

AMSS 37th ANNUAL CONFERENCE

“Crossing Boundaries: Mobilizing Faith, Diversity and Dialogue”

Hosted By:
The Harvard Divinity School
Harvard University, Cambridge, MA
October 24 – 25, 2008

ABSTRACT ONLY – WORK IN PROGRESS

“Dis-integration and Re-integration in the West: Muslim and Jewish
Responses to Post Faith-Based Arbitration in Ontario”

By: Christopher Cutting
(Ph.D. Candidate, University of Waterloo, Ontario, Canada)

This paper explores how Muslim and Jewish communities are attempting to *re-integrate* the practice of religious legal traditions into an officially multicultural state context. Although people of all ethnic and religious backgrounds in Ontario are free to have their civil disputes arbitrated by any third party that is freely agreed upon by the disputants, due to Ontario’s Arbitration Act of 1991, the state could be called upon to enforce or overturn those decisions within the boundaries of Canadian law. Since crossing public and private boundaries is possible under this arrangement, religious communities could engage in a dialogue with the state over the practice of religious law within a multicultural context. Although Jewish peoples in Ontario have voluntarily arbitrated civil disputes according to Jewish law for more than a century, all religious groups are now free to do so under Ontario’s Arbitration Act. However, in 2003, when the media publicized that Muslim groups might also be arbitrating civil disputes, the public reaction was nothing short of moral panic over such *vulnerable people* as Muslim women and children who might be treated unfairly. In response, the Ontario government ultimately decided to *dis-integrate* the previous arrangements, changing the Arbitration Act in 2006 to state that no arbitration based on religious law can be enforced by the state. However, noticeably missing from the debate were the voices of Muslim and Jewish Canadians who may not have used faith-based arbitration. Based on my ethnographic fieldwork, this presentation explores these publicly unheard voices and practices, bringing their histories and perceptions to bear on a dead debate.