

Study says U.S. Muslims don't want Shariah, either

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January 31, 2012

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(RNS) North American Muslims are more than satisfied with the secular legal system and do not want a set of parallel courts for Islamic law, according to a new study of U.S. and Canadian Muslims by a Washington-based think tank.

The study, by University of Windsor law professor Judy Macfarlane for the Institute for Social Policy and Understanding, would seem to refute critics' claims that American Muslims want to impose Shariah, or Islamic law.

In fact, the study indicates that Muslims are just as unwilling to accept Islamic law as non-Muslims.

Macfarlane interviewed 212 Muslim Americans, including 41 imams and 70 community leaders who used aspects of Shariah in their daily lives. The other 101 interviewees were divorced Muslim men and women. About a quarter of the interviewees were from Canada, and the rest from the United States.

"Aside from formal religious observance, American Muslims relate to their Shariah responsibilities primarily through rituals of marriage and divorce," Macfarlane wrote.

"They see these as compatible with the civil law -- almost all the respondents in this study married and divorced twice, once in Islam and once in law -- and will use the courts where they cannot agree outcomes, just like any other couple."

When asked whether they thought American courts should apply Shariah to non-Muslims in the legal system, all of the respondents answered no. Just three of the 41 imams said they wanted parallel Shariah tribunals where Muslims could handle civil issues like marriage, divorce, and inheritance.

Some 95 percent of the interviewees had signed an Islamic marriage contract, known as a nikah. Most had a nikah in addition to their civil marriage licenses, but some had only a nikah, which is not recognized in either the U.S. or Canada as a binding basis for civil marriage.

Some of the Muslims sought religious permission before seeking a civil divorce, while some imams would sanction a divorce only after it had been annulled in a civil court.

Macfarlane began her research after a Muslim group in Ontario petitioned the provincial government in 2003 to establish a separate Islamic family tribunal where Muslims could get binding legal decisions on family law issues. The Ontario government denied the request two years later.

The study follows a Jan. 10 decision by a federal appeals court that upheld a lower court's ruling to overturn a 2010 Oklahoma constitutional amendment to prohibit judges from using Shariah in their deliberations.

Tennessee and Louisiana have passed similar laws, while 20 other states are considering such legislation. Macfarlane said such legislation was part of a hysteric response to unfounded fears.

This article was corrected on February 2, 2012.