

DAILY NEWS

June 8, 2017

The Silly American Fear of Sharia Law

By Imam Feisal Abdul Rauf

Americans are divided. That's not a new phenomenon. We're divided over "Most Americans would be shocked to hear Israel imposes sharia law. But it does for some 60 years." These are the words of Israeli writer Yossi Gurvitz, opening an article he wrote for +972, an online periodical.

He's right — and it's a fact that Americans who love Israel and hate sharia have to wrap their heads around.

In Israel, the family laws of several religions function within the larger framework of secular jurisprudence. Muslims marry according to the rules of Islamic law, as Jews do according to Jewish law, and Christians do according to Christian (canonical) law.

The religious courts belong to the Israeli court system. The Israeli government enforces their decisions. This is called legal pluralism — and Israelis inherit it from the Ottoman Empire.

Why, then, is the very idea of sharia so consistently vilified in our country? Why is it used as a culture-war punching bag, such as in the March Against Sharia being staged this Saturday?

Let's be clear: America could never have state-sanctioned religious courts. The First Amendment, which prevents government establishment of religion, forbids it.

But Islamic law can and does already operate in America under state sanction. When Muslim Americans are married according to Islamic law by a state-certified officiant of Muslim marriages, and receive in the process a civil

certificate of marriage, they have, in effect, practiced Islamic law under official U.S. sanction.

Would the anti-sharia agitators keep Muslim Americans from marrying? Would they keep them from praying, distributing charity, fasting during Ramadan? For Muslim Americans already do all these things at the command of their law.

Sharia is not about amputations and stoning. These extreme punishments carry over from earlier, biblical law, and such sayings of Jesus as, "If your right hand sins, cut it off" (Matthew 5:30).

Within the history of Islam, they have rarely occurred. What Islamic law does prescribe are the same do's and don'ts of the Ten Commandments — the social imperatives most of us recognize whatever our religion.

But what sharia prescribes for criminal acts is in any case irrelevant to America. At the command of the Prophet Muhammad, Muslims the world over obey the law of the land they inhabit, whether that is Egypt, Israel or the United States.

All they perform of sharia in any land is what coheres with the law of that land — as surely Muslim marriage, prayer and philanthropy do with the laws of America.

In an Op-Ed for The New York Times last summer, Harvard Law School Prof. Noah Feldman called sharia "a meaning-making effort."

That meaning turns out to be very American. Muslim jurists have long reflected on the objectives, or purposes, of Islamic law. These include what Thomas Jefferson called life, liberty and the pursuit of happiness.

Islamic law parses the pursuit of happiness into freedom of mind, religion, property, family and dignity.

Jefferson would not object. Originally, it was the right to property, not the pursuit of happiness, that he wanted to guarantee all Americans.

Contrary to the right-wing caricature, sharia does not presume to replace American law. It agrees with its underlying values and promotes them.

No less than the U.S Supreme Court affirms this fact. A frieze that decorates one of the interior halls celebrates the great lawgivers of the world. These include Moses, the Christian Emperor Justinian (483-565), John Marshall (1755-1835, fourth chief justice of the Supreme Court) and, yes, Muhammad the Prophet. All their teachings inform the founding documents of the American Republic.

For Muslims, Islamic law is more than law. It is a spiritual resource. The meaning of the word in Arabic is “the way to the watering hole” — a life-need in Arabian, desert climates. Sharia addresses the baseline need of all humanity for life, mind, property, family, religion and dignity.

We are not self-sufficient. We do not stand alone. A God who sustains us holds us in mercy and compassion.

The State of Israel does not protest against sharia. It clears a safe, protest-free path for sharia. If Israel can do it, why can't America?

Link: <http://www.nydailynews.com/opinion/silly-american-fear-sharia-law-article-1.3229045>