

Michael Plasmeier

Nachef

English 10

17 Nov 2006

# Revision K

After grade  
11/20/2006

## The Essential Separation Between Church and State

Around the world, the separation between church and state is not being maintained. In many nations nonbelievers are being forced against their wills and spiritual beliefs to submit to the state religion (Shea 3). Women are being executed in inhumane ways for exercising their basic human rights (Human Rights Watch). Entire countries are enacting religiously-motivated laws which segment and discriminate against sections of the population, leaving the entire country to starve (Womenaid International). Laws of sovereign nations ought not to be influenced by religion to protect and insure basic human rights. Such religiously-motivated laws must not be allowed to stand; the separation of church and state must be maintained. Although the majority of people in power support religiously-motivated laws, each nation contains an aggregate of people; a minority of these people will have different beliefs and values than ones the state mandates. These people must be insured fair and equal treatment according to internationally recognized human rights standards.

Religiously-motivated laws can easily be taken too far by groups which strictly interpret their religions. One example is of the country of Afghanistan under the Taliban. The Taliban implemented their extreme form of Islamic law or *sharia*. The Taliban used the *Qur'ān* to defend and back their laws (CBC). Under this strict religious code, women were forced to wear a *burqa* in public at all times (Womenaid International). Women were not allowed to work or receive an education (Womenaid International). In addition, if a woman's husband died, or if he

divorced her, she had no way of caring for herself. She could not work or find any sort of employment. She was forced to beg on the streets for whatever she could get.

However, the Taliban did not just use religious law to marginalize women, they hurt everyone. Television was prohibited and religious freedom was not allowed (CBC 1). Alcohol was strictly forbidden (Human Rights Watch). The country was kept squarely rooted in the past. Almost no western influence was allowed. This hurt everyone in Afghanistan because without a western style free economy, everyone's standards of living fell. By not permitting women, who were willing and able to work, the Taliban reduced the amount of output which could be produced. This limited the amount of goods that could be sold or exported, reducing profits for the country. This in turn imprisoned the people of Afghanistan in their mud huts.

All of this made Afghanistan one of the world's least developed countries according to a UN study conducted in February 2005 (CBC 1). Only five sub-Saharan Africa nations manage to do worse in the development index (CBC 1). In Afghanistan, one hundred forty-two out of every one thousand babies died before age one and every thirty minutes another woman dies in pregnancy (CBC 1). All of this contributes to the very low life-expectancy of forty-two and one half years (CBC 1). Afghanistan could definitely do better than this if the Taliban did not so closely embrace its brand of religious law. By allowing all of the people who are willing to work, to get a job, Afghanistan could greatly increase its productive capacity. Such an increase would greatly benefit all of its citizens. Case in point, since the Taliban was evicted after the September 11 attacks, Afghanistan's economy has grown at a rate of twenty-five percent a year (CBC 1). This helps everyone in Afghanistan lead a better life, except perhaps the displaced warlords who can no longer use their religious law to keep themselves in power.

However, it should be noted that the Taliban took religious law to an extreme. Most Muslims condemn the actions of the Taliban, and claim that the Taliban misinterpreted the teachings of Islam (Nachef). However, it should be noted that the new Afghan Prime Minister Hamid Karzai, despite appointing many moderate positions, appointed a hard-liner to head the Supreme Court (Shea 1). Fazul Hadi Shinwari has stated that he wishes to reinforce *sharia* law in Afghanistan. He has stated that western-style government will be rejected and that corporal punishments are necessary (qtd. in Shea 2). He refers to non-Muslims as “infidels” and refuses to go after the opium traders as narcotics are not prohibited in Islam (Shea 2). Although he condemns the public executions of the Taliban, Shinwari is bringing back *sharia* law to Afghanistan. His court has already ruled to ban females from broadcasting on the radio (Shea 2). This brings back dangerous recollections of the Taliban-era and continues to leave Afghanistan in the past.

