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ALTERNATIVE DISPUTE RESOLUTION (ADR), ISLAMIC MARRIAGE, DIVORCE AND CHILD CUSTODY IN ENGLAND AND WALES

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ABSTRACT

This article considers the inter-relationship between Islamic Law and case and statute law as it relates to legal practice in England and Wales. The emergence of Shari'a in the United Kingdom is briefly considered together with the Islamic origins of arbitration and the development of Shari'a Councils and arbitration bodies. It reviews the place of mediation and arbitration in decisions related to divorce, payment of *mahr* and child custody issues. These are considered within the case law which reports the outcomes in English courts, when marital disputes have not been settled through traditional means. Attention is also paid to the potential role of traditional attitudes on outcomes both within Shari'a councils and English courts

Keywords: islamic law, shari'a, shari'a councils, ADR, islamic marriage, islamic divorce, child custody, Arbitration Act 1996

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Editor's Note – In publishing this important contribution to the law relating to Islamic mediation and arbitration in England and Wales, it is noted that the Parliament of the United Kingdom has held inquiries into the use and operation of Sharia Law and Sharia Councils or 'Sharia Courts' in the UK, with women's groups and representatives in particular expressing concerns about their impact on women's rights. See *The independent review into the application of Sharia Law in England and Wales* presented to the Parliament by the Secretary of State for the Home Department in February 2018, Report into Sharia Law in the UK (publishing.service.gov.uk) (accessed 11 October 2024). In 2016 amongst others One Law For All co-director Marayam Namazee presented a written and oral submission to the House of Commons Home Affairs Committee on Sharia Councils 2016 Inquiry raising these concerns: Oral evidence - Sharia councils - 1 Nov 2016 (parliament.uk) (accessed 11 October 2024).

INTRODUCTION

Islamic family law is beginning to come under the umbrella of the British legal system through use of techniques of alternative dispute resolution (ADR) in relation to marriage, dower, divorce and child welfare. The place of mediation and domestic arbitration is considered, together with complications arising from the problems surrounding the recognition of nikah and contractual aspects of dower. The nature and role of organisations which provide specifically Islamic mediation and arbitration are reviewed and issues related to the need for appropriate qualifications and training examined. All elements will be considered within the general legal environment of the United Kingdom and responses from those opposed to a legal pluralism.

During the 1960s and 1970s there was significant growth of the South Asian population in the UK. This was driven by the need for labour in industries as diverse as clothing manufacture and brick making. It was supplemented by the expulsion of people from Uganda and other countries in East Africa. Within these communities, it was common practice not to register marriages and it is said that, on occasions, this led to significant matrimonial disputation (Bano, 2007). The consequences included the emergence of a body of religious law unique to Britain, which Pearl and Menski (1986) labelled 'Angrezi' law. This unofficial law was, and is, administered by Shari'a courts. However, Shari'a's lack of official status within the UK has been a driving factor in seeking ways to bring its decisions within the state's legal framework.

Lord Woolf's work on reform of the civil justice system of England and Wales and the Arbitration Act 1996 ('the Act') opened opportunities for bringing external agencies within the legal framework for the settling of private disputes.[1] The promotion of Alternative Dispute Resolution (ADR) was a central plank of the reforms proposed by Woolf and he described mediation as being:[2]

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[1] Arbitration Act 1996 (legislation.gov.uk) accessed 14 September 2024.

[2] Lord Woolf, *Interim Report* ,(HMSO 1995), Civil Justice in the United Kingdom on JSTOR accessed 14 September 2024, Chapter 18, para 11; Sir Harry Woolf, *Final Report – Access to Justice*, (HMSO 1996), Access to justice : final report to the Lord Chancellor on the civil justice system in England and Wales: Woolf, Harry, Sir, 1933- : Free Download, Borrow, and Streaming: Internet Archive accessed 14 September 2024; and see Sir Rupert Jackson, 'Civil Justice Reform and Alternative Dispute Resolution', Judiciary of England and Wales, Lecture to the Chartered Institute of Arbitrators, https://www.judiciary.uk/wp-content/uploads/2013/03/lj-jackson-cjreform-adr.pdf accessed 14 September 2024.

> "… offered by a number of private and voluntary organisations. Unlike other forms of ADR it does not result in a determinative adjudication, but is perhaps best described as a form of facilitated negotiation, where a neutral third party guides the parties to their own solution."

