

ARAB AMERICAN INSTITUTE

ANTI-SHARIA LEGISLATION IN PENNSYLVANIA

Background

The 2012 election season saw an increase in Islamophobic rhetoric and nowhere was it more prevalent than in state legislatures. Pennsylvania was no exception; former state Representative RoseMarie Swanger introduced Pennsylvania's first anti-foreign law bill on November 18, 2011 when the Presidential election campaign was gaining steam. While it never explicitly referenced Sharia law, House Bill 2029 was preceded by a co-sponsorship memo Rep. Swanger wrote in June 2011 in which she described Sharia law's "nefarious nature" as being an imminent threat to Pennsylvanian and American courts. Sharia law is far from a threat to American courts, its application is restricted to Muslims who often look to it for guidance during life changing events such as birth, marriage, and death. According to the Center for American Progress, Sharia law "is the ideal law of God, as interpreted by Muslim scholars over centuries to achieve justice, fairness, and mercy." Despite attempts by individuals such as Rep. Swanger to depict Sharia law as an all-encompassing legal system that Americans should fear, these anti-Sharia law efforts are a product of fear mongering.

HB 2029 saw very little movement initially and remained in the Judiciary Committee through the end of 2011. It wasn't until September 2012, as Election Day approached, that the bill was again referred to the State Government Committee. Although the committee Chair, Rep. Daryl Metcalfe (R-Cranberry), attempted to schedule hearings for the following month, he was forced to cancel hearings because of their proximity to Election Day and scheduling conflicts.

Rep. Swanger attempted to reintroduce the legislation as House Bill 2168 in April 2014. However, with much of the momentum lost and many legislators criticized for their support of the bill, HB 2168—with only 12 co-sponsors this time—died in committee.

The Problem

HB 2029 was modeled on the American Public Policy Alliance's (APPA) "American Laws for American Courts" (ALAC) initiative. Written by David Yerushalmi, co-founder of the American Freedom Law Center and founder of Society of Americans for National Existence, the sample legislation served as a model for much of the "anti-foreign law" legislation that was introduced in 32 state legislatures between 2010 and 2012. According to the Center for American Progress' Fear, Inc. 2.0 report, Mr. Yerushalmi "is the driving force behind the anti-Sharia movement in the U.S." In 2007 Yerushalmi called on Congress to make adherence to Sharia law a felony and punishable by 20 years of jail time. For her own role in spearheading the initiative, Rep. Swanger's sponsorship earned her a spot on APPA's list of "community leaders" around the country who led the ALAC initiative in their community.

HB 2029 wasn't the first time Rep. Swanger sponsored questionable legislation, in early 2011 she introduced House Bill 361, which proposed establishing English as the official language of Pennsylvania, claiming that she sought to help the state's Department of Motor Vehicles save money by only printing reading materials in English. Tellingly, 18 of the 44 legislators who co-sponsored HB 361 later co-sponsored HB 2029—most notably Rep. Daryl Metcalfe. Founder of the nationwide anti-immigration coalition "State Legislators for Legal Immigration," Rep. Metcalfe has a previous history of xenophobia and Islamophobia. One notable example occurred in June 2008 when Rep. Metcalfe objected to a routine resolution to formally recognize a Muslim community group's 60th annual convention because "Muslims do not recognize Jesus Christ as God."

Metcalfe objected to a resolution to formally recognize a Muslim community group's 60th annual convention because "Muslims do not recognize Jesus Christ as God."

Response

In response to the actions of some state legislators, the city councils of both Philadelphia and Pittsburgh unanimously voted in early 2012 to call upon the Pennsylvania General Assembly to reject the HB 2029. In their resolutions, both city councils reiterated the importance of the plurality and diversity of their communities and emphasized the important role that local religious institutions played in making the cities vibrant cultural hubs.

Further, the vague language of the bill - targeting all “foreign” law codes, rather than a specific set—would impact various religious communities. Beyond rejecting its hate agenda, Jewish and Catholic leaders in Pennsylvania voiced concern over the potential consequences this would have on cases that concerned Jewish law and Catholic canon. In response, a broad interfaith coalition successfully campaigned against the passage of the bill. This grassroots effort—in combination with inter-organizational cooperation on the part of the Catholic Conference, ACLU, Philadelphia Bar Association, and the Pennsylvania Jewish Coalition—proved especially effective outside of Philadelphia, where the Muslim community is much smaller and less organized.