Another danger with religiously-motivated laws is that, in general, religious teachings remain up to interpretation. Every major religion contains literally thousands of different sects which each have slightly different views on the topics and teachings. In addition, there is no restraint on what a religion can teach or believe in. One can theoretically invent a religion which teaches anything and then enforce those rules as divinely mandated. For example, a religion might exist which promotes cannibalism. If that religion gained power in a nation, it may be able to start requiring this horrid practice regardless of the harm and damage it would cause.

Plus, in addition to allowing laws to be based of different interpretations of religion, religious-based law also permits human rights atrocities to occur. For example, Safiya Husaini was recently accused of adultery under Islamic *sharia* law in the country of Nigeria (“Loophole Saves Woman From Death By Stoning”). She had supposedly confessed under police

interrogation that she had been raped and impregnated by her cousin (“Loophole Saves Woman From Death By Stoning”). She was to be buried to her waist and stoned to death as soon as her daughter was weaned (“Loophole Saves Woman From Death By Stoning”). However, she was acquitted only because of one obscure passage in the *Qur’ān* which stated that a pregnancy can remain in the womb for seven years, possibly making the girl her former husband’s daughter (“Loophole Saves Woman From Death By Stoning”). Had this loophole not existed, Safiya Husaini would have been executed by what is considered today to be corporal punishment methods (Human Rights Watch). LaShawn R. Jefferson, the executive director of the Women's Rights Division of Human Rights Watch said, "When a woman is punished so severely for having pre-marital sex, her right to make free decisions regarding her body is violated. Women have a basic right to control their sexual autonomy" (qtd. in Human Rights Watch).

That is correct. In today’s society, women should be treated the same as men, and all people should have the same right to exercise their sexuality in ways both they and their partners wish. The state, especially when it is enforcing religions not followed by all, should not prevent them from exercising their basic human rights. Therefore, when religiously-motivated laws, enforced by the state, revoke these rights, it is a flagrant violation of people’s freedom to live their lives how they wish. The idea of freedom of religion and sexuality is respected in most western nations. The United States has no laws regarding consensual sex between adults.

Some Muslims retort that these *sharia* laws apply equally to men as well as women. Indeed the *Qur’ān* supports this idea in verse 4:16, “The couple who commits adultery shall be punished.” However, in this case, Safiya Husaini’s cousin was not punished because of the verse before (4:15), “Those who commit adultery among you women, you must have four witnesses against them, from among you. If they do bear witness, then you shall keep such

women in their homes until they die” (“Loophole Saves Woman From Death By Stoning”). The statement is worded to imply men accusing women. There is no reference to imprisoning men as well as women. In fact, the *Qur’ān* repeatedly discounts the worth of women. “Two men shall serve as witnesses; if not two men, then a man and two women” (2:282). In addition when dividing up an inheritance, “if the siblings are men and women, the male gets twice the share of the female” (4:176). Thus, is it impossible to say that *sharia* law treats men and women equally.

This inequality permeates all levels of society and prevents fair trials, regardless of what the *Qur’ān* directly states. By forcing women to cover their heads in public, in addition to reducing the worth of their testimony in court, women are made to feel inferior. This belief is also propagated by those who wish to remain in power politically, or they bend the religion to fit their assertions. In every society, if one grows up only exposed to a certain idea, that person will strongly adopt this idea throughout their life. This bias is hard to change and might prevent women from getting a fair trial in societies with strict religiously-motivated laws.

Religiously-motivated laws also oppress the sections of the population which does not believe in the religion the state is trying to enforce upon them. In Indonesia, conservative Muslims are trying to get the world’s largest Muslim country to ban all homosexuality activity and media (Ireland). They are forcing the “Law Against Pornography and Porno-Action” to be passed (Ireland). This law would prohibit any writing or audio-visual presentation which "exploit[s] the notion of persons engaging in sexual relations" or "engaging in activities leading to sexual relations with persons of the same sex" (qtd. in Ireland). Under this law, portrayals of "kissing on the lips" of any gender combinations would be forbidden (Ireland). It is proposed that violations of this law would be punishable by prison terms of up to seven years (Ireland). Clearly, this law is trying to force the religious principles of one group onto the entire

population. However, only about eighty percent of the entire population of Indonesia is Muslim. Homosexuality is clearly prohibited in their religion (*Qur'ān* 7:80). However, this leaves about twenty percent of the people, of which some percentage, are open to homosexuality.