A critical element was the role of private and voluntary organisations. In addition, arbitration and mediation are not regulated services and technically can be provided by someone without formal legal training or qualifications. Under s 33 1(a) of the Act, the only requirement of an arbitral tribunal is that it should:

> "… act fairly and impartially as between the parties, giving each party a reasonable opportunity of putting his case and dealing with that of his opponent."

As a result, organisations concerned with the resolution of marital-related disputes could seek to become arbitral tribunals and so have their decisions upheld by the courts, as defined in sections 44 and 67 of the Act.

ALTERNATIVE DISPUTE RESOLUTION AND ISLAM

Disputes are seen within Islam as being not only of personal concern but also a community issue, with the consequential need to repair social relationships (Gulam, 2003). Concepts of mediation and arbitration are well recognised within Islam and have been compared to *sulh* and *takhim* respectively (Islam, 2012). Both *sulh* and *tahkim* were readily accepted as distinct forms of dispute resolution by the Hanafi and Shafi juristic schools, whereas Malikis tended to retain the function under judges (Khakimov, 2020).

Bukhari reported a narration from Sahl bin Sa"ad:[3]

> "There was dispute amongst the people of the tribe of Bani Amr bin"Auf. The Prophet went to them … in order to make *sulh* (peace) between them."

The strength of *sulh* lies in its flexibility, making use of negotiation, mediation and conciliation (Singh, 2017). Mediation is a less formal procedure and can help address cultural clashes within a marriage, for example, where one partner was born in the West and the other grew up on the Indian sub-continent (Shippee, 2002). For such reasons, *sulh* is seen by some as well-suited to maintaining privacy

[3] 53. Peacemaking, *Sunnah*.com, https://sunnah.com/bukhari:2690 accessed 2 October 2024.

and preventing public disgrace (Hamid et al, 2019). Although mediation is non-binding, in the UK it can be incorporated into the collaborative law process and so achieve similar objectives.

The model for arbitration or *takhim* comes from marital disputes and is laid out in the Qur'an:[4]

> "If you fear a breach between the two, appoint an arbitrator from his people and an arbitrator from her people. If they both want to set things right."

Takhim concerns disputes that have arisen, rather than future disputes – that is, disputes which may arise (Singh, 2017). This was an issue for modern arbitration practice and only in recent times has the appearance of arbitration clauses within contracts allowed for futures disputes to be arbitrable. *Takhim* brings in a third party, or *hakam*, as a decision-maker (Hamid et al, 2019). His status is inferior to that of a judge or *qadi*. Nevertheless, as with modern arbitration, the Hanbali school holds his decision to be binding (Hamid et al, 2019). However, in contrast to the western model of arbitration that third party may not have experience in the field of disputes or specific recognised qualifications in the law or arbitration, but may have connections to the disputant and be well-regarded in the community (Irani and Funk, 2000). For arbitration in the UK, the third party arbitrator cannot have connections with one of the disputants as this would lead to procedural unfairness and a lack of natural justice. Med-Arb is also a feature of modern arbitration practice, but there is some evidence it was pre-figured in the Koran 4 v 58 and 4 v 35. These verses confirm the need for a balanced tribunal and consequently do not support the tradition of allowing an arbitrator to have connections to one of the disputants. In addition, Hazrat Ali pointed out that someone who was involved in resolving disputes needed to be upright, knowledgeable and not easily annoyed by the parties (Hassan and Malik, 2020).

In 2009, Bowen reported that about half the community of British South Asian Muslims have transnational marriages, and that this could lead to difficulties with divorce in English courts. For example, it was not until 1995 that English law recognised the validity of monogamous Muslim marriages entered into abroad, whilst continuing to not recognise unregistered nikahs which take place within the United Kingdom with all the resulting complications arising from marriages between citizens of different nationalities in different countries (Edge, 2013). This led directly to a need for the Muslim community to address difficult family issues, such as divorce and child custody, within an Islamic setting, calling on traditions, such as *suhl* and *tahkim*, in contrast to the formal structures of British courts.

[4] At 4 v 35.

Thus came the emergence of Shari'a Councils and organisations, such as the Muslim Arbitration Tribunal (Lepore, 2012).

