

Islam: Crime and Interfaith Reconciliation

February 22, 2007

We hold it to be self-evident that all Americans have the right to *practice* their faith, *whatever it may be*, and that any Americans — regardless of race, color or creed — may be elected and sworn into office holding whatever book they consider sacred.¹

Summary

Various religious organizations issued a petition claiming it is self-evident that Americans may *practice* their faith, whatever it is. This statement was made in defense of Muslims and their Islamic religion. Thousands of people signed the petition without contemplating the practices of Islam, such as beheadings, polygamy, Shari'a law, amputating limbs, stoning adulterers, child marriages, etc. These Islamic practices are crimes within the United States.

Background

Recently, religious scholars from diverse faiths authored a petition requesting Virginia Congressman Virgil Goode to re-consider his opposition to Representative Keith Ellison and to apologize for his warning about Muslim immigration to the United States.

As religious people from diverse traditions, we call upon Virginia Congressman Virgil Goode to re-examine his opposition to newly-elected Representative Keith Ellison, a Muslim, taking his unofficial oath of office using the Qur'an, and to apologize for his statement that, without punitive immigration reform, "there will be many more Muslims elected to office demanding the use of the Quran."²

Their petition garnered 8,000 signatures which were presented to Virginia Congressman Virgil Goode.³ The petition states,

We hold it to be self-evident that all Americans have the right to *practice* their faith, *whatever it may be*, and that any Americans — regardless of race, color or creed — may be elected and sworn into office holding whatever book they consider sacred. (emphasis added)

This article evaluates the petition's key premise, *viz*, *all Americans have the right to practice their faith, whatever it may be*. The religious freedom signatories assert this is a self-evident right.

¹ [Invite Virgil Goode to Visit A Mosque.](#)

² [Invite Virgil Goode to Visit A Mosque, Petition: A Call for Interfaith Reconciliation.](#)

³ [A "Goode" Day for New Beginnings, NCC's FaithfulAmerica meets Rep. Virgil Goode about anti-Islamic remarks, delivers petition.](#)

Religious Freedom

The Bill of Rights of the U.S. Constitution does not permit Congress to legislate any law with respect to religion. The purpose of the first amendment to the U.S. Constitution was to guarantee the freedom of religion for the citizens of the United States.

United States Constitution, Amendment I: Freedom of speech, religion, press, petition and assembly.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.⁴

Furthermore, Article VI, Clause 3 of the U.S. Constitution does not permit any religious test as a qualification to hold any public office in the United States.

United States Constitution, Article VI, Clause 3:

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.⁵

So, it would seem self-evident that Muslims have the constitutional right to *practice* their religion freely within the United States. Perhaps, the religious scholars who signed the petition were correct in their understanding of the U.S. Constitution. After all, these elite intellectuals serve in prestigious organizations, such as, the National Council of Churches, Princeton Theological Seminary, Progressive Christians Uniting, The Rabbi Steven B. Jacobs Progressive Faith Foundation, Union Theological Seminary, etc.

Religious Tolerance

Tolerance has to mean more than tolerating ideas and practices that we hold in high regard. There is no question that we tolerate religious *ideas* much easier than we do religious *practices*. If someone believes in their heart that the sun sets in a spring of murky water⁶ or that Muhammad flew at night on *al-Buraq*, an animal white and long, larger than a donkey but smaller than a mule, to the temple mount in Jerusalem,⁷ we may offer a condescending smile. But, the real rub comes when we have to accept abhorrent religious *practices*.

⁴ [United States Constitution, Amendment I: Freedom of speech, religion, press, petition and assembly.](#)

⁵ [United States Constitution, Article VI, Clause 3: General Provisions, Supremacy of the Constitution.](#)

⁶ [Surah 18:86.](#)

⁷ [Sahih Muslim Book 1, Chapter 75, No. 309: Night Journey of the Messenger of Allah.](#)

Any one can be amicable with a faith or religion that is attractive to them. The true measure of religious tolerance is tolerating a religious practice that we find detestable. Thus, we must ask the question, Are the religious leaders who signed the petition tolerant of the practices of Islam? There is always the danger of bigotry, intolerance, prejudice, and narrow-mindedness towards practices that we abhor. If it were self-evident that *all Americans have the right to practice their faith, whatever it may be*, then genuine, authentic tolerance and co-existence should no longer be an option. Is this what our religious, open-minded scholars affirm?

