

# Calgary Herald

## Sharia: blessing or burden?: Corrupt rulers add to western confusion about a noble religious code

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Illustrations: Photo: Herald Archive, Reuters / Sharia requires both men and women to dress modestly.

The use of Islamic law in dispute resolution for Canadian Muslim families, under the Arbitration Act of Ontario, has drawn some attention from Canadians.

I am one of the founding members of the Islamic Institute of Civil Justice, established last September in Toronto.

The mandate of institute is to resolve disputes within existing Canadian laws by using the principles of conflict resolution from Islamic law, or sharia.

There is no contradiction between the Canadian arbitration laws and the principles of sharia.

Arbitration cannot be applied in all types of disputes. Criminal justice is not part of the arbitration process. It deals with very limited areas of civil agreements, and participation in the process is voluntary.

The Arabic word sharia means "laws, rules, regulations, way." Sharia is the code of conduct for Muslims. It is based mainly on the teachings of the Holy Qur'an, the sayings (Hadith) and practices (Sunnah) of the Prophet of Islam, Muhammad, Peace be upon him.

To address the issues and problems of future times, sharia has several other sources, such as the interpretation of the Qur'an and Hadith by the family and the companions of Prophet Muhammad, and the rulings of Islamic jurists (Faqih/Mujtahid). But no jurist has the right to overrule the Qur'an and the Prophet Muhammad.

From the early seventh century until the 18th century, Islamic countries fully enforced sharia, making the Muslim nations the superpowers of that time.

Today, however, there is no Islamic state where sharia is enforced in its full and pure form. Only bits and pieces of sharia have been enforced, and this confuses many people.

In Nigeria, Sudan, Saudi Arabia, Iran, Pakistan and other Muslim countries, sharia has never been enforced in its full and pure form. The sharia imposed by the Taliban in Afghanistan was never accepted by an overwhelming majority of Islamic jurists.

Sharia cannot be customized for specific countries. These universal, divine laws are for all people of all countries for all times.

In the West, people have negative perceptions of sharia.

Sharia does not require women to stay indoors. Sharia does not require women to burkas. Sharia does not require that women should be invisible. Sharia does not prevent a woman from driving a car.

What Sharia requires from both men and women is modest dress, just as Catholic nuns wear modest dress.

Islam requires all women to dress modestly and try to be pious, not just a select few. Islam wants everyone to be pious, as a means to better society. What is bad about this?

A few centuries back, under fully enforced sharia, Muslims, Jews and Christians lived side by side in Morocco, Algeria, Bosnia, Albania and elsewhere. The current chaos in Muslim countries is not because of sharia, but the absence of sharia.

In Canada, church and state are separate. Parliament makes the laws, and the Supreme Court interprets them, a straightforward system. The government and people respect the system.

The situation in Muslim countries, however, is complex and very corrupt. Their laws are a mixture of colonial regulations, the decrees of their rulers (mainly military dictators), the statutes of their parliaments (where they exist), and sharia -- which is used as a scapegoat.

Does the lack of democracy and accountability in Muslim lands give their rulers a free hand in rewarding or punishing people as they please?

Governments, in fact, misuse sharia against the poor and political opponents to keep them quiet. No one wants to raise a voice against religion, so sharia becomes a pretext. Often, sharia is ignored for the rich and powerful.

The media hardly covers this dark side of Muslim rulers, but only the sensational.

When a Nigerian court sentences a poor woman to death, that makes the headlines, while the corruption of Muslim rulers is ignored.

Thus the abuse of sharia by the Muslim rulers and

courts creates confusion among westerners.

On the other hand, a small minority of Islamic clergy has developed its own interpretations of Islam, often contradicting the teachings of the Prophet Muhammad and the Holy Qur'an.

Prophet Muhammad implemented sharia after he purified the hearts and minds of the society (the inner persons) and after he made sure no one went to sleep hungry in the Islamic state.

When he asked women to dress modestly, he also asked men to dress modestly and lower their gaze.

Sincerity, honesty, purity -- and economic independence -- are all pre-requisites of sharia.

Before implementing sharia, Muslim governments and jurists must make sure that every citizen in their countries has food, shelter and clothing.

Sharia cannot be implemented on empty stomachs.

A person who is dying from hunger must be allowed to steal food and no one has the right to cut off his hands. This is what sharia says.

If a woman is raped by a man, the man should be punished and not the woman. The so-called honour killings of women is a cruel custom of ignorant times and has no basis in sharia.

The rights of women and non-Muslim minorities are protected by sharia.

There should be no doubt about it.

So sharia is a blessing, not a burden. The corrupt rulers of Muslim countries and their justice systems are the burdens, and they must be removed.

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