Conservative groups should not be trying to pass laws which take away the basic human rights of people. These choices should be made by people individually, and not be forced upon them by the state.

Freedom of religion is an essential liberty which must be protected. Nations are made up of an aggregate of people. This aggregate contains people who believe in many different religions and have many different values. Human rights, which are commonly accepted by most countries, must be strictly enforced in all nations. Violations must not be tolerated. In addition, no religion should enforce draconian and corporal punishments on its followers.

Another problem with religiously-motivated law is that it is harder to change than secular-based law. This leaves old rules and punishments to remain in the books for centuries. An example, from outside of the legal system, is verse 2:283 of the *Qur'ān*, which states, "if you are traveling, and no scribe is available, a bond shall be posted to guarantee repayment." This statement is no longer relevant to today because almost everyone is able to write. Although this statement most likely has no significance today, many other similar outdated statements remain in the *Qur'ān*. Those who strictly interpret the *Qur'ān* continue to believe in such statements. Such people are likely to be the same ones pushing for strict religious laws to be adopted by nations.

Firm believers believe that the *Qur'ān*, and in some cases, *sharia* courts' laws and rulings, are the divine words of god (Shea). This makes such rulings very difficult to change or even criticize. This makes religiously-motivated laws even more dangerous. For example the

new women's affairs minister of Afghanistan was recently charged with "blasphemy" for telling a Canadian magazine that she did not believe in *sharia* law (Shea 1). The charges were eventually dropped under international pressure, and the minister has quit fearing for her life (Shea 1).

However, despite these laws being written in the *Qur'ān*, some Muslims are open to changing and modernizing the legal system. They believe that an international community is needed to revise and look at *sharia* law (Nachef). However, the job of such a committee would be very difficult. Such a committee must receive broad international support from every sect of Islam. This will be almost impossible to achieve. Without bilateral support, this committee is likely to only widen the divide between the different sects of Islam. As previously stated, "the word of god" is very hard to change as people hold many different.

Religiously-motivated laws are a danger to human rights around the world. Religiously-motivated laws can be used to promote groups and establish political leadership. They can be used as a justification for hash rule, and they keep nations in poverty. Religiously-motivated laws are cruel and inhumane. They are based on old, outdated ideas and customs. They are difficult to change because they use ancient, holy texts to justify themselves. Religiously-motivated laws hurt and oppress the sections of the population which hold moral beliefs that differ from the rules of the majority religion. Religiously-motivated laws erode the separation between church and state and diminish the freedom of religion. However, reforming these laws will be a difficult and arduous task. Undoubtedly there will be people who will not favor any changes to the holy texts. Attempting these changes may only widen the gap between the different sects of various religions. Thus, the only option is to completely eliminate religiously-motivated laws from the books of sovereign nations.

