

***The Archbishop and Sharia Law***  
***An Address at Choral Evensong in Derby Cathedral, 10<sup>th</sup> February 2008***

*The Canon Theologian was asked to comment on the statements of the Archbishop of Canterbury on civil and religious law systems, and the ensuing reactions.*

I have been saddened with the alacrity with which politicians have rushed to condemn Archbishop Rowan, and even some church leaders have been a little hasty, I would suggest, to distance themselves from his remarks.

According to "a Lambeth Palace insider" cited by The Guardian yesterday the office of the archbishop has been

*'inundated with racist and Islamophobic abuse since the news of the archbishop's speech broke, and much of the fury and disgust directed at Williams comes from inside the church'*

The Guardian, Saturday February 9 2008 p. 5

It is clearly a heart-breaking thing to observe Christians responding to thoughtful and humbly offered insights with a vitriol which I suspect of being in some part a product of racism and in some part a product of insecurity and fear which.

In our own responses I would ask for a thoughtful prayerfulness.

**What did he say?**

World at one Interview with Christopher Landau:

*It seem unavoidable and indeed as a matter of fact certain provision of Sharia are already recognised in our society and under our law; so it's not as if we're bringing in an alien and rival system; we already have in this country a number of situations in which the law, the internal law of religious communities, is recognised by the law of the land as justified conscientious objections in certain circumstances in providing certain kinds of social relations, so I think we need to look at this with a clearer eye and not imagine either we know exactly what we mean by Sharia and not just associate it with what we read about Saudi Arabia or wherever.*

<http://www.archbishopofcanterbury.org/1300>

Speech to the Royal Courts of Justice:

*"There is already an Islamic Sharia Council much in demand for rulings of marital questions in the UK. If we were to see more latitude given in law to rights and scruples rooted in religious identity we should need a much enhanced and sophisticated version of such a body with increased resource and a high degree of community recognition.*

*"...It might be possible to think in terms of a scheme in which individuals retain the liberty to choose the jurisdiction under which they will seek to resolve certain carefully specified matters. This may include aspects of marital law, the regulation of financial transactions and structures of mediation"*

## **What did he mean?**

Unless we actually read his own words (and copies are available at the west end of the cathedral) then it will be difficult to work out what he's saying because of the general hysteria with which his words have been greeted. One caller to the BBC's Radio 4 demanded to know "How dare the Church of England dictate to us..?" and another asked "Who does the Archbishop of Canterbury think he is?" before going on to mangle Dr. Williams' ideas beyond recognition.

It's not hard to see why this might be so.

## **Public Perception**

The Archbishop and the press: (another) Andrew Brown is the Religious Affairs correspondent of The Guardian, and he was scathing in his attack on Dr. Williams in yesterday's paper. He feels that Archbishop Rowan has a martyrdom complex, and that he wilfully disdains the media, even mishandles it, in order to serve this – but the people who suffer most are those who get martyred with him – in this case, his fellow bishops and the Moslem community, who will have to face a backlash of suspicion and hostility. I would suggest that this a little over the top – perhaps the Archbishop is simply expecting the British public to respond as adults?

But they can't: this is largely because for most people Sharia Law means the documentary "The Death of a Princess", the fatwa against Salman Rushdie, the hangings in Iran, the stonings in Afghanistan etc. etc. Although for some, it's racism and xenophobia pure and simple

## **Prelatical Prophecy?**

I want to widen the debate. I suggest that the archbishop in these statements is in part fulfilling a vital duty as a bishop of the church – defending the rights of the church. Although I concede that in this, the archbishop is almost certainly acting, as did Caiaphas, prophetically, inspired by the Holy Spirit – with a suggestion that he didn't know he was doing it – with a prophetic far-sightedness beyond most commentators, even within the church.

The Church of England once wielded direct influence and national leadership from the centre of the Establishment, then we slipped to the margins cp Anthony Sampson's analysis of the powers that be in contemporary society in 1962 *Anatomy of Britain Today* and in 2004 *Who Runs This Place?* And if Sampson and others, both inside and outwith the church are right, we will soon be a sect dwindling to next to nothing, even if we manage to maintain some sort of notion of Establishment in the face of secularisers' agenda.

