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Wednesday, November 3, 2010

Election Report: A "Heartland" Vote for Islamic Bigotry

Richael Faithful, *TMA's* EIC, here.

The Jurist reported that last night Oklahoma voters approved a state constitutional amendment, which bans the use of Islamic Law and international law in state court decisions.

A little more detail can be found [here](#). And CNN has extensively covered this story [here](#) and views of legal experts can be found [here](#).

The referendum approval is shocking on several levels. On a practical level, as pointed out in the latter link about legal scholars' reactions, is that the ban on the use of international law and the imposition of certain English-only requirements will prove hard for courts, which deal with multi-national and international issues all of the time. Like business law, for example.

I've also taken Islamic Law at American University; although sparingly applied by American courts, Islamic law is sometimes the most sensible law to apply from a choice-of-law perspective. Mainly, Islamic law, for the most part, addresses family law-like issues, and sometimes, litigating parties may prefer its application. Though admittedly sensitive, the application of Islamic law in American courts, is a perfectly sound rational and legal approach.

Of course, on a cultural level, this development is heartbreaking, from the view that Islamophobia has reached such a fervor in "middle America." I don't have much to say other than, "ugh."

If you are interested the intersection of Islamophobia and First Amendment rights, we'll have a special commentary on this subject in our fall issue slated for early December publication.

Thanks for reading.