ISLAMIC MARRIAGE IN ENGLAND AND WALES

In 2017, Sherwood reported that in the UK six out of 10 women who had a nikah did not have a separate civil remedy and as a result could not seek division of assets in the family court if they divorced. The study was conducted amongst almost 1000 women in 14 British cities. It also reported that 75% of respondents wanted their marriage to be recognised under British law.

Under Articles 8 and 14 of the European Convention on Human Rights and section 3 of the Human Rights Act 1998 it may be possible to construe the term 'spouse' as including people living with a partner having participated in a religious marriage ceremony and subjectively believing themselves to be married. However, in *AR v SSWP* [2020][5] this view was not accepted and the court confirmed that a bereaved wife, married in a nikah, was not entitled to claim relief as she was not married within the definition of British law.

Similar views have been taken in other cases. In 2020, the Court of Appeal reversed the original decision in *Akhter v Khan* [2018][6] and ruled that a nikah ceremony was not a valid marriage in England and Wales. The Court referred to the nikah as a non-qualifying ceremony. Both parties knew this to be the case and had intended to go through a civil ceremony but failed to do so for 20 years. The wife's repeated requests for such a ceremony were rejected. Ironically the UAE accepted the nikah as a valid marriage, when they moved to the UAE. This case underlines the unsatisfactory position with regards to nikah in England and Wales. It has stimulated calls for all religious marriages to be treated as equal. However, such claims are wrongly based. All religious ceremonies of marriage are equal in the UK – none convey validity on the marriage. It is the registration of the marriage in an approved setting by a registrar that gave it validity and that person could be a vicar, rabbi or imam or another designated person, practicing in an approved church, synagogue or masjid. From May 2021, the requirements for a valid marriage under the Marriages, Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019 are that the couple will need a Certificate for Marriage and a marriage schedule for their ceremony to take place.[7] On the day of the

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[5] *AR v SSWP* [2020] UKUT 165 (AAC).

[6] *Akhter v Khan* [2018] EWFC 54; *Akhter v Khan and another* [2020] EWCA Civ 122, [2020] All ER (D) 88.

[7] Marriage and Civil Partnerships in England and Wales, Gov.uk, https://www.gov.uk/marriages-civil-partnerships/plan-your-ceremony accessed 2 October 2024.

ceremony, couples will be invited to sign the marriage schedule. The issue, therefore, will be the readiness of Muslim couples or of masjids to integrate this process into the nikah as a supplement to the marriage contract.

In terms of arbitration, it is the existence of this marriage contract, which has formed the basis for the emergence of various arbitral and mediation bodies concerned with divorce and child custody. Within England and Wales, s 1 of the Arbitration Act 1996 states:

(a) "the object of arbitration is to obtain the fair resolution of disputes by an impartial tribunal without unnecessary delay or expense;
(b) the parties should be free to agree how their disputes are resolved, subject only to such safeguards as are necessary in the public interest …"

For Islamic tribunals, public interest is a central factor in their wider acceptance by British society. For a domestic commercial arbitration, the seat of the arbitration and, therefore, the law applicable to the situation must be that of England and Wales. However, an award made in relation to a commercial dispute crossing international boundaries could be enforced in another country. In contrast, family matters crossing jurisdictions cannot be dealt with as part of an international arbitration with awards in one signatory to the New York Convention 1958 being enforceable in another, as is the case with trade disputes.

MEDIATION, ARBITRATION, ISLAMIC MARRIAGE AND DIVORCE

Within the jurisdiction of England and Wales the enforceable nature of contracts related to nikah have been long recognised. In *Shahnaz v Rizwan* [1965][8] the wife claimed payment of her deferred *mahr* of £1,400. The marriage contract stated it was due on marital breakdown and so was payable as her husband had divorced her by *talaq*. It was held that she was entitled to payment because there was a contractual obligation imposed upon her husband. At first consideration this decision was surprising, as pre-nuptial agreements were not legally enforceable in England and Wales until *Radmacher v Granatino* [2010],[9] although consideration might be given to them in reaching a financial settlement following divorce. However, the sympathetic trend to a positive interpretation by English courts of Islamic marriage contracts was also seen in *A and T (Ancillary relief: Cultural Factors)* [2004]. The judge ordered that if the husband failed to grant the wife a

[8] *Shahnaz v Rizwan* [1965] 1 QB 390.
[9] *Radmacher v Granatino* [2010] UKSC 42.

religious divorce within three months, she would be entitled to the £60,000 in her marriage contract together with an additional £25,000. In *Uddin v Choudhury* [2009][10] the Court of Appeal upheld the decision of the judge of first instance that Miss Choudhury should receive the dowry, which had been agreed prior to the marriage, but not paid. These cases all centred around the contract of marriage and not whether the marriage was legally valid in England. Clearly the contract stands even when the religious ceremony is non-qualifying under earlier marriage acts and now The Marriages, Civil Partnerships, Marriages and Deaths (Registration Etc.) Act [2019].

