



What is Sharia law? Sharia is Islamic law. The Sharia is based on the Quran, the Sunna (the Hadith, sayings and deeds of the Prophet), the ijma (consensus of scholars) and the qiyas (analytical deduction). It governs civil, criminal, and family matters. The provisions of Sharia are incompatible with modern Western individual rights, particularly the equal rights of women.

For example, under the sections of Sharia law civil code governing marriage and child custody, a marriage contract is between the woman's father (or other male guardian) and her husband and a man can have up to four wives. A man can divorce his wife by simple repudiation, whereas a woman must give justification for requesting a divorce and meet an extremely high burden of proof. If a woman does obtain a divorce and later remarries, she loses custody of her children, even if the father is abusive.

Sharia penal law is likewise repugnant to Western legal values and women's rights. Sharia law permits a woman to be stoned to death for having sex outside of marriage. Homosexuality and apostasy are also death penalty crimes. Failure to wear a veil can result in fines and imprisonment and can be used as a justification for honor violence.

In any proceeding governed by Sharia law, a woman's testimony is worth only half that of a man's.

Is Sharia law used in the United States? Presently, there are no publicly known Sharia courts operating in the United States. However, there is a concern that certain principles of Sharia may be accepted in U.S. courts. A recent case from a family court proceeding in New Jersey highlights the danger to women of accepting any elements of Sharia law in U.S. courts. In a case alleging domestic violence and rape by a husband against his wife, the husband argued that his religion permitted his conduct because "you are my wife, I c[an] do anything to you. The woman, she should submit and do anything I ask her to do." The judge accepted this defense, finding that the husband did not have the criminal intent to rape his wife: "The court believes that he was operating under his belief that it is, as the husband, his desire to have sex when and whether he wanted to, was something that was consistent with his practices and it was something that was not prohibited." Fortunately, this case was reversed on appeal. The appellate court specifically found that the judge erred in allowing the defendant's religious beliefs to excuse his criminal conduct.

Is Sharia law used in any other Western countries? Yes. Sharia "arbitration courts" operate in the United Kingdom and adjudicate marriage, divorce, inheritance, and guardianship matters when both parties consent to the case being handled in that forum. These courts usually operate out of mosques and the judges are not selected or supervised by any independent legal body. In these courts, parties often do not have access to legal advice and representation. Proceedings in these courts are not recorded and there is no right to appeal. In June 2011, a British member of the House of Lords proposed that Islamic courts be forced to acknowledge the primacy of English law because of "deep concerns" that Muslim women are suffering discrimination within closed Sharia law councils. Sharia courts have also been proposed in Australia and Canada.