Dear Mr Fluck,

**Law Society’s practice note on “Sharia succession rules”**

This is an open letter which we have published on our website this morning.

Thank you for your very prompt reply dated 31 March 2014 to our letter of the same date.

We have put your letter of 31 March 2014 in the public domain on our website, but with your personal details redacted, [here](http://lawyerssecularsociety.files.wordpress.com/2014/03/letter-from-law-society-to-lss-31-mar-14.pdf).

We respond to your letter as follows:

1. We note what you say about the applicability here of the Public Sector Equality Duty (PSED).

2. What is not clear, however, is whether you are merely saying that the PSED does not directly apply to the Law Society acting as a representative body, or whether you are making a wider point to the effect that, in that capacity, the Law Society does not in any event consider it necessary or appropriate for it to have due regard to the need to avoid discrimination and promote equality of opportunity. Please clarify.

3. If you are indeed saying that the Law Society as a representative body does not (regardless of the PSED) have due regard to the need to avoid discrimination and promote equality of opportunity and did not do so here, then please be clear about that (so that I and other members of the Law Society at least know where the Law Society stands on issues of discrimination and equality of opportunity).

4. If, on the other hand, you do accept (which I personally assume and hope as a member of the Law Society to be the position) that the Law Society must have due regard to those things independently of the PSED, then please clarify how it did so in reaching its decision to issue this guidance.

5. As part of that, please clarify how issuing guidance on how to write wills which give effect to a set of rules which promote a) direct discrimination on grounds of gender, promote equality of opportunity for women, and b) direct discrimination on grounds of religion, promote equality of opportunity for non-Muslims.

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6. Would the Law Society issue similar guidance on how to write wills for people wanting to follow rules which called for the distribution of a testator’s assets on a basis which discriminated on the grounds of race, or on a homophobic basis, or against people with a disability?

7. And if the Law Society would not provide guidance in those latter cases, what was the difference here?

8. The LSS is aware of, and is not challenging, the concept of testamentary freedom under English law. Therefore, and with respect, there is no need to explain that people are free to leave their money as they like, subject of course to the Inheritance (Provision for Family and Dependents) Act 1975. But it is clearly a major step to go from that to saying that the Law Society should offer guidance to solicitors on how to draft wills which give effect to a set of rules which avowedly discriminate on the grounds of gender and religion, as it would be for guidance on writing racist wills, or homophobic wills. Nor is that in any way affected by the fact that the rules in question are religious rules – what matters is their effect, not their provenance.

9. At the end of the Law Society’s practice note, at section 5.4, the reader is referred to a textbook called “Inheritance – Regulations & Exhortations”, by Muhammed Al Jibaly. Mr Al Jibaly is on record as saying:

   “Under the rule of Islam, a willful fornicator deserves to be whipped one hundred lashes, and a willful adulterer deserves stoning to death.”

He is also on record as saying:

   “What is sad to see, is that for many parents they send their children to the kuffar school, they allow them to mix with the kuffar, play with them [...] so that the lifestyle and the beliefs of the kuffar become deep-rooted in the hearts of the kids. [...] Command your children to pray when they are seven years old and hit them if they do not pray, or they don’t pray right. [...] A girl she should start hijab [wearing of headscarf] from the age of seven. By the age of ten it becomes an obligation on us to force her to wear hijab. And if she doesn’t wear hijab we hit her. [Parents should encourage] their children from mixing with the Muslims, staying away from the kuffar, having only Muslims as his friends, feeling the uniqueness and the pride of being Muslim [...]”

The emphases are our own. “Kuffar” is a derogatory term for those who reject Islam.

Please explain in the clearest possible terms why the Law Society is promoting, or at the very least being seen to promote, a book written by an individual with such abhorrent views.

10. We appreciate the Law Society cannot necessarily know of all the other work and opinions of an author it promotes, or is seen to promote, but given Sharia law’s poor human rights record we would assume the Law Society undertook at the very least a reasonable amount of due diligence before promoting this book. Please confirm what, if any, due diligence the Law Society undertook.

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2 https://www.islamweb.net/emerath/index.php?page=articles&id=14830
3 https://www.youtube.com/watch?v=ruuKDhJ1LYU (from 1min)
11. You state at paragraph 3 of section 1 of your letter that “the practice note was prepared by Sharia law experts...” Please confirm if Muhammed Al Jibaly was one of these “experts”.

12. Please provide a list of all the “Sharia law experts” you refer to.

We look forward to receiving a substantive response to our questions at the earliest possible opportunity. We are happy to correspond on this matter purely by email, and we thank you for emailing (and posting) your previous letter.

Finally, and as we mentioned in our previous letter, there is a protest outside the Law Society’s offices at 113 Chancery Lane this Monday 28 April 2014 at 5pm, calling for withdrawal of the Law Society’s practice note on Sharia succession rules. Further details are on our website here.4

Yours sincerely

Charlie Klendjian
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Secretary, Lawyers’ Secular Society

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