



Report Summary:

"Law & British Muslims: Domination of the Majority or Process of Balance?" (VOL. 5 of the British Muslims' Expectations Series, Summary)

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Publication date: 18th May 2006

ISBN 1-903718-32-5

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Background

The fifth report in the British Muslim Expectations of Government series has been commissioned to highlight how certain laws and the experience of Muslim communities of these laws is discriminatory and Islamophobic, whereby some major questions arise; can the legal system of any country be neutral as to religion, race and even gender? If so, in the United Kingdom, are we almost there or is this work in progress?

By analysing responses from a nationwide survey of 1125 Muslims and answers from 47 qualitative questionnaires, this report seeks to answer some of these questions and to contextualise within current debates and critique of how Western systems of law represent minorities both in democratic terms and in service delivery.

Background studies into minority rights, critical legal studies have also been established to lay the foundations for the findings in the report. Previous volumes of the British Muslims Expectations of the Government have also been referred to.

Research and findings

- The report found that an overwhelming 91.4% of respondents respect the law to varying degrees. 39.3% of this figure felt that they respect British laws unless they interfere with their religious values.

- The highest disregard for British law was from those who considered themselves to be secular (6.3%) cultural Muslims (7.5%) and those who did not care about Islamic values (20%).

- Of those who class themselves as highly practising Muslims, 26.3% supported British law unquestioningly. A further 28.6% felt it was their religious duty to support the laws.

Equal in the Eyes of the Law? Is the Law biased?

- Out of 47 respondents, an overwhelming 35 stated that the British legal system was unfair citing reasons such as unfair terrorism measures and practices and double standards.

Is British Law Biased and if so how?

- 40 respondents saw British law as biased, but not all who felt this thought the law to be unfair.

- This bias was perceived by respondents, as a recent phenomenon, and was either explicitly stated or implied through the use of recent examples.

A Two Track System

- Only 12 out of 47 respondents felt that Muslim needs are recognised under British laws. A further 20 respondents agreed needs were recognised but either the situation could be better or that the current status was appreciated as it was better than that in other countries.

Double Standards for Muslims?

- 30 respondents who believed that there was no protection for them under the law stated specifically, that as Muslims they were unprotected.

- Only 7 out of 47 respondents felt protected under laws.

Equality before the law and due process

- Only 3 respondents of the 47 felt protected by the legal system.

The Struggle against Discrimination

- Of those who stated they experienced daily instances of Islamophobia, 52% of respondents voiced their unqualified support for British laws and 40.7% said they supported British law unless it conflicted with their religious values.

- Of those with weekly experiences of Islamophobia, 45.1% gave unqualified support and a further 49.5% cited supporting the law unless it conflicted with their religious values.

🔗 What causes conflict between religious values and the law?

This question initiated negative responses and those with affirmative responses emphasised the recent conflict between law and religious beliefs, particularly, politically orientated beliefs to be the main cause for conflict.

🔗 Muslim preference for law in the UK

- The general concern in responses was that the inclusion of minorities and the recognition of their identities be integral to any new orientation in law.

- In describing themselves, most respondents saw their religion as the most important part of their identity, with many respondents rejecting ethnic and national identities.

- Those with Turkish ethnicity had the highest rate for opposing all laws and 45.5% of Turks gave qualified support to British law.

- 73.3% Iranians gave unqualified support and qualified support was 20%.

- 93.9% of Pakistani respondents and 90.9% of Arab respondents gave some sort of support to British law.

- Those who were born outside the UK have a higher rate of unqualified support for British law than those born in the UK (55.1% AND 49.6% respectively).

- 43% of those without British citizenship felt that they respect British laws unless they interfere with their religious values, as opposed to 38% of British Citizens.

Where Does Conflict Come From and How Can it be Resolved?