Multiculturalism

If multiculturalism were a desirable goal for our society, then it is important to encourage different cultures and identities rather than simply guiding society towards the mainstream culture of the United States. Multiculturalism would be meaningless if we were willing to tolerate only cultures that were exciting and attractive to us. A true affirmation of multiculturalism is the acceptance of a culture that we find backward and repulsive. Again we ask our elite and broad-minded scholars, does the U.S. Constitution protect all the practices of the various religions and their cultural mores?

Islamic Practices

The beliefs and practices of Islam are discovered in the Qur'an, traditions (*sunnah*), and the biography (*sirah*) of Muhammad, the Prophet of Islam. Since this article focuses upon the assertion that *it is self-evident that all Americans have the right to practice their faith, whatever it may be*, we will look at some of the *practices* of traditional Islam rather than its beliefs. It is recognized that Western influence has thankfully mitigated many of these early Islamic practices. However, many Islamic practices are still observed by traditional Muslims who seek to follow the guidance of Allah as revealed to Muhammad.

Polygamy — The Qur'an allows a Muslim to marry up to four women. Polygamy would have to be legalized in the United States for a Muslim to practice their faith with respect to polygamy. Additionally, there would have to be radical changes in family law for Muslims, because their faith has marriage, divorce, and inheritance laws that conflict with the laws of our nation. *So, is it really self-evident that all Americans have the right to practice their faith whatever it may be?*

If ye fear that ye shall not be able to deal justly with the orphans, Marry women of your choice, two or three or four; ... Surah 4:3.

Apostasy-Blasphemy — In Islam, the penalty for religious blasphemy or apostasy is death. *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law* describes various deeds that constitute apostasy. For example, it is a capital crime to make a sarcastic comment that one would not trim his or her finger nails, even if the *Sunnah* required it. According to the authentic *practice* of Islam, it is obligatory that one pays with his or her life for making such a sarcastic comment. Amazingly, this book was

published in Beltsville, Maryland. For an in-depth discussion of the law of apostasy in Islam, see the book, *The Law of Apostasy in Islam*, by S.M. Zwemer.⁸

Currently, it is illegal for Islam to practice the tenets of its faith regarding a Muslim who commits apostasy or blasphemy. Again, does the freedom of religion allow Muslims to *practice* the example of Muhammad, the Prophet of Islam, who demanded that apostates be killed? Does the right to *practice* Islam entail *whatever*, as claim by our learned and sober scholars who were signatories to the petition? Perhaps, they hesitate to embrace practices they find abhorrent and lack true tolerance. Maybe, when we dislike a *practice*, such as beheading or stoning, suddenly *whatever* does not really mean *whatever*. Perchance the *whatever* of our esteemed advocates of religious freedom only encompass the practices that they find tasteful.

(O: Leaving Islam is the ugliest form of unbelief (*kufir*) and the worst. It may come about through sarcasm, as when someone is told, "Trim your nails, it is sunna," and he replies, "I would not do it even if it were," as opposed to when some circumstance exists which exonerates him of having committed apostasy, such as when his tongue runs away with him, or when he is quoting someone, or says it out of fear.)

o8.1 When a person who has reached puberty and is sane voluntarily apostatizes from Islam, he deserves to be killed. ...

(16) to revile the religion of Islam;

(17) to believe that things in themselves or by their own nature have any causal influence independent of the will of Allah;

(18) to deny the existence of angels or jinn (def: w22), or the heavens;

(19) to be sarcastic about any ruling of the Sacred Law;

(20) or to deny that Allah intended the Prophet's message (Allah bless him and give him peace) to be the religion followed by the entire world (dis: w4.3-4) (al-Hadiyya al-'Ala'iyya (y4), 423-24.)