## Works Cited

- “A Man's World?” Current Events. 7 Oct 2005. EBSCOhost. 17 Oct 2006  
 <<http://search.ebscohost.com/login.aspx?direct=true&db=f5h&AN=18404729&site=ehost-live>>.
- “CBC News In Depth: Afghanistan.” CBC News. 6 March 2006. CBC/Radio-Canada. 26 Oct 2006 <<http://www.cbc.ca/news/background/afghanistan/>>.
- “ Hamas: Separate classes for girls and boys.” 28 Jan 2006. The Middle East Now. 5 Nov 2006  
 <<http://www.themiddleeastnow.com/news/hamassharia.html>>.
- Home page. The Religion of Peace. 1 Nov 2006. 1 Nov 2006  
 <<http://www.thereligionofpeace.com/>>.
- Ireland, Doug. “Indonesia: Gays Fight Sharia Laws.” ZNet. 18 Oct 2006. 23 Oct 2006  
 <<http://www.zmag.org/content/showarticle.cfm?SectionID=91&ItemID=11217>>.
- Khan, Aina. “Viewpoint: Women and Sharia law.” BBC News. 22 Oct 2006. 23 Oct 2006  
 <[http://news.bbc.co.uk/1/hi/talking\\_point/special/islam/3198285.stm](http://news.bbc.co.uk/1/hi/talking_point/special/islam/3198285.stm)>.
- Little, David. “Phenomena of Faith.” Harvard International Review. Winter 2005. EBSCOhost.  
 17 Oct 2006  
 <<http://search.ebscohost.com/login.aspx?direct=true&db=f5h&AN=16091342&site=ehost-live>>.
- “Loophole Saves Woman From Death By Stoning.” Herizons. Spring 2002. EBSCOhost. 17 Oct 2006  
 <<http://search.ebscohost.com/login.aspx?direct=true&db=f5h&AN=6672703&site=ehost-live>>.



Nachef, Riad. Telephone interview. 31 Oct 2006. 31 Oct 2006

<<http://theplaz.com/static/Seventeen%20-%20Interview.MP3>>.

“Nigeria: Woman Sentenced to Death Under Sharia.” 23 Oct 2006. Human Rights Watch. 26 Oct

2006 <[http://hrw.org/english/docs/2001/10/23/nigeri4117\\_txt.htm](http://hrw.org/english/docs/2001/10/23/nigeri4117_txt.htm)>.

Norton, Jerry. “Indonesia vows to maintain religious pluralism.” Reuters. 18 Oct 2006. 23 Oct

2006 <<http://today.reuters.com/News/CrisesArticle.aspx?storyId=JAK192425>>.

Omaar, Rageh. “Courts open old wounds.” New Statesman. 28 August 2006 EBSCOhost. 17 Oct

2006

<<http://search.ebscohost.com/login.aspx?direct=true&db=f5h&AN=22059836&site=ehost-live>>.

Patel, Mohammad. “The Islamic Era.” Muslims in India: The Growth & Influence of Islam in the

Nations of Asia & Central Asia. 2006. EBSCOhost. 17 Oct 2006

<<http://search.ebscohost.com/login.aspx?direct=true&db=khh&AN=21167297&site=ehost-live>>.

Qur’ān Rashad Khalifa trans. 23 Oct 2006 <[http://theplaz.com/wiki/images/The\\_Quran.pdf](http://theplaz.com/wiki/images/The_Quran.pdf)>.

“The Emergence Of Taliban.” 14 December 2000. Womenaid International. 26 Oct

<<http://www.womenaid.org/humanrights/shadows/taliban.htm>>.

“The Union of Islamic Courts.” Toronto Star. 20 Oct 2006. 23 Oct 2006

<[http://www.thestar.com/NASApp/cs/ContentServer?pagename=thestar/Layout/Article\\_Type1&c=Article&cid=1161294618111&call\\_pageid=968332188492](http://www.thestar.com/NASApp/cs/ContentServer?pagename=thestar/Layout/Article_Type1&c=Article&cid=1161294618111&call_pageid=968332188492)>.

Shea, Nina. “Sharia in Kabul?: A theological iron curtain is descending across Afghanistan.” 28

Oct 2002. Center for Religious Freedom. 26 Oct 2006

<<http://www.freedomhouse.org/religion/country/afghanistan/Sharia%20in%20Kabul.htm>  
>.

United States. Library of Congress. Federal Research Division. Politicized Islam. 1998. 26 Oct  
2006 <<http://countrystudies.us/afghanistan/70.htm>>.

Weedon, Emily. "Reforming Islamic Family Law." Washington Report on Middle East Affairs.

Jan/Feb 2006. EBSCOhost. 17 Oct 2006

<<http://search.ebscohost.com/login.aspx?direct=true&db=f5h&AN=19300701&site=ehost-live>>.