Qualified support for British law responses have indicated frontline interaction with the police as the main cause of conflict, thus reflecting negative Muslim profiling rather than a clash of values within the law. The few that had had experiences, their negative experiences

outweighed the positive. Stop and search, terrorism related issues and experiences with the police were seen to be some sources of conflict.

There was an overwhelming response that the law neither recognised nor protected Muslims and that it was hostile to Muslims as a result of their faith.

Level of education

- The groups amongst which the largest number respected all British laws without any qualifying actions were those without GCSE qualifications (31%), therefore undermining assumptions that lack of education facilitates lack of respect for law.

Role of the media

- 5.7% of respondents who believed the media to be racist as opposed to Islamophobic had the highest response for not respecting British laws at all.

Culture/ Society

- 56.9% of respondents felt that British society does not respect British Muslims.

Government

- The highest level of response for having no respect for British laws came from people who felt that the government was actually in favour of Muslims (5.3%).

What future for Muslims and British law: Expectations of the government

The majority of respondents have throughout voiced that British laws are unfair as a result of demonisation and anti terrorism measures. Foreign policy and the issue of ethics in governmental politics were also mentioned as an issue of great concern to Muslims. There was a prevailing theme of pessimism by those who stated that they expected worse laws from the government.

Yet many suggestions were provided such as looking for measures which would protect all or other religious communities and facilitating more Muslim representation in government. Some respondents expected the government to learn about Muslim communities and to educate the general public on such matters.

Recommendations to the Government

The report concludes with proposals for the government and policy makers to consider. As the majority of respondents feel that Islamophobia and double standards are widespread within society, the government must:

- Change Public Language: Responsibility and Respect from Government, Politicians, Media and Legal Establishment

- Inequality in public arguments: Redressing the balance
Bring about public space, where Muslims and other minorities feel both safe from ridicule and increasing prosecution, to articulate their beliefs about inter alia, law and public values

- Education: Learning and Teaching about Muslims and Minorities

- Evolving Normative Law: The difference, not the trade off, is security
Removing inequality and bias within legislation is a moral necessity which will help eradicate institutionalized division between communities.

- Shariah as a Solution: Respecting the integrity of Minority law and Recognising Muslim Peculiarity

Trying to understand Muslim understanding of shariah and its importance to them, rather than pandering to stereotypes about capital punishment are imperative if dialogue between communities and minorities and institutions are to be effective.

· Dual Legal space

As a matter of equality between minorities, the issue of shariah needs to be addressed. Allowing Muslim family law and Muslim mediation to operate as part of a dual legal process would be an expression of recognition of identity, and would also create parity amongst minorities, some of whom already have access to religious law and mediation in the UK.

· Going Beyond Diversity Training: Transforming not Politicising Institutions to eradicate prejudice

Including minorities' perspectives on effective practice and theory of the law must happen if prejudice is to be eradicated.

· Incitement, Communal Libel and Freedom: Defining the boundaries of speech according to justice not prejudice

The government needs to standardise protection for Muslims as well as other religious minorities who are not incorporated in the Race Relations Act.

· Enforcing the Law, not Prejudice: The Role of the Police

The government needs to tackle institutionalized racism and systematic Islamophobia.

Methodology and Sample Group

In compiling this report, 1125 quantitative and 47 qualitative surveys were conducted, documented, analysed, and here presented for the benefit of interested officials and community members alike. The quantitative questionnaire was part of a major survey carried out by IHRC and reported in volumes 1-4 of the British Muslims' Expectations of the Government series.

In summary:

- The survey was undertaken across England, Wales and Scotland.
- The qualitative surveys were undertaken in 11 different localities across England, Wales and Scotland.
- The diversity of Muslim ethnicities was represented across the survey including people South Asian, mixed, Turkish, Iranian, Afro Caribbean and English backgrounds.
- Respondents' ages reflected the predominantly youthful make-up of the British Muslim community.
- Approximately 90 percent of our respondents are British citizens and 55 percent are born in Britain.
- Respondents ranged from devout practitioners to cultural and secular Muslims.

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