The recognition that marriage contracts could be legally enforced and the passage of the Arbitration Act opened up the opportunity for Muslim communities to ensure legally binding outcomes for religious divorce settlements consistent with Shariah. It removed the issue of whether a British based nikah was a qualifying event for a civil divorce. Of course, nikahs conducted outside of the UK and prior to settlement in this country are accepted as valid marriages and divorce in that situation would need to be through the British legal system.

Against this background various Muslim tribunals and councils emerged. In the case of arbitrators an essential requirement was that they were Muslims. In *Jivraj v Hashwani* [2009] EWHC 1364 (Comm), Steel J ruled that, in England and Wales, an arbitration clause in a contract can specify that the members of the arbitral tribunal must be of a specific religious viewpoint. Such a requirement would neither infringe the Human Rights Act nor public policy. In this case, the requirement was for the arbitrators to be Ismaili. The Supreme Court agreed, but Mance L in an obiter statement said:[11]

> "A religious or faith-based community's or organisation's power first to select and then to direct its own employed lawyers would be a secure means of ensuring that its employed lawyers valued, understood and prioritised the handling of English law work so far as possible on a non-confrontational basis, using alternative dispute resolution procedures wherever possible. A refusal to employ anyone other than a member of the particular religion or faith would in that context seem unlikely to be justified or proportionate."

In other words, it could be considered that arbitration organisations with a religious basis should employ some legal advisors, at least, from a different faith background.

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[10] *Uddin v Choudhury* [2009] EWCA Civ 11.

[11] *Jivraj v Hashwani* [2011] UKSC 40 at 82.

The Islamic Shari'a Council was founded in 1982 in Birmingham and is now based in London. One of its purposes was "to create a bench of ulama who would function as Qadis in matters such as matrimonial disputes that were referred to them." It offers both a *Talaq* and *Khul* service, supported by a counselling and mediation service. However, Khan (2019) has argued that mediation is more likely to assist the husband, who will usually be the stronger party. Concerns also arise from the fact that in 2020, the Council recognised that its logo was being used by fraudsters, who were issuing fake divorce certificates. This underlines the need for any such service to ensure that there is active and effective involvement with both parties to an Islamic divorce and that contact by post, telephone, e mail, Facebook or WhatsApp is not an adequate substitute for face-to-face assessments. Such techniques cannot exclude the role of undue pressure or adverse decisions about *mahr.* In Bano's study (2012), 22 of 30 Shari'a councils responded, with a 25% non-participation rate, including 10% which refused. Almost half offered reconciliation and mediation services and in every centre, all panel members were men who had trained in Islamic jurisprudence in either India, Pakistan, Egypt, Saudi Arabia or Yemen. Councils dealt with between 80 and 200 cases per year.

Bano (2012) also identified a reluctance to discuss divorce in detail as it was considered a private matter and collection of such data could be seen as monitoring of Muslims. Some of the lack of clarity around what happens through a council mediated divorce can be seen in an earlier study by Shah-Kazemi (2001) of the Muslim Law (Shariah) Council UK in which *khul* was granted in only 3 of 308 divorce proceedings, with most women failing to realise that their marriage had been dissolved because of their husband's "unjustifiable persistence in withholding the *talaq* from them."[12] Such reports emphasise the need for better training of panel members in communication and mediation skills, an appreciation of western culture and legal traditions and more effective investigatory techniques. Indeed, in the case of *Al-Midani and another v Al-Midani and others*, where there was a valid arbitral clause in the contract, the court confirmed that the Islamic Shari'a Council did not meet the requirements to function as an arbitral body

The need for such skills is even greater where the organisation offers arbitration with the prospect of a civil order granted by a court in England and Wales to

[12] Samia Bano, *An exploratory study of Shariah councils in England with respect to family law* (1st edition University of Reading 2012) https://www.reading.ac.uk/web/files/law/An_exploratory_study_of_Shariah_councils_in_England_with_respect_to_family_law_.pdf accessed 3 May 2024, p 37.