I say this as I reflect on Philip Jenkins' writings in a book published just last year *The Next Christendom: the Coming of Global Christianity* (OUP 2007) which notes that whereas Belloc could say of Christianity "Europe is the faith" over the last century the centre of gravity of global Christianity has shifted southwards, and we should look for a typical Christian in a Nigerian village or a Latin American favela. He cites the Kenyan scholar John Mbiti "the centers of the church's universality (are) no longer in Geneva,

Rome, Athens, Paris, London, New York, but Kinshasa, Buenos Aires, Addis Ababa and Manila”.

Jenkins goes on to observe, that even allowing for somewhat inflated numbers for Asian Christianity present and future among many missiologists, nevertheless if current trends continue and the church in Europe doesn't go into the freefall (which it could) then: “By 2050 only about one fifth of the world's three billion Christians will be non-hispanic whites. Soon the phrase “a white Christian” may sound like a curious oxymoron, as mildly surprising as “a Swedish Buddhist” Such people can exist, but a slight eccentricity is implied”

In such a world, I would suggest, taking the archbishop's remarks about taking seriously the rights of a marginalised religious group, and allowing them certain freedoms to interpret their laws with the constraints allowed by civil law, might sound self-serving, instead of inflammatory and/or daringly generous to another faith community. This what he actually said:

*“... certain kinds of affiliation are marginalised or privatised to the extent that what is produced is a ghettoised pattern of social life in which particular sorts of interest and reasoning are tolerated as private matters but never granted legitimacy in public life.*

That could be us, the Church of England, in the next generation of British Christians.

### **Precedents for religious law**

The Beth Din is a discreet rabbinical Court set up by statute over 100 years ago and recognised in British Law. Two individuals (mostly Orthodox Jews, but available to all) agree to use Beth Din rather than the civil courts. Most of their findings on appeal are upheld by the Civil Courts

As we talked in the Sacristy this morning, Canon Winterbottom cited Church of England Consistory Courts as an example of religious law process embraced within the civil law (Diocesan Chancellors are of course *bona fide* judges in their own right, subject to the sovereign, and their judgements are binding on the whole community in respect of buildings, marriage and other matters). I don't understand such things, so please don't take this as the final word on this.

But how about certain exemptions from the law of the land we as Christians have carved out for ourselves concerning, for example, the equal rights of lesbian and gay men and women, and indeed, of women generally? That is to say, that as Christians we claim the sort of prerogatives Archbishop Rowan feels should be extended to others, in this instance to Moslems, to “*retain the liberty to choose the jurisdiction under which they will seek to resolve certain carefully specified matters*”

Neither the Beth Din nor Consistory Courts or ecclesiastical exemptions are exact parallels to that which Dr. Williams is suggesting for Sharia Courts, precisely because all three are very different, but they are analogous in the broadest terms, I think, and similar safe guards and guidelines can be put in place for Sharia Courts as have been for these others..

And so I want to come back to asking: what does it mean?

Surely, Archbishop Rowan (and I declare an interest as a fan - we all know how often I cite him and quote from his writings and teaching) is saying that the benefits which Jews and Christians already enjoy in this land must, as a simple matter of natural justice, be extended to another major faith community, and one which is growing rapidly. He is saying that if this were to be the case, we would need to make proper provision to resource them adequately, not only, presumably, in terms of administration and logistics, but also in terms of a wider community education about them: *“If we were to see more latitude given in law to rights and scruples rooted in religious identity we should need a much enhanced and sophisticated version of such a body with increased resource and a high degree of community recognition”*.

Incidentally, if we are afraid of the growth of Islam and it's overtaking the Christian Church in size and influence, then there is a simple solution which lies entirely and solely in our power: explore and refresh your own faith, and go out there and be a contagious Christian, bringing family and friends into a faithful relationship with God in Christ, through the Spirit, and evidenced in the life of the worshipping and witnessing fellowship which is the Church of Christ.