

# **The Muslim wife in Britain: In pursuit of divorce in a multicultural society, in light of Human Rights**

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## Abstract:

The global struggle for women's equality and social justice in the past century is a theme that is well documented in legal history, and their rights to equality is reinforced by the preambles of the Universal Declaration of Human Rights 1948 (UDHR). Women living in Britain today can expect from law, equality in the pursuit of education, employment and politics. Furthermore, there have been many reforms in family law to ensure that there is also equality in family life for women; thus, it could be argued that such laws benefit the individual as well as all women.

However, there is an on-going debate, regarding the issue of British-Muslim women and family law. One of the arguments is that in family law, all should be treated the same; thus we find only civil registered marriages and divorces will afford rights to Muslims living in the UK. Contrary to this argument, is the view that all citizens have the right to religious freedom, which is mentioned in article 18 UDHR, and therefore where a religious stance is preferred in matters of the private sphere, one should be given the option to exercise that right. As a result, many Muslims have a separate religious marriage ceremony, and any issues related to marital discord, including divorce are taken to religious councils or tribunals. Some welcome this perceived notion of legal pluralism, whilst others are critical of any parallel system operating alongside English law.

This paper will provide an analysis of the relationship between human rights and religion with regards to British Muslim women pursuing divorce in a multicultural society.