

Shariah Law Topic of First Amendment Panel Discussions

The First Amendment Center moderated a panel discussion in Tennessee this week, addressing a growing legal concern in the United States: Shariah Law.

About 20 U.S. states have legislative measures filed barring judges from considering Shariah law in their decisions. Four states have passed legislation. An earlier restatement of a Tennessee law would effectively criminalize the practice of Islam, punishing those individuals with up to 15 years in prison.

Open Doors advocacy coordinator Lindsay Vessey explains, "Shariah law is basically Islamic law, and that deals with everything from legal issues to social issues and marital issues—it basically controls every aspect of one's life."

In recent years, a movement has been growing steadily as more Muslims come to the U.S. to live. Vessey says, "In Western countries, a lot of Muslims would like to bring Shariah law. Their argument is essentially that to be culturally sensitive to them, these countries should allow them to govern themselves by their own Shariah law, and that it doesn't really contradict or cause any problems with the existing legal structure."

Opponents of such laws say the proposals reflect an "Islamaphobia" aimed at restricting the presence and religious beliefs of Muslims. However, Vessey explains, "It actually takes away the rights of people who maybe don't want to be subjected to Shariah law, but because they were born into a Muslim family who ascribes to it, they're actually forced into it. That's a really dangerous situation, to have two parallel systems of law going on in a country."

In other countries experimenting with the concept, the Shariah law system has proven to be chaotic. "One of the best examples where we can see this is in England," Vessey says. "There are hundreds of Shariah courts there. Many of the Muslim immigrants use those courts as opposed to using the British legal system."

The issue is that "under Shariah law, something that's illegal is to convert away from Islam. That means that if you are a Muslim in England and you are being subjected to Shariah law, you can't convert to Christianity, or you can't even leave your faith and become an atheist," explains Vessey.

Under that scenario, there is no religious freedom. Vessey says the argument that Shariah does not conflict with an existing legal system also fails the Constitution test. "You can be punished under that law," Vessey says. "That's a court that would be in direct contradiction to our laws here in the United States—the freedom of religion/ freedom of expression is one of our dearest-held constitutional beliefs."

Similar to other bills in the U.S., the language does not mention "Shariah" specifically. For example, the Michigan bill, introduced by State Rep. Dave Agema, R-Grandville, says the ban would "limit the application and enforcement ... of foreign laws that would impair constitutional rights."

Vessey says although Muslim groups are threatening to challenge the constitutionality of the proposals, the legal argument will likely be what defenders are focused on: "Everything that goes at the heart of what Americans believe and what is enshrined in our Constitution is contradicted by Shariah law in terms of religious freedom. Something should be done to prevent having Shariah courts and Shariah law being used side-by-side in the United States like is already being done in England."

As the opponents and proponents of the bills continue to make

their cases, Vessey says it's important not to forget the reason why believers are part of this discussion: "The one thing that we can do is to pray that their hearts and eyes are opened to the message of the Gospel. Pray for opportunities to share with Muslims in our communities."