## HHS Works Cited

“A Man's World?” Current Events. 7 Oct 2005. MasterFILE Premier. EBSCOhost. Delaware County Library System. 17 Oct 2006 <<http://www.ebscohost.com>>.

“CBC News In Depth: Afghanistan.” CBC News. 6 March 2006. CBC/Radio-Canada. 26 Oct 2006 <<http://www.cbc.ca/news/background/afghanistan/>>.

“Hamis: Separate classes for girls and boys.” 28 Jan 2006. The Middle East Now. 5 Nov 2006 <<http://www.themiddleeastnow.com/news/hamassharia.html>>.

Home page. The Religion of Peace. 1 Nov 2006. 1 Nov 2006 <<http://www.thereligionofpeace.com/>>.

Ireland, Doug. “Indonesia: Gays Fight Sharia Laws.” ZNet. 18 Oct 2006. 23 Oct 2006 <<http://www.zmag.org/content/showarticle.cfm?SectionID=91&ItemID=11217>>.

Khan, Aina. “Viewpoint: Women and Sharia law.” BBC News. 22 Oct 2006. 23 Oct 2006 <[http://news.bbc.co.uk/1/hi/talking\\_point/special/islam/3198285.stm](http://news.bbc.co.uk/1/hi/talking_point/special/islam/3198285.stm)>.

Little, David. “Phenomena of Faith.” Harvard International Review. Winter 2005. MasterFILE Premier. EBSCOhost. Delaware County Library System. 17 Oct 2006 <<http://www.ebscohost.com>>.

“Loop hole Saves Woman From Death By Stoning.” Herizons. Spring 2002. MasterFILE Premier. EBSCOhost. Delaware County Library System. 17 Oct 2006 <<http://www.ebscohost.com>>.

Nachef, Riad. Telephone interview. 31 Oct 2006.

“Nigeria: Woman Sentenced to Death Under Sharia.” 23 Oct 2006. Human Rights Watch. 26 Oct 2006 <[http://hrw.org/english/docs/2001/10/23/nigeri4117\\_txt.htm](http://hrw.org/english/docs/2001/10/23/nigeri4117_txt.htm)>.

Norton, Jerry. "Indonesia vows to maintain religious pluralism." Reuters. 18 Oct 2006. 23 Oct 2006 <<http://today.reuters.com/News/CrisesArticle.aspx?storyId=JAK192425>>.

Omaar, Rageh. "Courts open old wounds." New Statesman. 28 August 2006. MasterFILE Premier. EBSCOhost. Delaware County Library System. 17 Oct 2006 <<http://www.ebscohost.com>>.

Patel, Mohammad. "The Islamic Era." Muslims in India: The Growth & Influence of Islam in the Nations of Asia & Central Asia. 2006. History Reference Center. EBSCOhost. Delaware County Library System. 17 Oct 2006 <<http://www.ebscohost.com>>.

Qur'ān Rashad Khalifa trans. 23 Oct 2006 <[http://theplaz.com/wiki/images/The\\_Quran.pdf](http://theplaz.com/wiki/images/The_Quran.pdf)>.

"The Emergence Of Taliban." 14 December 2000. Womenaid International. 26 Oct <<http://www.womenaid.org/humanrights/shadows/taliban.htm>>.

"The Union of Islamic Courts." Toronto Star. 20 Oct 2006. 23 Oct 2006 <[http://www.thestar.com/NASApp/cs/ContentServer?pagename=thestar/Layout/Article\\_Type1&c=Article&cid=1161294618111&call\\_pageid=968332188492](http://www.thestar.com/NASApp/cs/ContentServer?pagename=thestar/Layout/Article_Type1&c=Article&cid=1161294618111&call_pageid=968332188492)>.

Shea, Nina. "Sharia in Kabul?: A theological iron curtain is descending across Afghanistan." 28 Oct 2002. Center for Religious Freedom. 26 Oct 2006 <<http://www.freedomhouse.org/religion/country/afghanistan/Sharia%20in%20Kabul.htm>>.

