



Is sharia creeping? Islamic law and America

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If you watch the news on Fox much or browse certain segments of the Internet, you may come away with the idea that the United States is being taken over by radical Islamists. Already, in Oklahoma, a ballot measure passed – 70 percent to 30 percent – that would amend the state constitution to ban international and Islamic law (read: Sharia) from exercising authority in state courts.

But while a federal judge has placed a moratorium on the law going into effect, that hasn't stopped other state legislators from attempting to adopt measures of their own. So far, as *Think Progress* has just reported, the count is up to thirteen states: Alaska, Arizona, Arkansas, Georgia, Indiana, Louisiana, Mississippi, Nebraska, South Carolina, Texas, South Dakota, Utah and Wyoming. All have either introduced or passed legislation to bar Sharia law.

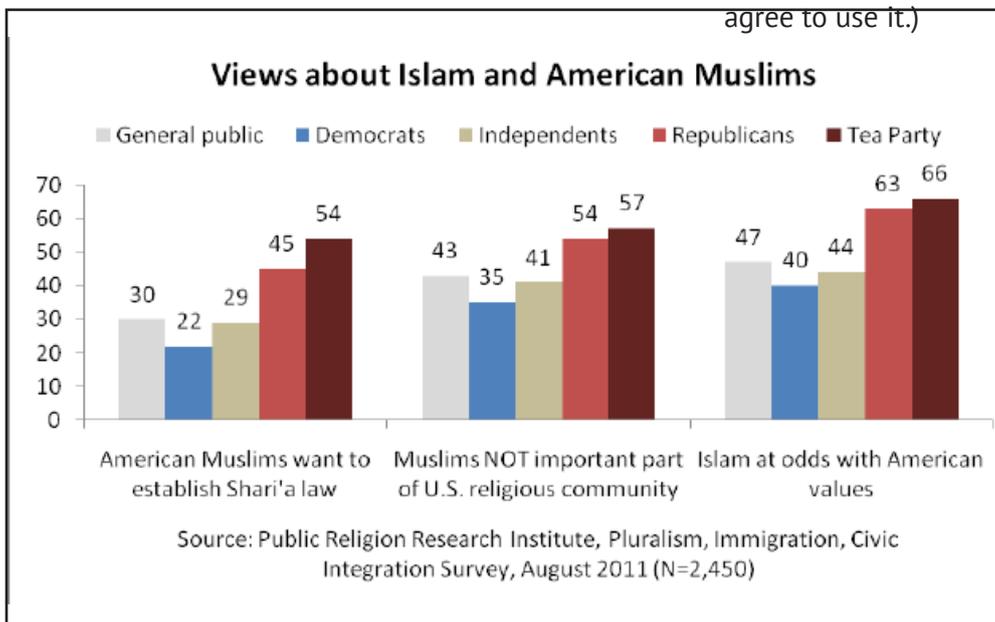
Sharia, which also means “path” in Arabic, is Islamic

law, and it governs almost all aspects of Muslim life, including daily routines, family and religious obligations, and financial affairs. It influences, to one extent or another, the legal code of most Muslim-majority countries. In some extreme interpretations, it is used to justify excessive and cruel punishments, such as amputation for theft or stoning of adulterers, as well as unequal treatment of women and girls with regard to inheritance, dress and personal independence.

As the Council on Foreign Relations has exhaustively detailed, there are three general trends that countries have followed in incorporating Sharia. First, some Muslim-majority countries follow a kind of dual legal system in which government itself is secular, but family and financial disputes may be resolved in Sharia courts. (Since late 2008, Britain also has allowed the application of Sharia law in marriage, divorce and inheritance matters when both parties agree to use it.)

Second, in countries where Islam is the constitutionally established religion, Sharia is typically the source of law. Such is the case in Saudi Arabia, Kuwait, Bahrain, Yemen and the United Arab Emirates, for example. In some countries, such as Pakistan and Iran, it is prohibited to enact any laws that go against the tenets of Islam.

Last, there are Muslim countries that are completely secular, such as Azerbaijan,



Chad and Somalia. In these countries, Sharia may influence local customs, but it is generally viewed as a threat by governments.

It is true that many Muslims support some of the basic precepts of Sharia law, most notably the stoning of adulterers, whippings and cutting off of hands for crimes like theft and robbery, and even the death penalty for leaving Islam. In a recent Pew Research Center Global Attitudes Project, at least three-quarters of Muslims in Egypt and Pakistan said that they favored such punishments, and a majority in Jordan and Nigeria did as well. (Harsh punishments received much less support in Turkey, Lebanon and Indonesia.) Yet on issues of gender, the picture was somewhat more mixed. Only in Pakistan was there a large majority in support of gender segregation in the workplace. Indonesia, Turkey and Lebanon found significant majorities opposed such segregation.

Despite support for harsh criminal punishments, however, there is nonetheless also widespread support in all of the Muslim-majority countries surveyed for democratic governance. Only in Pakistan was there no majority support for democracy, and there, one-in-five said they “don’t know” and another one-in-five said, “For someone like me, it doesn’t matter what kind of government we have.”

