



Written by [Bruce Walker](#) on May 30, 2012

New Kansas Law Bans Use of Foreign Law

Governor Sam Brownback of Kansas [has signed a law](#), which takes effect on July 1, 2012, intended to keep Kansas courts from relying upon Islamic sharia law. The language of the new law does not specifically mention sharia; rather, it states that courts and administrative tribunals cannot use any foreign law as a legal basis for its rulings if that foreign law would not grant to all parties involved the same rights that would have existed under federal or state constitutions.



Stephen Gele of the American Public Policy Alliance in Michigan said: "This bill should provide protection for Kansas citizens from the application of foreign laws. The bill does not read, in any way, to be discriminatory against any religion." The organization's website also states: "America has unique values of liberty which do not exist in foreign legal systems, particularly Shariah Law."

Sherriene Jones-Sontag of Governor Brownback's office issued a statement emphasizing that point, noting that the new law "makes clear that Kansas courts will rely exclusively on the laws of our state and our nation when deciding cases and will not consider the laws of foreign jurisdictions." She added: "This disturbing recent trend of activist judges relying upon the laws of other nations has been rejected by overwhelming bipartisan majorities in both the Kansas House and Senate."

The National Conference of State Legislatures reports that similar laws have been considered in 20 states. Arizona, Louisiana, and Tennessee have already enacted laws similar to the new Kansas law. Oklahoma approved a ballot initiative in 2010 which explicitly banned the use of sharia law by amending the state constitution. The measure received over 70 percent the vote, but federal courts have enjoined the implementation of this ballot measure.

Muslim groups, particularly CAIR (Council on American-Islamic Relations), have threatened litigation. Ibrahim Hooper of CAIR asserts discrimination, noting of Governor Brownback's signing the bill: "If he claims it has nothing to do with Shariah or Islamic law or Moslems, the he wasn't paying attention."

Supporters of the bill, however, have noted that there is already a divorce case in Sedgwick County, Kansas, in which the husband has asked the court to divide marital property according to sharia law, based upon existing marriage contract writing according to Islamic law.

The bill passed through the Kansas House of Representatives with unanimous support and with strong bipartisan support in the Kansas Senate. Senator Susan Wagle of Wichita, during legislative debate, described support vote for the bill as support for women's rights: "They stone women to death in countries that have Sharia law." Other members of the legislature did not consider the bill that important, although they supported it. Representative Scott Schwab of Olathe put it this way: "Am I really concerned that Sharia law is going to take over Kansas courts? No. I'm more concerned about getting jobs to Kansas."

Americans might want to be concerned, however. In May 2011, the Center for Security Policy issued a



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report that found that sharia has entered into American courts, citing 50 significant cases just from a sample of appellate published cases. The report also found 15 trial court cases and 12 appellate court cases in which sharia law was found applicable.

The situation in Europe is even more serious. Sharia was originally applied by the courts of various European nations, which had relatively isolated enclaves of Muslims, such as the Turkish immigrants in Germany, and Muslims are now demanding that sharia be applied to non-Muslims as well. Moreover, this intrusion into the historical basis of law in Europe is not limited to areas like family law, but to areas of law like the slaughter of animals, in which Islamic Halal is similar to Jewish Kosher butchering. In Paris now all meat sold is Halal. The historic rights to free expression have also been constricted by the use of sharia. Elisabeth Sabaditsch-Wolff in Austria was convicted in 2011 for saying of Mohammad: "We all know that Muhammad married Aisha when she was 6 years old and consummated the marriage when she was 9. Now, what do we call this behavior if not pedophilia" — and her conviction was upheld by the high court.

American law is not based upon the vagaries of laws with profoundly alien cultures, such as Islam's sanction of murdering those who defame Mohammad and stoning women suspected of adultery or the Hindu practice of the suttee (ritual immolation of widows) or the caste system. Our law, instead, is based quite deliberately upon the legal traditions of Western Europe. This includes, in the greater part, English Common Law, which includes many of the protections that we take for granted and that is formally the basis of law in every state but Louisiana. French Civil Law is the basis of law in Louisiana. Other sprinklings of Dutch or Danish law also season our laws — Holland was the first modern state to practice religious toleration. The Danelaw was a territory that covered half of England in the Early Middle Ages and it had that name because Danish law applied in that region of England.

American law also has roots, as does much of Europe, in the traditions of Roman Civil Law, which included certain rational precepts intended to create peaceful and orderly society. The arguments in court cases by advocates such as Cicero show a cool, clear mind appealing to principles of fairness and truth. Our law also has strong connections to the precepts of Jewish and Christian law, and the development of "law" as we know it was largely the product of Christian clerics and Talmudist scholars.

There is a distinct American culture and American heritage that we must defend if we wish to preserve our nation. Part of that defense requires grasping and insisting that the foundation of our legal system remains firmly rooted in Judeo-Christian values, the practices of the great Roman Law system, and reliance upon the precedents of English Common Law. Kansas' new law is a step in that direction.



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