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“The Construction of Shari’ah Law Debate in Canada”

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The Government of Ontario is considering a proposal by the Institute of Islamic Justice, [a Toronto based Muslim legal organization who is seeking legal standing under the Alternative Dispute Resolution Act] to resolve Family and Civil Law disputes within the Muslim community according to “Muslim Principles.” The debate over this proposal has occupied space in the national media, as well as in the discourse within the Muslim community. Opposition to this proposal has been quite vehement and has chosen to structure itself in racist discourses in which Islamic Law is invariably portrayed as obsolete, fossilized and universally oppressive to women. Within this discourse, Muslim women have been infantilized, and a variety of racialized stereotypes have been reinforced. These arguments have been made in the public discourse by opponents of the proposal from within the Muslim community as well as from external commentators. This paper will analyze the ways in which this debate has been embedded in familiar racist tropes and colonial narratives and the ways in which the discourse has been reduced to a binary in which one side is “civilized,” Canadian and feminist, and the “other” is “barbaric,” medieval, foreign and misogynistic. This paper will also examine the ways in which this binary has precluded the presence of a third space in which a Muslim feminist perspective on Islamic Law, one that is not couched in racist discourses, could be heard.