in Western Europe*, ed. Michael King, London: Grey Seal, 1995, pp. 77–79; David Pearl and Werner F. Menski, *A Textbook on Muslim Family Law*, 3rd edn, London: Sweet & Maxwell, 1998; Ihsan Yilmaz, *The Dynamic Legal Pluralism and the Reconstruction of Unofficial Muslim Laws in England, Turkey and Pakistan*, London: SOAS, 1999. The Muslim Law (Shariah) Council (MLC) (London: MLC, 1999) states that since 1985, they have dealt with more than 2500 disputes among Muslim families. Over 350 cases of matrimonial disputes in Muslim families are now being referred to the Council every year.
64. Werner F. Menski, 'English Family Law and Ethnic Laws in Britain', *Kerala Law Times*, No. 1, 1988, p. 58.
65. Menski, 'Asians in Britain', *op. cit.*, p. 253; see also Pearl and Menski, *A Textbook*, *op. cit.*; and Yilmaz, *The Dynamic Legal Pluralism*, *op. cit.*
66. *Ibid.*
67. I am not using the word 'surveillance' in the Foucauldian sense. It simply aims to put an emphasis on the importance of the state's duty to monitor the socio-legal sphere constantly and consistently.