

Duquesne University

Duquesne Scholarship Collection

Hallowed Secularism

The Collective Works of Bruce Ledewitz, Adrian
Van Kaam C.S.Sp. Endowed Chair in Scholarly
Excellence and Professor of Law

8-22-2010

August 22, 2010: Imposing Shariah

Bruce Ledewitz

Duquesne University, ledewitz@duq.edu

Follow this and additional works at: <https://dsc.duq.edu/ledewitz-hallowedsecularism>



Part of the [Constitutional Law Commons](#), and the [Law and Philosophy Commons](#)

Repository Citation

Ledewitz, B. (2010). August 22, 2010: Imposing Shariah. Retrieved from <https://dsc.duq.edu/ledewitz-hallowedsecularism/451>

This Article is brought to you for free and open access by the The Collective Works of Bruce Ledewitz, Adrian Van Kaam C.S.Sp. Endowed Chair in Scholarly Excellence and Professor of Law at Duquesne Scholarship Collection. It has been accepted for inclusion in Hallowed Secularism by an authorized administrator of Duquesne Scholarship Collection. For more information, please contact beharyr@duq.edu.

Title: Imposing Shariah

Date: 2010-08-22T20:47:00.000-04:00

8/22/2010—Is Islam incompatible with democracy? And what does the question mean? For example, according to an article in today's edition of the New York Times, the Iman behind the Islamic Center/mosque controversy, Faisal Abdul Rauf, wants the United States to adopt principles of Shariah, that is, Islamic law. This formulation is a little misleading since according to the article what he means by adopting Islamic law is akin to Catholic social teaching. In fact he apparently believes that countries like the United States are more faithful to Islamic teaching already than are so-called Islamic states, which in his view abuse the rights of women in contravention to his understanding of Islam. But I don't want to get sidetracked. Is the desire to adopt Islamic law incompatible with democracy in principle? Clearly, this person believes that God wants human beings to treat each other well, but his first allegiance is still to God rather than to the democratic process. Yet I think putting it this way shows that there could not be anything in principle undemocratic about wanting to serve God's will in constructing the rules of a society. As an example, consider the underground railroad before the civil war. Slavery at the time was of course legal and the underground railroad was obviously illegal. The people involved put their own understanding of right and wrong (or for some the will of God) above the democratic system. But would we today call that undemocratic? Every citizen understands that there is a point beyond which a majority may not go without surrendering its right to be obeyed. All of us have a point at which we would serve what is right rather than majority rule. So we are all undemocratic at some point. But the issue of adoption of Shariah is not even as close as the example of the underground railroad. As long as Faisal Abdul Rauf wants the principles of Shariah adopted democratically, which he does, apparently, there is not even an issue of undemocratic commitment.