

Muslim Law Scrutinized in Canada

The Canadian province has allowed independent tribunals to employ the Islamic legal code since October 2003

A 1,400-year-old Islamic system of family and business law that was approved without public fanfare in Ontario in October 2003 is now under review by the province's government.

After several women's- and human-rights groups decried Ontario's use of Shariah law, which they say can be unfair and dangerous to women and children, the province's Ministry of the Attorney General ordered a review of the Arbitration Act. The 1991 legislation enables independent tribunals from various religions to arbitrate matters of family and business law according to their beliefs and customs.

Though the Jewish community also uses the act, criticism has mostly been levied against Muslims. Opponents say in extreme cases, Shariah law has permitted Muslim men to beat their wives, divorce them for not having sex on demand and gain uncontested custody of children over a certain age.

Still others worry that the law is a ploy for Muslims to gain a greater influence in Canadian society in hopes of establishing political Islam. Homa Arjoman, a transitional counselor for immigrant Muslim women in Toronto, is spearheading the International Campaign to Stop Shariah Courts in Canada, where she estimates the population of Muslims is between 600,000 to 800,000 people. Most live in Ontario.

"Whenever the population of Muslims increases in a

geographical area, it's part of the Muslim mandate to run their own 'state' within the secular state," said Arjoman, who fled Iran in 1989 for fear of execution after serving as a women's-rights activist.

Ontario, which has a Muslim community numbering 420,000, is the first place in the world other than Muslim-run countries to utilize Shariah law. British Columbia is also considering allowing independent Shariah law tribunals.

Although the decision of the tribunal can be appealed through the Canadian court system, opponents say the likelihood is small that a Muslim woman would do so because of the pressure put upon her to be a "good Muslim."

"The shame and shunning a Muslim woman who 'goes against the flow' faces from her own family and community is so great that most of them don't want to risk losing everything that's important and will often stay in abusive, controlling relationships because of this," Arjoman said.

She cites the situation of one woman in her caseload who, since the introduction of the Shariah arbitration board, was divorced by her husband because she couldn't have sex with him. The woman, who is in the advanced stages of cancer, was declared divorced and thrown out of the house along with her six children in the middle of the night. Her husband married another woman three days later and now has custody of the couple's six children, while his former wife is dying in a Toronto hospital.

"We don't believe in Shariah law because Canadian law is just and fair," said Alia Hogben, head of the Canadian Council of

Muslim Women and a former women's social worker. "There's enough research that demonstrates that none of these laws have been fair to women."

Abused women who fled their native lands to experience equality in Canada are afraid their husbands will track them down if they hear Shariah courts have been legalized in Ontario, said Maged El Shafie, president of One Free World International, a Christian human-rights organization.

"Shariah law is evil, and it is dangerous because it's a stepping stone to the potential establishment of an Islamic state in the West," said El Shafie, an Egyptian Christian who found political refuge in Canada after being tortured for his faith in Egypt. "It's also a threat to Jews and Christians because the Quran states clearly that Muslims should not take Jews or Christians as friends or business associates."

Janet Epp-Buckingham, counsel for the Evangelical Fellowship of Canada, says her group is carefully monitoring the issue. "It's a cause for concern when the Web site of the Canadian Society of Muslims says that the push for Shariah law in Ontario is part of a larger plan for this law to become more prominent in Canada," she told Charisma.

"A number of family lawyers in Toronto have mentioned that it's making a big difference to their practices because more and more issues amongst Muslims are being resolved at the Shariah tribunal."

Josie Newman in Toronto