

## Divorce cases could be settled under Sharia and religious courts after landmark High Court ruling over Jewish couple's dispute

- **Settlement of a Jewish couple approved under rabbinical law of Beth Din**
- **First time English family judge has sent divorce dispute to religious court**
- **Mr Justice Baker quoted Dr Rowan Williams in judgement at High Court**
- **Muslim Council of Britain praises ruling and hopes it will be 'encouraging'**

By Mark Duell

Divorce cases could be settled by Sharia and religious courts after a landmark High Court ruling. The settlement of a young Jewish couple was approved under the rabbinical court of Beth Din, which is said to be the first time that an English family judge has sent a divorce dispute to a religious court. Mr Justice Baker quoted the former Archbishop of Canterbury Dr Rowan Williams, who said in 2008 that 'citizenship in a secular society should not necessitate the abandoning of religious discipline'.



Divorce: A settlement of a Jewish couple was approved under Beth Din. A file photo of a synagogue is pictured

The Muslim Council of Britain praised the judgement, with a spokesman telling [The Times](#): 'If it leads to the eventual acceptance of Sharia court divorces then Muslims will be very encouraged.' The relevant case involved an Orthodox Jewish couple in their twenties, who had a religious wedding in 2006 and first lived in Israel, before returning to London for their first child to be born.

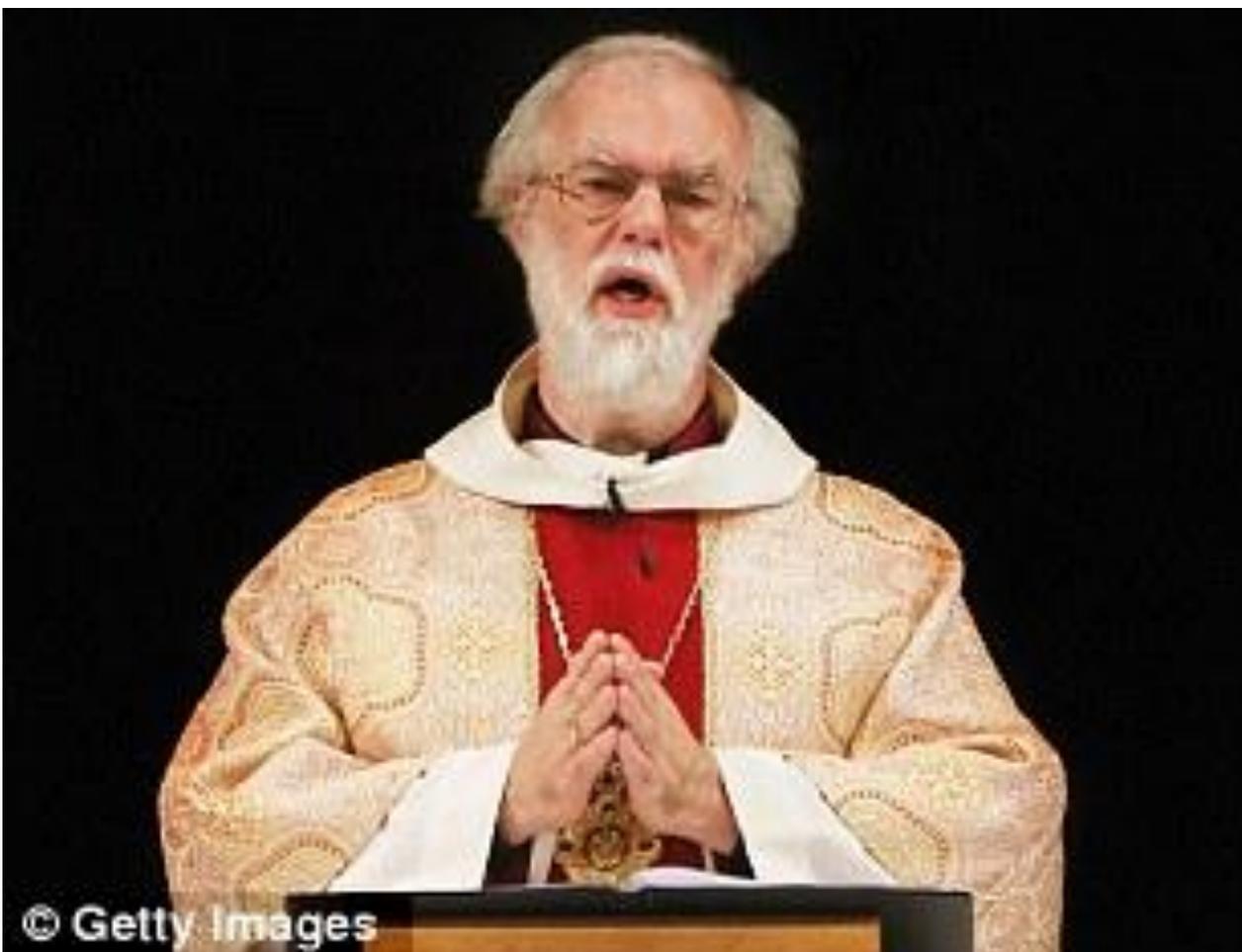
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The couple were hoping to move to Toronto, Canada, but they broke up in 2009 after the birth of their second child. Disputes over access to the children led the father to begin court proceedings. He brought these under the Hague Convention on child abduction, but before it arrived in London they referred the dispute to a senior rabbi at the Beth Din of America in Manhattan, New York.



Judgement: Divorce cases could be settled by religious courts after a landmark High Court (pictured) ruling



Comments: Mr Justice Baker quoted the former Archbishop of Canterbury Dr Rowan Williams

The judge was asked to allow this and decided it would be better for their dispute to be heard in a Beth Din because it would be in line with their beliefs - and with laws in England and Wales. 'The parties' devout beliefs had been respected,' the judge said. 'The outcome was in keeping with English law, whilst achieved by a process rooted in Jewish culture to which the families belong.' But the judge added that the Beth Din ruling cannot be binding because that would make it more important than a court judgement, which would be illegal, reported The Times. Mr Justice Baker also ordered the husband to give his wife a Jewish divorce known as a Get. This Get will avoid her being seen in the community as an 'chained woman' who cannot remarry.