
Canadian province says no to sharia law

Would sharia law contradict Charter of Rights and Freedoms?

Dalton McGuinty, premier of the Canadian province of Ontario, has rejected suggestions that Islamic *sharia* law should be used as a legal mediation process for family disputes in the province. He expressed concern that religious family courts could “threaten our common ground.”

According to *sharia* law, spousal support for divorced women ceases after three months while men receive most of the couple’s assets and custody of any children.

Faith-based tribunals have been acting in Ontario since 1991, when the provincial Arbitration Act gave religious leaders the authority to mediate civil issues, such as divorce, inheritance, property disputes and child custody.

In 2003, however, the Canadian Society of Muslims called for a formalized tribunal wherein legally binding decisions could be made based on the law of the Islamic faith. This drew attention from critics who feel that *sharia* law

contravenes Canada’s charter of rights and freedoms, and from those who worried how the law would be interpreted in Canada.

Proponents of a legalized family court operating under *sharia* law stress that participation in religious arbitration is voluntary and that both men and women are able to appeal decisions in civil court.

Former attorney-general Marion Boyd was commissioned by the Ontario government to review the Arbitration Act. She found no evidence of discrimination against women in faith-based arbitration. However, in response to accusations of discrimination, McGuinty vowed to ban any form of religious arbitration; as a result, existing Catholic and Jewish-based courts will no longer be allowed in the province.

If the proposition had been accepted, Ontario would have been the first Western government to recognize *sharia* law. 