There are others, for the subject is nearly limitless. May Allah Most High save us and all Muslims from it.)⁹

Childhood marriage — The marital example of Muhammad continues to influence the acceptance of childhood marriages within Islam. Muhammad was betrothed to 'Aisha when she was six years old. The marriage was consummated when she was nine years old and he was fifty-two years old.¹⁰ According to Islam, Muhammad is the beautiful pattern of conduct for anyone whose hope is in Allah (Sura Al-Ahzab 33:21). To criticize childhood marriage is to criticize the perfection of the marital example of Muhammad. In Yemen in 1999, "the minimum marriage age of fifteen for women, rarely enforced, was abolished; the onset of puberty, interpreted by conservatives to be at the age of nine, was set as a requirement for the consummation of marriage."¹¹

⁸⁸ Zwemer, Samuel M.(1867-1952), [The Law of Apostasy in Islam](#), Marshall Brothers, Ltd., London, England, 1924, pp. 164. See also, [Apostasy: Part I. What does Islamic Scholarship say?](#)

⁹ Ahmad ibn Naqib al-Misri, *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law*, Translated by Nuh Ha Mim Keller, Amana Publications, Beltsville, MD, 1997 Revised Edition, p. 595-598.

¹⁰ [Child Marriage in Afghanistan and Pakistan](#),

¹¹ [Yemen: Human Rights Developments 2000](#).

Does an American Muslim have the religious freedom to practice the example of Muhammad and marry a young girl of nine years old?

'Aisha said: The Apostle of Allah married me when I was seven years old. The narrator Sulaiman said: Or six years. He had intercourse with me when I was 9 years old.¹²

Narrated 'Aisha: that the Prophet married her when she was six years old and he consummated his marriage when she was nine years old, and then she remained with him for nine years (*i.e.*, till his death).¹³

Theft — The penalty for the first theft is the amputation of the person's right hand. For the second theft, the person has his left foot amputated. This is all involved in the *practice* of the faith of Islam. If we were to take the petition's claim seriously, we would have to allow the amputation of a thief's limbs by Islamic religious authorities.

o14.0 THE PENALTY FOR THEFT

o14.1 A person's right hand is amputated, whether he is a Muslim, non-Muslim subject of the Islamic state, or someone who has left Islam, ...

If a person steals a second time, his left foot is amputated; if a third time, then his left hand; and if he steals again, then his right foot.¹⁴

Examples could be multiplied to illustrate the results if American Muslims were to "*have the right to practice their faith, whatever it may be.*" Since Islam impacts all aspects of life, there is hardly any area of life that would not be impacted by their faith. For example, the rights of women would diminish, Shari'a courts would be established, and there would be 'interest' free banking. Some Muslim taxi cab drivers could refuse to pickup passengers who have an alcoholic beverage or a dog.¹⁵

O ye who believe! Strong drink and games of chance and idols and divining arrows are only an infamy of Satan's handiwork. Leave it aside in order that ye may succeed. Satan's plan is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of Allah, and from prayer: will ye not then abstain? Surah 5:90-91.

¹² Dawud, Imam Abu, Sunan Abu Dawud: English Translations with Explanatory Notes by Prof. Ahmad Hasan, Sh. Muhammad Ashraf Publications, Lahore, Pakistan, First Edition 1984 (Reprinted 1996), Vol. II., Chapter 700, *Marriage in Childhood*, No. 2116, p. 569.

¹³ Al-Bukhari, *The Translation of the Meaning of Sahih Al-Bukhari*, Translated by M.M. Khan, Dar AHYA Us-Sunnah, Al Nabawiya, (Arabic & English), Vol. VII, Book LXII, *The Book of Nikah* (Wedlock), Chapter 39 [Giving one's young children in marriage, No. 64](#), p. 50. See also, [Volume 5, Book 58, Number 234](#), p. 152.