ensure implementation of its decision. The Muslim Arbitration Tribunal (MAT) consists of British educated jurists and provides:[13]

> "An expert panel of legal professionals (including qualified Solicitors, Barristers and Judges) and Islamic Scholars versed in both English and Islamic Law."

and so claims its decisions will be recognised by both systems. Its panel includes women, so as to reduce any gender bias. However, within its procedures, it is surprising that there is a readiness to hear two similar cases at the same time. One of the main attractions of arbitration is that it is a private procedure with publication of its findings only with the agreement of both parties and so hearing similar cases together rather defeats that objective. Despite its commitment to providing *khul* and a stance against forced marriages it provides no guidance on the role of arbitration in issues concerned with marital disputes, including issues related to *mahr* and appears not to offer arbitration in relation to such disputes. On a wider front it is reported:[14]

> "The only areas of law that MAT cannot deal with are divorce proceedings (other than a religious divorce), child custody and criminal matters, as MAT does not have jurisdiction to deal with such matters."

The absence of published cases related to arbitration as a solution to marital disputes in the Muslim community might be related to the Court of Appeal decision in *Halpern v Halpern & Anor,* where the court confirmed that the governing law of the contract had to be the law of a country and could not be a national law, such as *Halakha,* contrary to what many commentators believe (Choksi, 2012). This was a surprising decision in that international arbitration has long recognised that arbitrators should make their decisions based on the rules of law chosen by the parties or, with the agreement of the parties, on an *ex aequo et bono* basis.[15]

CHILD CUSTODY

Bradney (2009) has argued that personal law systems, such as Shari'a, can create significant problems but also offer significant advantages to those who find state

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[13] Muslim Arbitration Tribunal.doc (cardiff.ac.uk) accessed 2 October 2024.

[14] Muslim Arbitration Tribunal http://www.law.cf.ac.uk/clr/networks/Muslim%20Arbitration%20Tribunal.pdf accessed 4 May 2021.

[15] Article 22.4 London Court of International Arbitration Rules, 2014.

law values contrary to their beliefs. Indeed, the tension between civil and Islamic Law was well summarised by the Muslim Law (Shariah) Council UK when it wrote to a disgruntled husband:[16]

> "If such provisions pronounced by the civil courts do not reflect our religious aspirations, it is one of the disadvantages of living in a non-Muslim or secular country, and everyone has to swallow such unpleasant verdicts."

As Malik (2009) has pointed out, the need to control child rearing is a critical aspect of traditional societies and is concerned with the preserving and transmitting culture and religion. This leads to a focus on family law and the need to have exclusive jurisdiction in certain areas. It is this intersection which has limited the further development of either mediation or arbitration to settle issues related to child custody and for British law to overrule any such decisions. For example, in *EM (Lebanon) v Secretary of State for the Home Department* [2008] the House of Lords unanimously held that handing over the care of a child, over 7 years old, to his father, consistent with Shari'a in Lebanon, would be a flagrant disregard of Article 8 of the European Convention on Human Rights.

The court's approach to child custody issues and its adverse opinions of some traditional behaviour patterns is seen in *SS v MSS* [2017], where the behaviour of a strictly religious general practitioner, adversely influenced Mr Justice Holman who noted:[17]

> "I very rapidly and clearly saw his relentless and unyielding pressure upon her, even in the setting of a court room and even when they are fully divorced."

Since 1999 and the case of *J (Child), Re* [1999] male circumcision has been a recurrent issue brought before the courts, when there has been parenteral disagreement. Recently, in *L And B (Children: Specific Issues: temporary Leave To Remove From the Jurisdiction; Circumcision)* [2016] Mrs Justice Roberts decided that it was "not in the children's best interests to undergo the procedure at this point in time and, in any event, until they are competent in terms of their age and maturity to make the decision for themselves." Such a view would not be contrary to Shafi, Hanafi or Maliki schools of jurisprudence (Alahmad and Dekkers, 2012). However, Mrs. Justice Roberts recognised that her decision would be "a hard one for the father to accept". The view that circumcision, where there is

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[16] Sonia N Shah-Kazemi *Untying the Knot, Muslim Women, Divorce and the Shariah* (The Nuffield Foundation 2001) p59.

