

**THE BIG SCARE ABOUT SHARIA:  
SECULAR LAW ALWAYS TRUMPS RELIGIOUS LAW**

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Let Jews, Muslims, and Christians of every denomination enjoy religious liberty and don't thrust them out lest we become our own enemies and weaken this infant state.

A citizens' petition to the Virginia State Assembly, Nov. 14, 1785

On October 8 Nevada Senate candidate and Tea Party darling Sharron Angle breathtakingly declared that two American cities were now living under Islamic sharia law. That would be pretty amazing if it were true. We should all be relieved that the one town she mentioned no longer exists. Frankford, Texas was annexed to Dallas in 1975. A CNN reporter found only a church and a cemetery. There was no sign of a mosque nor bomb-making equipment.

Angle's second Muslim town was Dearborn, Michigan, which is indeed the home of 30,000 patriotic, law-abiding Arab Americans. The first wave of these immigrants were Lebanese Christians, and only later did Muslims from Yemen, Iraq, and the Palestinian territories arrive. Contrary to what people might assume, the majority of Arab Americans are Christian not Muslim. (Famous examples are Diane Rehm, Doug Flutie, Frank Zappa, and Ralph Nader.) These Christians would obviously not be following sharia law.

In a letter to Angle John O'Reilly, the mayor of Dearborn, explained to her that the first mosque was built in Detroit 100 years ago and a second mosque was erected to serve the faithful who worked in Henry Ford's Model-T plant. As O'Reilly states: "Muslims have been practicing their faith in our community for 100 years without incident or conflict." Mayor O'Reilly was especially proud of the fact that the Association of Patriotic Arab Americans in the Military marches in the annual Memorial Day parade.

Mayor O'Reilly also pointed out that Muslims have been in America from its very beginnings. Many Africa slaves were Muslim, and Thomas Jefferson gave permission for his Muslim slaves to slaughter lambs for the celebration of Eid. Jefferson studied the Qur'an very carefully after finding many references to Islamic law in Frieher von Pufendorf's *Of the Law and Nature and Nations*, one of his law school text books.

Jefferson's own copy of the Qur'an from the National Archives was used by Congressman Keith Ellison when he took his oath of office. Virginia Republican Virgil Goode welcomed Ellison to House with a threat to deport him, assuming that his constituents had mistakenly elected a terrorist who had illegally entered the country. The fact is that Ellison's family has been in this country since 1742.

There is an article "Islamic and American Constitutional Law: Borrowing Possibilities or a History of Borrowing" published in the *University of Pennsylvania Journal of Constitutional*

*Law* (Spring 1999). The paper concludes that “whether Jefferson’s views were affected at all by Islamic thought through the writings of European thinkers, his own readings of a translated Qur’an, or discussions with Muslim slaves, the fact remains that fundamental similarities exist between the American and Islamic constitutional systems” (p. 526).

Early Muslim government was based on elections, broad deliberation (including women) and consensus, the protection of minorities, and appeal to the wisdom of experience and learning. While the emphasis on reasoned deliberation has not been completely lost, the rule of force dramatically came into the play with the assassination of the third caliph in A.D. 656, and a switch to hereditary rule, which has been the norm in Muslim countries for centuries.

In an article entitled “Who’s Afraid of Sharia?” Sumbul Ali-Karamali lays out the six principles of Islamic law: (1) the right to life; (2) the right to the protection of family; (3) the right to education; (4) the right of religious freedom; (5) the right to the protection of property and access to resources; and (6) the right to the protection of human dignity. As Ali-Karamali declares: “Well, bless me, as a pledge-of-allegiance-reciting, California-raised Muslim girl, these six principles sound a lot like those espoused in my very own Constitution of the United States. Except that these were developed over a thousand years ago.”

In his screed before the Values Voter Summit in September, the now far-right Newt Gingrich cited the case of a family court judge in New Jersey who had ruled that Muslim practice allowed a man to have non-consensual sex with his wife. Gingrich neglected to mention that the decision was overturned “as seriously flawed” by a state appeals court, where the judges ruled the state’s rape laws trump religious laws and practices.

In his column “Sharia as New Red Menace?” Eugene Robinson reminds Americans that Jewish law has always been respected in civil matters. He quotes a Jewish authority: “Every day Jews go before rabbinic law courts to arbitrate real estate deals, nasty divorces and business disputes.”

Returning to the issue of non-consensual sex, there are many conservative Christians who believe that the husband has sovereign authority over his wife and that she must submit to him on all matters. The minister of Moscow’s Christ Church does not believe that women should vote in political elections nor on church matters. Writing for Christ Church’s journal *Credenda Agenda* (vol. 3: nos. 9, 11), attorney Greg Dickison wrote that, “if we could have it our way,” a Bible-based society would require capital punishment for “kidnapping, sorcery, bestiality, adultery, homosexuality, and cursing one’s parents.” There would also be death for apostasy (Deut. 13.6-9), and if a woman touched a strange man’s genitals, the offending hand would be cut off (Deut. 25.11,12).

Interestingly enough, stoning as a punishment is not mentioned in the Qur’an, but it is of course called for in the Bible. Disobedient children are to be stoned in the town’s square (Deut. 21:18-21), and a law based on these verses was passed, but evidently never enforced, by our Puritan fathers in Massachusetts. It was finally removed from the law books in 1979, the same year that Sweden passed legislation forbidding parents from spanking their children.

There are only a small minority of Jews, Christians, and Muslims who want to enforce their laws in this draconian way. According to Amnesty International, only Sudan, Saudia

Arabia, and the United Arab Emirates—5 percent of the world’s Muslim population—practice a strict form of sharia. In the past decade there have been three stoning executions in Iran, two in Afghanistan, and one in Yemen.

At least six schools of Islamic law have developed a vast legal literature interpreting the six principles above. As Ali-Karamali explains: “The laws were meant to develop and change according to the time and place -- it has internal methodologies for that to happen.”

Just like their Christian counterparts, Islamic fundamentalists do not accept the idea of abolishing laws that violate human rights and offend contemporary sensibilities. Ali-Karamali continues: “Focusing only on the nutcases who advocate a return to medieval times is ignoring the vast majority of modern Muslims.”

American jouranalists are correct in comparing the current Islamophobia to the Red Scare of the 1950s, and of the fear and persecution of Catholics in 19<sup>th</sup> Century America. Is there any hope that reason and tolerance can prevail in the anti-Muslim frenzy that the right-wing has stirred up?

The contrast with the early days of our republic is instructive. Even though the Muslim Barbary pirates had captured their first U.S. ship in 1784, the citizens of Chesterfield County, Virginia chose not to blame Muslims living among them. On November 14, 1785 they petitioned the state assembly as follows: “Let Jews, Muslims, and Christians of every denomination enjoy religious liberty, and don’t thrust them out lest we become our own enemies and weaken this infant state.”

Nick Gier taught religion and philosophy at the University of Idaho for 31 years. Read all his columns on Islam at [www.home.roadrunner.com/~nickgier/IslamPage.htm](http://www.home.roadrunner.com/~nickgier/IslamPage.htm).