



Muslim Canadian Congress

LE CONGRES MUSULMAN CANADIEN

12 Millington Street, Toronto, Ontario M4X 1W8 • (416) 928-0477 • E-mail: muslimcongress@canada.com

Aug 12, 2005

Keep sharia law out of Canadian judicial system

By TAREK FATAH

The Kitchener-Waterloo Record

<http://www.therecord.com/>

On behalf of Canada's liberal and progressive Muslims, I appreciate Premier Dalton McGuinty delaying a decision on the use of "sharia" in Ontario's Arbitration Act. However, I urge him now to take the next logical step -- put an end to all religious arbitration.

The proposed use of religious laws to settle family disputes has deeply divided the Muslim community and caused serious concern among women's groups, children's advocates and supporters of the separation of religion and state.

We are opposed to all religious tribunals that trespass the public domain. Whether they are Rabbinical, Christian or Islamic courts, we believe they cannot, and should not, be allowed to act as substitutes for our judicial system -- a system that is based on laws created by parliamentarians who are accountable to the electorate.

I urge McGuinty to reflect on the consequences of increasing the power of religious clerics, especially in view of recent events where religion has been used to inflict terror instead of building peace and harmony.

I say this not to downplay the important role of religion in our lives, but to the dangers of bringing it into public policy and thus risking further divisiveness in our society which is already threatened with religious conflict.

In her report filed last year, former NDP attorney general Marion Boyd has recommended that "Muslim principles" be permitted in arbitration as a substitute to the Family Law Act.

As Muslims, we believe that what Boyd is recommending under the cover of "Muslim principles" is, in fact, "sharia by stealth" -- man-made laws that have been erroneously given divine authority and that cannot be debated or amended by any Canadian jurisdiction.

As a Muslim, I am not alone in my opposition to introduction of sharia into the Canadian judicial system. Many Muslim academics, religious scholars and human rights activists have voiced their concern. Organizations like the Muslim Canadian Congress, the Canadian Council of Muslim Women and the United Muslim Association have been vigorous in their opposition to any introduction of sharia into the Canadian justice system.

Prof. Omid Safi, who teaches Islamic studies at Colgate University in New York State, says, "The use of religious law as a substitute for laws created by Parliament, and the establishment of a multi-tier legal system -- one for average Canadians and one for Muslim Canadians -- is not only unjust, but also detrimental to the well-being of all Canadian citizens."

One of Islam's leading scholars in Europe, Prof. Tariq Ramadan of the University of Fribourg in Switzerland, told a magazine there was no need for Canadian Muslims to set up their own sharia courts, saying they are "not necessary." He said demanding such courts "is another example of lack of creativity" among Muslims.

And in May of this year, none other than Nobel Peace Prize winner Shrin Ebadi took a firm stand against the introduction of Islamic tribunals in Canada, warning they open the door to potential human rights abuses.

Furthermore, I believe that introducing sharia into the judicial system will ghettoize the Muslim community, making their already difficult task of integrating into Canadian society even more onerous.

I believe that mosques, churches, temples and synagogues have an important role to play in the community, but their role should be restricted to mediation and reconciliation, not interfering with the Canadian justice system and running a parallel private-sector judiciary with self-styled religious judges for hire.

Just as McGuinty stood up for public education, despite immense pressure from the religious lobby, I hope he will take the courageous decision to ensure that one law exists for all Ontarians, irrespective of religion, race or gender. Only then can we hope for a civic society where diversity is not allowed to create divisiveness.

If the Ontario government implements the Boyd report, I believe the move will further ghettoize the already marginalized Muslim community and will play into the hands of the racists who want nothing better than to exclude Muslims from the mainstream.

The decision McGuinty makes will have a profound long-term impact not only on our society, but also across the Muslim world, where progressive and liberal men and women are fighting to keep sharia out of the political system.

In the words of Safi, "We are alarmed at the prospects of repressive Muslim governments around the world pointing to Canada, and the implementation of sharia within Canada, as a justification for their oppressive legal systems. This is not a comment on Islamic jurisprudence as a whole, but rather on the repressive interpretations of sharia found in those countries. It is unrealistic to think that the ayatollahs of Iran or the proponents of Wahabism in Saudi Arabia will not use this to promote the viability of their oppressive visions."

My position is not against religion. On the contrary, I stand for the constitutional guarantee of freedom of religion. However, freedom of religion does not mean that we dilute laws and strengthen the power of imams, rabbis and priests over their communities -- especially the most vulnerable.

Tarek Fatah is host of the weekly CTS-TV show, The Muslim Chronicle and a founding member of the Muslim Canadian Congress, a grassroots progressive Muslim organization