[17] *SS v MSS* [2017] EWHC 1016 (Fam).

parental disagreement, should be delayed until the child can assume responsibility for the decision will be a further reason for the courts of England and Wales retaining control of child custody decisions. It is consistent with the views expressed by Butler-Sloss and Hill (2013) that giving authority to a religious court could interfere with the rights and liberties given to citizens under British law.

Nevertheless, when a decision by a religious arbitral tribunal does not conflict with English law the courts are prepared to take that decision into account. In *AI v MT* [2013], Baker J made it clear that "the parties could not oust the jurisdiction of the court by their stated agreement that they would abide by the conclusion of the *Beth Din*." He went further by stating:[18]

> " … although likely to carry considerable weight with the court, would not be binding and would not preclude either party from pursuing applications to this court in respect of any of the matters in issue."

Ultimately, the court accepted the decision of the New York *Beth Din,* because it recognised that the paramount issue in its decision was the welfare of the children, and this corresponded with the Family Proceedings Rules 2010.

CONCLUSIONS

In 2015, Deen contended:[19]

> "… there are no valid reasons why matters concerning family law and contract cannot be accommodated within the British common law."

This approach would be consistent with the views of Archbishop Rowan Williams, namely that believers cannot "be pressed for universal compliance with aspects of civil law where conscience matters are in question" (Griffith-Jones, 2013). However, in practice very few aspects of Islamic matrimonial law and child custody have been incorporated into legal practice in England and Wales. The major exception is the readiness to uphold *mahrs*, based on their contractual nature. They have not been treated as pre-nuptial arrangements, because nikahs are considered to be ceremonies and not qualifying marriages. Shari'a Councils and the Muslim Arbitration Tribunal offer mediation, which is not legally binding.

There is a distinct absence of reported cases where the outcome of an arbitration in these areas has led to a referral to an English court for an order of

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[18] *AI v MT* [2013] EWHC 100.

[19] M Hari Z Deen, *Shari'ah. A Case for Legal Pluralism* (AnchorHouse 2015) p 11.

enforcement. Neither are there any anonymised annual reports of the work of these organisations, although this is not surprising in that mediation and arbitration are private matters and so not subject to external scrutiny. Nevertheless, there is a need to ensure that panels are formed of appropriately trained experts, who have a footing in Islamic and English law and understand their complexities. With such an approach, carefully considered decisions on child custody issues are more likely to be accepted, as in the case of *AI v MT* [2013].

REFERENCES

Abida Hassan and Mohammad Malik, 'Alternative dispute resolution processes in Islam' [2020] 4 *J U* 47.

Aina Khan. 'Transcript.' In *Muslim marriages and divorce practices in Contemporary Britain* by Shaheen S Ali & Justin Jones (2019). https://registerourmarriage.org/blog accessed 3 May 2021.

Anthony Bradney *Law and Faith in a Sceptical Age* (1st edn Routledge-Cavendish 2009), p 59.

Bilal M Choksi. 'Religious arbitration in Ontario – making the cased based on the British example of the Muslim Arbitration Tribunal.' [2012] 33 *Uf P J I L* 791.

Christopher R Lepore. 'Asserting state sovereignty over national communities of Islam in the United States and Britain: Sharia courts as a tool of Muslim accommodation and integration' [2012] *W UG SL R* 11: 669 – 692.

David Pearl and Werner Menski, *Muslim Family Law* (Sweet & Maxwell 1998) p 75.

Elizabeth Butler-Sloss and Mark Hill, 'Family law: Current conflicts and their resolution' in Robin Griffith-Jones (ed) *Islam and English Law*, *Rights Responsibilities and the Place of Shari'a* (CUP 2013) p 153.

Family Procedure Rules (2010). The Family Procedure Rules 2010 (legislation.gov.uk) accessed 2 October 2024.

George E Irani and Nathan C. Funk *Rituals of reconciliation: Arab-Islamic perspectives* (KROC Institute Occasional Paper August 2000).

Ghiath Alahmad and Wim Dekkers (2012). 'Bodily integrity and male circumcision: An Islamic perspective'[2012] 44 JIMANA 1.

Harriet Sherwood H. 'Most women in UK who have Islamic wedding miss out on legal rights' (2017) *The Guardian* 20 November 2017.

