

# 'Adulterers will not be stoned' under Islamic sharia law

From page 13.

could be coerced into accepting rulings that would favour men in matters of marriage, divorce, inheritance and division of family property.

But there's no reason to believe if a Muslim is seeking redress from a neighbour over a broken fence, beheading will be the remedy.

Nor will shoplifters have their hands amputated. Adulterers will not be buried alive and stoned.

Another banal truth is sharia panels have been operating in Ontario for years (perhaps since 1991) in an ad hoc system that has been quietly settling marital and business disputes. The IICJ seeks merely to formalize the structure. So why all the fuss now?

Muslims aren't alone in using the Arbitration Act. Aboriginal groups use the Ontario law to operate restorative justice programs and Jews have long used the beth din (house of law) to settle business and non-family disputes.

Perhaps that is the model for Ms. Boyd to adopt. Dropping

family law from the tribunals' purview and sticking to more to mundane financial and civil disputes could be one way to go.

Another would be to pre-counsel all women and immigrants appearing before the panels and tell them they have the option of going to secular court. Using the sharia panels must be voluntary.

*But there's no reason to believe if a Muslim is seeking redress from a neighbour over a broken fence, beheading will be the remedy.*

The key is voluntary participation by all involved. If someone is coerced into participation, that must be addressed.

But if parties use the process of their own will, a process that reflects their cultural values and is consistent with Canadian law, I have no problem.

Ms. Boyd must first fix a big hole in the act. It currently pro-

vides for appeals based only on errors of law. That must be changed to include appeals on public policy grounds.

As the level-headed discussion at www.rabble.ca has noted, if we truly believe we are free, then why shouldn't two Muslims who want to solve their differences with sharia law be allowed?

We don't prevent those of other faiths or cultures (or anyone, really) from settling their differences as they see fit, so long as the resolution falls within Canadian laws. So why not Muslims?

Nor do we accuse other faiths of operating parallel courts that would trump Canadian law. Ms. Boyd's report must repeat what has already been stated: Any ruling by these panels contrary to Canadian law or policy will not stand.

Ontario's bold experiment deserves close scrutiny. If it doesn't work, we can always look to no less than Aristotle, who said even when laws have been written down, they ought not always to remain unaltered.

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