Notable about the views of democracy among Pakistani Muslims was the seemingly direct correlation between education and the desire even for knowledge about a democratic system of government. The more educated the individual, the more likely he or she was to support democracy. The less educated were more likely to say either they didn’t know or it didn’t matter.

So, whence comes the fear of Sharia invading America’s shores? As detailed by *Talking Points Memo*, the “proof” that Muslims want to bring down the country using Islamic law comes largely from a paper written by leaders of the Muslim Brotherhood, an organization much in the news of late, but one that has yet to establish itself in the U.S. The document read, in part, that American Muslims “must understand that their work in America is a kind of grand Jihad in eliminating and destroying the Western civilization from within.” Thus, because someone found a memo written by members of a group that doesn’t even have a real presence in this country, some claim we are going to be overtaken by Sharia?

At first, it was just talk among the outer reaches. Blogs that include JihadWatch and CreepingSharia set up shop, and the likes of Frank Gaffney and Daniel Pipes began appearing on television. Pamela Gellar, who runs the website, Atlas Shrugs, and who has also has

had a healthy television presence, told the *New York Times*, “Do I think (creeping Sharia) is a big danger? Yeah. Am I worried about it for tomorrow? No. Is that how it happens? No. It’s a drip, drip, drip, drip, drip.” That seems to be the consensus, that Sharia sneaks in under the wire, as it were.

Before long, the talk reached the mainstream. Last July, former House Speaker Newt Gingrich gave a speech at the American Enterprise Institute, and he called for a federal ban on Sharia law. He also fed the fear-the-Muslims beast by suggesting there were clandestine Muslims intent on upending America. “This is a struggle with radical Islamists in both their militant and their stealth form,” he said:

The militant form believes in using military power in one form or another; the stealth form believes in using cultural, intellectual and political (power). But their end goal is the same. The fight against Sharia, and the madrasas and mosques that teach hatred and fanaticism, is the heart of the enemy movement from which the terrorists spring forth. And it’s time we had a national debate on this. And one of the things that I’m going to suggest today is a federal law that says no court anywhere in the United States, under any circumstances is allowed to consider Sharia as a replacement for American law. Period.

Later, he again brought up the “stealth Jihadis,” who he said employ “political, cultural, societal, religious (and) intellectual tools” to “replace western civilization with a radical imposition of Sharia.”

With the rising protests in Egypt, fears about Muslim extremism have only intensified. Frank Gaffney has been a steady presence on Fox News, and Glenn Beck ran a series of broadcasts describing how the Muslim Brotherhood will seek to take over the Middle East and set up a “caliphate.” He further postulated that the Muslim Brotherhood has infiltrated the United States. Even Donald Rumsfeld, former Secretary of Defense, has found his way into the business of declaring Muslims’ intention to set up a worldwide government. While on tour promoting his new book, he told radio talk-show host, Rush Limbaugh, “We are up against a vicious enemy, the radical Islamists are there. They intend to try to create a caliphate in this world and fundamentally alter the nature of nation states.”

Yet even some conservatives believe the dialogue has gone too far. Bill Kristol, editor of the *Weekly Standard*, wrote about the Egyptian uprising for a February 14 column. He said Beck’s “hysteria is not a sign of health” and that with his “rants” he is “marginalizing” himself. Jennifer Rubin, a conservative blogger at the

Washington Post called Beck an “unhinged screamer” and asserted that he “has proven how uncivil and unreasoned he is.” Writing for *Commentary Magazine*, Alana Goodman claimed Beck has engaged in “the distribution of blatant misinformation.”

Tugrul Keskin, professor of Middle East studies at Portland State University, thinks that fears of an Islamic takeover are overblown. He contends that hardcore Islamic groups are, in fact, very few and, what’s more, are not very powerful. He suggests that the growing anxiety about Islam among Americans has more to do with general awareness than with anything Muslims are actually doing.

“Muslims in society are becoming more apparent,” he says. “It is as a result of September 11, as a result of the Iraq War, as a result of the Taliban, as a result of the media. Take the situation in Egypt. Consider a person living in a suburb, say, of South Carolina. This person is a religious Christian. Imagine what she is thinking? It’s fear by media.”

Moreover, Keskin insists, it is important to remember that while there is only one Islam, there are many Muslims. “Not every Muslim wants to have Sharia,” he says. “There are many Muslims, many Muslim identities. My understanding of the Quran is different from another Muslim’s understanding of the Quran, because we all have different backgrounds, we all have different upbringings.”

The notion that Muslims secretly want an extremist Islamic state is inconsistent with the reality. The Pew survey mentioned above contained a crucial bit of information: There is very little support for Islamic extremism in the Muslim world. In fact, overwhelming majorities in all but one country (Turkey) expressed concern about Muslim extremism in the world as a whole, with most also expressing concern about it in their own countries.

In her ruling against Oklahoma’s state constitutional amendment, Judge Vicki Miles-La Grange found that it violated both the Establishment and the Free Exercise clauses of the federal Constitution’s First Amendment. The blogosphere went berserk, with many calling her a “progressive liberal activist judge.” A Facebook campaign was started to “Ban U.S. District Judge Vicki Miles-LaGrange Who Supports Sharia Law.” The law is under appeal and is unresolved at this time.