NA Hamid, MH Hassim, NA. Wahab, TNRA Aziz, R Ramliand and SN Ahmad, 'Alternative dispute resolution (ADR) via *sulh* processes' [2019] 4 *I J L G* 25.

M Hari. Z Deen *Shari'ah. A Case for Legal Pluralism* (AnchorHouse 2015).

Harry Woolf, *Access to Justice: The Interim Report of Lord Woolf June 1995* (HMSO London) Chapter 18 paragraph 11.

Hyder Gulam. 'Dispute management: An Islamic perspective.' [2013] December *T AMr* 1.

Ian Edge. 'Islamic finance, alternative dispute resolution and family law: developments towards legal pluralism.' in Robin Griffith-Jones (ed) *Islam and English Law, Rights Responsibilities and the Place of Shari'a* (CUP 2013) 108.

Islamic Shari'a Council (undated). The Islamic Sharia Council (islamic-sharia.org) accessed 3 May 2021.

John R Bowen. 'Private arrangements: Recognizing Sharia in England' *BR* March 1 2009 Private Arrangements - Boston Review accessed 2 October 2024.

London Court of International Arbitration (2014) https://www.lcia.org/Dispute_Resolution_Services/lcia-arbitration-rules-2014.aspx accessed 4 May 2021

Maleiha Malik M. *Muslim Legal Norms and the Integration of European Muslims* (European Working Papers RSCAS 2009/29 Robert Schumann Centre for Advanced Studies European University Institute Florence 2009).

Muslim Arbitration Tribunal (undated) http://www.matribunal.com/why-MAT.php accessed 3 May 2021.

Robin Griffith-Jones. 'The 'unavoidable' adoption of shari'a law – the generation of a media storm.' in Robin Griffith-Jones (ed) *Islam and English Law*, *Rights Responsibilities and the Place of Shari'a* (CUP 2013) 9.

Saidilyos Khakimov. 'Arbitration (Takhim) and reconciliation (suhl) in Islam as alternative dispute resolution mechanisms' [2020] 4 *TLI* 31.

Samia Bano. 'Islamic family arbitration, justice and human rights in Britain' [2007] 1 *L Sl J G D* 1 https://warwick.ac.uk/fac/soc/law/elj/lgd/2007_1/bano/bano.pdf accessed 28 April 2021.

Samia Bano. *An exploratory study of Shariah councils in England with respect to family law* (1st edition University of Reading 2012) https://www.reading.ac.uk/web/files/law/An_exploratory_study_of_Shariah_councils_in_England_with_respect_to_family_law_.pdf accessed 3 May 2024.

Sonia N. Shah-Kazemi *Untying the Knot, Muslim Women, Divorce and the Shariah* (The Nuffield Foundation Oxford 2001).

R Seth Shippee, '"Blessed are the peacemakers": Faith based approaches to dispute resolution' (2002) 9 *ILSA J I C L* 237.

Vandana Singh, 'Alternative dispute resolution in Islam: an analysis' [2017] 1 *ILI L* 137.

Md Zahidul Islam, 'Provision of alternative dispute resolution process in Islam' [2012] 6 *IOSR Jf* 31, (PDF) Provision of Alternative Dispute Resolution Process in Islam (researchgate.net) accessed 2 October 2024.

Cases

AI v MT [2013] EWHC 100.
AR v SSWP [2020] UKUT 165 (AAC).
A and T (Ancillary relief: Cultural Factors) [2004] EWHC 471 (FAM), [2004]1 FLR 977.
Akhter v Khan [2018] EWFC 54.
Akhter v Khan and another [2020] EWCA Civ 122, [2020] All ER (D) 88.
Al-Midani and another v Al-Midani and others [1999] CLC 904.
EM (Lebanon) v Secretary of State for the Home Department [2008] UKHL 64.
Halpern v Halpern & Anor [2007] EWCA Civ 291.
J (Child), Re [1999] EWCA Civ 3022.
Jivraj v Hashwani [2009] EWHC 1364 (Comm).
Jivraj v Hashwani [2011] UKSC 40.
L And B (Children: Specific Issues: temporary Leave To Remove From the Jurisdiction; Circumcision) [2016] EWHC 849 (Fam).
Radmacher v Granatino [2010] UKSC 42.
Shahnaz v Rizwan [1965] 1 Q.B. 390.
SS v MSS [2017] EWHC 1016 (Fam).
Uddin v Choudhury [2009] EWCA Civ 11.