

How do you solve a problem like sharia?

By Ayaan Hirsi Ali, The Australian, 19 February 2017

Yassmin Abdel-Magied, an Islamic activist, has been paid by the Australian government to visit countries such as Saudi Arabia, Sudan and Qatar, it is said, “to promote Australia”. Far from offering criticism of the misogynistic sharia laws on the books in those countries, [Abdel-Magied recently stated that Islam is “the most feminist” of all religions](#). Confronted with the abuses that are committed against women in the countries she visited, Abdel-Magied replied: “I’m not going to deny, some countries run by Muslims are violent and sexist, but that’s not down to sharia. That’s down to the culture and the patriarchy and the politics of those ... countries.”

That is absurd. Abdel-Magied fits into a familiar pattern, where the government of a free society such as Australia invests a considerable sum in an individual or a group in the hope that the person is a “moderate” Muslim and will advance the assimilation of their Muslim minority through constructive engagement. Then the supposed moderate the government has invested in is exposed as a closet Islamist, in this case sympathetic to sharia law. The government is left red-faced. Others simply see red.

In a televised exchange on ABC, Australian senator Jacqui Lambie challenged Abdel-Magied’s views, holding that those who support sharia law should be deported from Australia. Remarkably, the televised debate was followed by a demand for an apology by the ABC from a collective of 49 Muslim scholars, lawyers and self-appointed individuals who claim to speak for all Australian Muslims. The petition alleged “Islamophobia” and criticised ABC host Tony Jones for not upholding the “values of respect and fairness” and for failing to provide a “safe environment” for Abdel-Magied.

Yet what set of principles is less safe for women than sharia? As a moral and legal code, sharia law is among the most dehumanising, demeaning and degrading for women ever devised by man:

- Under sharia law, a woman’s testimony is worth half of a man’s testimony in court (Koran 2:282).
- Under sharia law, men are the “guardians” of women; women are to be obedient to men, and husbands may beat their wives for disobedience (Koran 4:34).

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• Under sharia law, a woman may not refuse sexual access to her husband unless she is medically incapable or menstruating, a teaching based partly on Allah himself saying in the Koran, “Your women are a tillage for you; so come unto your tillage as you wish” (Koran 2:223)

• Under sharia law, a woman inherits less than a man, generally half as much, again based on holy writ: “Allah enjoins you concerning your children: the male shall have the equal of the portion of two females” (Koran 4.11, 4.12).

- Under sharia law, men and women who commit fornication are to be flogged. As to the punishment for fornicators, the Koran says: “Let not compassion move you in their case, in a matter prescribed by Allah, if ye believe in Allah and the Last Day: and let a party of the Believers witness their punishment” (Koran 24:2).
- Under sharia law, a man may unilaterally divorce his wife through *talaq*, whereas women are limited to divorce either under specific circumstances, such as the husband’s impotence, or with the husband’s consent and payment of a certain amount of money (*khul*).
- Sharia law permits fathers to contract binding marriages for their children so long as they are minors; and although a boy married against his wishes may exercise his power to divorce his wife unilaterally once he matures, a girl’s exit from such an unwanted marriage is much more difficult.
- Under sharia law, the custody of children is generally granted to fathers, and mothers lose custody if they remarry because their attention is supposed to go to their new husbands.
- Although majority-Muslim countries have in practice abolished slavery (Saudi Arabia did so mainly as a result of foreign pressure in 1962), slavery still has not been abolished in sharia law. Sexual slavery was common in Islamic history and is accepted by sharia law.

Defenders of sharia note that in some respects, Islamic law improved the position of women in 7th century tribal Arabia, for instance by categorically banning female infanticide. Yet surely, in the 21st century, we can set the bar higher than that?

Contrary to the claims of Abdel-Magied, the problematic tenets of sharia are not some relic left over from the cultural practices of the 7th century. Today, sharia law is applied in many countries as a matter of reality, and it is also enforced in many Muslim communities in matters such as marriage, divorce, custody and inheritance proceedings.

Indeed, the countries Abdel-Magied visited are proud to call their legal code sharia law.

Saudi Arabia’s Basic Law states: “The regime derives its power from the Holy Koran and the Prophet’s Sunnah, which rule over this and all other State Laws”, all “within the framework of the sharia”. Likewise, Kuwait’s constitution declares that “Islamic law shall be a main source of legislation”.

Sudan’s interim 2005 constitution states: “Nationally enacted legislation having effect only in respect of the Northern states of the Sudan shall have as its sources of legislation Islamic sharia and the consensus of the people.”

Qatar’s constitution requires the ruler to “swear by God, the Great, to respect the Islamic law”. Egypt’s 2014 constitution holds: “The principles of Islamic sharia are the principle source of legislation.”

In Iran, the marriage of girls at a young age is permitted, based on Mohammed’s consummation of his marriage to Aisha when she was nine. Was marriage at such a young age uncommon, given the cultural norms of the 7th century? No. Should such a historical precedent be emulated today? No.

It is therefore plainly false to say, as Abdel-Magied does, that the subjection of women in these countries is “not down to sharia (but) down to the culture and the patriarchy and the politics of those ... countries”.

However, an important distinction can be made between “sharia lite” and “sharia forte”. Sharia forte is applied in the legal system of theocracies such as Saudi Arabia (which Abdel-Magied visited) and Iran, and by organisations such as Islamic State and Boko Haram. It does not apply in the West for obvious reasons.

But sharia lite is informally enforced within Muslim communities in Western countries, including Australia. In Australia, Islamists rely on sharia law to arbitrate divorces and inheritance disagreements. In 2015, a journalist writing in this newspaper observed that “given the undercover application of sharia law, often within mosques, there is little scrutiny of the process and the fairness of the adjudications”.

There is another problem: the general mindset of some Islamic “leaders” in Australia. In 2006, Australians were shocked to find the country’s most senior Islamic cleric, Taj el-Din Hilaly, refer to unveiled rape victims as “uncovered meat” that was left out in public. When a cat comes to eat the meat, the sheik reasoned, “the uncovered meat is the problem” because “if she was in her room, in her home, in her hijab, no problem would have occurred”.

The ensuing public controversy led to Hilaly’s retirement, but his views were not out of line with Islamic law.

Sharia manuals such as *Reliance of the Traveller* hold that a husband may forbid his wife to leave the house and the wife must obey, and that a woman may not draw attention to herself in public.

In the Islamist mindset, Muslim women in Western countries should not enjoy the legal protections of the societies they live in. Two recent studies conducted by Elham Manea and Machteld Zee into British sharia “arbitration councils” offer clear evidence of this.

Abdel-Magied and the Islamist collective that is demanding an apology from ABC are not interested in this kind of inconvenient truth. They want to deflect attention away from the problems inherent in sharia law.

In my view, the Australian government should stop funding people such as Abdel-Magied, and the other partners they have, and instead find progressive, reform-minded Muslims who will help with the vital task of assimilating Muslims into Australian society.

The only way to resolve the fundamental challenge to women’s rights posed by sharia law is to criticise its problematic aspects openly.

The successful assimilation of Muslim immigrants in Australia is an achievable goal, but not on the basis of the hypocrisy and phony indignation in which the likes of Abdel-Magied specialise.

Ayaan Hirsi Ali is a research fellow at the Hoover Institution, Stanford, and the founder of the AHA Foundation, which exists to protect women and girls from abuses of the sort described in this article. She will visit Australia in early April to discuss reforming Islam.