United States. Library of Congress. Federal Research Division. Politicized Islam. 1998. 26 Oct 2006 <<http://countrystudies.us/afghanistan/70.htm>>.

Weedon, Emily. "Reforming Islamic Family Law." Washington Report on Middle East Affairs. Jan/Feb 2006. MasterFILE Premier. EBSCOhost. Delaware County Library System. 17 Oct 2006 <<http://www.ebscohost.com>>.

### Deleted Paragraphs

Violence often accompanies religious conflicts. When people are oppressed they revolt because they are unhappy with their current situation. They want their views to be accepted and the injustices to end. On the other hand, conservative groups may use violence to protect their interests and positions. In the above example, conservative Muslims are doing whatever it takes to roughen up Arus Pelangi, the group protecting the rights of lesbian, gay, bisexual, and transgender in Indonesia (Ireland). Arus Pelangi reports that conservative groups such as the Front of Supporters of Islam and the Betawi Council Forum often attack the offices, workplaces, and homes of people they consider to be a threat to the morals and values of Islam (Ireland).

Another example of a religious conflict is the continuing trouble between the Arabs and Israelis. This conflict is almost entirely religiously motivated. Extremists on both sides are not taking compromise for an answer as both sides try to find homes for their people and religions. Hamas, a militant Islamic group, and now the elected leaders of Palestine, wants to implement *Sharia* law (The Middle East Now). Mr. Abu Tevir, a Hamas leader said that, “the No. 1 thing we will do is take *sharia* as a source for legislation. *Shakria* has a soul in it and is good for all occasions” (The Middle East Now). The residents of other religions in the area are afraid that the new laws will take away some of their rights (The Middle East Now).

According to the US and others, Hamas is a terrorist group involved in operating missions against Israel (The Middle East Now). Groups like Hamas are often the same calling for a jihad (جهاد) or holy war (cite?). “The Religion of Peace,” a non-partisan website aiming to point out the un-peaceful tendencies of followers of Islam, reports that there have been six thousand three hundred twenty-eight terrorist attacks by Islamic fundamentalists since the September 11<sup>th</sup> attacks on the World Trade Centers. These attacks are undoubtedly carried out

by the same groups trying to impose religiously motivate laws. The *Qur'ān* advocates such fights, “O you who believe, you shall fight the disbelievers who attack you - let them find you stern - and know that GOD is with the righteous” among many others (9:123). It would be fair to say that followers who strictly interpret the *Qur'ān* are more likely to try and implement religious law. Conversely, therefore, it may be said that those who wish to implement religious law also want to wage a holy jihad and kill innocent people. They also have no intentions of looking out for non-believer's rights: "as for those who disbelieve and reject our revelations, they will be dwellers of Hell, wherein they abide forever" (2:39). People around such extremist points of view will start to adopt those views (find and cite?). If a person, Muslims included, is exposed for long periods of time to these extremist views, their opinion of the world will change. This is especially true if these extremist views are the only opinions they hear. ). ?mention boys on video They may start to feel that Muslims are supreme to everybody else, and that *sharia* punishments are just and fair. They may start to grow up hating all non Muslims. They may feel that they must kill the non-believers. They certainly will if they read, “Surely, those who are too arrogant to worship [Allah] will enter [hell], forcibly” (40:60).

However not all Muslims support a jihad. Only one out of every ten Muslims in Indonesia supports it and justifies the bombing attacks on Indonesia's tourist island of Bali, where two hundred people were killed in blasts three years ago attributed to the militant Jemaah Islamiyah network (Norton). However these *sharia* laws are casing mob rule and mentality (cite). Tyranny and propaganda flourishes in states with a strict *sharia* code. These ideas propagate there easier than in an open, secular, democratic state. Therefore, it is not surprising that Islam is the only nation where a major religion closely rules many states and that Islam is the only major religion where some of its followers actively attempt to destroy others (Religion of Peace).