

Harold Koh, Promoter of Shari'a?

Contributed by Administrator

by Daniel Pipes

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Barack Obama has nominated Harold Koh, the just-resigned dean of Yale Law School, to be legal adviser to the Department of State, a Senate-confirmed job that would have him, writes Meghan Clyne in the New York Post, 'forge a wide range of international agreements on issues from trade to arms control, and help represent our country in such places as the United Nations and the International Court of Justice.'

Harold Koh, Obama administration nominee to serve as legal adviser to the U.S. Department of State.

Clyne calls Koh "Obama's Most Perilous Legal Pick" because of his outrageous views on a wide range of subjects, including "transnational legal process," or the idea of interpreting the U.S. Constitution according to the legal norms of other countries, and his accusing the U.S. government of constituting an "axis of disobedience" along with North Korea and Saddam-era Iraq.

But what brings him to attention here is his apparent endorsement of Islamic law within the American court system. Clyne writes:

A New York lawyer, Steven Stein, says that, in addressing the Yale Club of Greenwich in 2007, Koh claimed that 'in an appropriate case, he didn't see any reason why sharia law would not be applied to govern a case in the United States.'

In response,

A spokeswoman for Koh said she couldn't confirm the incident, responding: "I had heard that some guy . . . had asked a question about sharia law, and that Dean Koh had said something about that while there are obvious differences among the many different legal systems, they also share some common legal concepts."

Comments: (1) The day may have arrived when Americans, like Britons and the Dutch, have to stave off their establishment advocating Shari'a. It's a dark day, indeed. (2) The Senate must reject Harold Koh as State's legal advisor. (March 30, 2009)

Mar. 31, 2009 update: David Limbaugh adds some information to Clyne's research at "Another Day, Another Scary Nomination":

It turns out that on March 21, 2007, Carol Iannone, on Phi Beta Cons blog, published a letter from Stein to Dean Koh about his Yale Club remarks. Stein wrote, in part, "In your discussion of 'global law' I recall at least one favorable reference to 'Sharia', among other foreign laws that could, in an appropriate instance (according to you) govern a controversy in a federal or state court in the US."

Limbaugh goes on to comment: "Whether or not Koh ever responded to Stein's letter, Stein's representations of Koh's remarks are certainly consistent with Koh's writings that I reviewed."

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<http://www.danielpipes.org/blog/2009/03/harold-koh-promoter-of-sharia.html>