¹⁴ Ahmad ibn Naqib al-Misri, *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law*, Translated by Nuh Ha Mim Keller, Amana Publications, Beltsville, MD, 1997 Revised Edition, p. 613-614.

¹⁵ [Some Muslim Cabbies in Minneapolis Refusing Service to Passengers With Alcohol, Dogs.](#)

Stare decisis

In the history of the jurisprudence of the United States, there has always been a dichotomy between religious belief and its practice. The U.S. citizens are entirely free to believe anything, but the State has always had the right to limit the *practice* of a religion. For example, the Supreme Court of New Jersey stated

Religious beliefs are absolute, but conduct in pursuance of religious belief is not wholly immune from governmental restraint.¹⁶

The Court of Common Pleas of Ohio, Lucas County, stated

But in our humble civil court we must confine ourselves to the civil law of the State. Religious doctrines and dogmas, be they obviously sound or curiously dubious, may not control.¹⁷

The Juvenile and Domestic Relations Court, Bergen County, New Jersey stated

Laws may not constitutionally interfere with religious beliefs and opinions, but may interfere with religious practice...¹⁸

Jehovah Witnesses believe that a blood transfusion is an evil act. As a result, they have opposed blood transfusions even when it was necessary to save the life of a child.¹⁹ The statutes of the state of Washington empower the courts to authorize the medical profession to give a transfusion to save a child's life, even when its legal guardians oppose the treatment because of religious convictions. In this case, the State clearly violates the practice of the religion of the Jehovah Witnesses.

Historically, many religions have sacrificed children upon altars. Even today Hindu women cast themselves upon the funeral pyre.

Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices. Suppose one believed that human sacrifices were a necessary part of religious worship, would it be seriously contended that the civil government under which he lived could not interfere to prevent a sacrifice? Or if a wife religiously believed it was her duty to burn herself upon the funeral pile of her dead husband, would it be beyond the power of the civil government to prevent her carrying her belief into practice.²⁰ (emphasis added)

¹⁶ John F. Kennedy Memorial Hospital v. Heston 279 A.2nd. 670 (1971) at p. 670.

¹⁷ In Re Clark 185 N.E. 2nd 128 (1962) at p. 132.

¹⁸ Hoener v. Bertinato 171 A. 2nd 140 (1961) at p. 140.

¹⁹ Jehovah's Witnesses in the State of Washington v. King County Hospital, 278 F. Supp. 488

²⁰ John F. Kennedy v. Heston, 279 A. 2d 670 at p. 672. Quoting from 25 L. Ed. p. 250, 1878. [U.S. Supreme Court, Reynolds v. U.S., 98 U.S. 145 \(1878\)](#)

The practice of bigamy is against the laws of the United States. Legal precedence shows that it is a crime to *practice* a religion when it violates the laws of the United States. Perhaps, the signatories of the petition, *A Call for Interfaith Reconciliation*,²¹ dismissed legal precedence and were too enthusiastic when they claimed that all Americans have the right to practice their faith, whatever it may be.

So here, as a law of the organization of society under the exclusive dominion of the United States, it is provided that plural marriages shall not be allowed. Can a man excuse his practices to the contrary because of his religious belief? [98 U.S. 145, 167] To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances.

Conclusion

Our liberal scholars might pause and consider the consequences of their unqualified zeal for the practice of religious diversity. Are they willing to cheer the religious practice of beheading an apostate of Islam (*murtad*)? Are they willing to standby their *Call for Interfaith Reconciliation* when hands and legs are being chopped off? Would they like to see the replacement of the U.S. government with an Islamic caliphate? Since Islam is a religious theocracy, an Islamic state has to be established to allow Muslims to practice fully their religion.²² Do they want to see Shari'a courts²³ — so vital to the practice of Islam — established across the United States?

²¹ [A Call for Interfaith Reconciliation](#)

²² [The Caliphate Structure](#), [Caliphate](#), [The Caliphate is Coming](#),

²³ [Sharia](#).