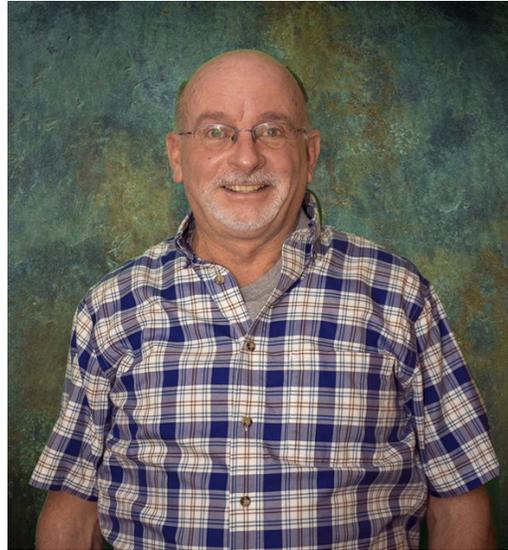


Below is the final article I received from a dear friend, Rev. Joe Carey who passed from this life into eternity two weeks ago. After 9/11, Joe Carey walked away from the corporate world and became a Christian apologist to the Muslim community. The wealth of knowledge and depth of study he did in only a few short years was amazing.

I am also pulling from my archives the interview I did with him three years ago to repost. I had met him that morning and interviewed him cold; without any real knowledge of the work he did. Joe was a fascinating man with a heart for Muslims. He has left a huge void that prayerfully someone will attempt to fill. It won't be easy. Joe was one of a kind and is sorely missed.



**Rev. Joe Carey**

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## **IS SHARIA COMPATIBLE WITH THE U.S. CONSTITUTION? IS SHARIA COMPATIBLE WITH DEMOCRACY?**

This article is long overdue. This is an issue that is not going away. It must be answered.

In 2012 I attended a Town Hall meeting in California. You know, those “Town Hall” meetings that politicians are fond of, assuring their constituents they are on the right side of issues, fighting for the rights and freedoms of all people. The topic of this meeting was on the compatibility of the U.S. Constitution and sharia, otherwise known as Islamic law. The event was hosted by the Islamic Society of Orange County, one of the largest mosques in Southern California and whose Imam is well connected in Washington, DC. It was attended by a host of dignitaries in southern California: The Los Angeles County Sheriff of the time, the LAPD Assistant Chief and LAPD’s counter-terrorism expert, a host of state and national political leaders including Congresswoman Maxine Waters. All were singing the praises of sharia and assuring constituents they have nothing to worry about. Sharia is just grand.

No doubt other such meetings have taken place throughout the USA.

More recently, Justin Trudeau, the Prime Minister of Canada, [said the same thing](#).

Let me be clear. Such sentiments are shared only by those ignorant of the tenets of Islam and sharia. They may be ignorant simply because they have never been informed properly regarding Islam and sharia. Or they may be ignorant willingly, buying into the politically-correct

charged multi-culturalism view that permeates society today. But the bottom line: such views are ignorant, misleading, and dangerous.

This article will lay to rest any and all such ignorant notions. I will serve as the source of information lacking in those who hold this view. Feel free to share this article with the uninformed and ignorant.

## WHAT IS SHARIA?

Before we can answer the question about the compatibility between sharia and our Constitution, we first need to define what sharia is exactly.

The word 'sharia' simply means 'the path.' But in Islamic theology it isn't just any path. It is said to be the straight path of guidance given by Allah via the Qur'an. But one can only know how to follow the path of guidance by following the example of Muhammad. In essence, Muhammad's life was a real-time commentary on the proper interpretation of the Qur'an, so to follow the Qur'an's guidance, one follows the example Muhammad set by his words and actions.

The key verse in the Qur'an is Sura 33:21 which says, "Ye have indeed in the Messenger of Allah a beautiful pattern (of conduct) for any one whose hope is in Allah and the Final Day, and who engages much in the Praise of Allah." In other words, any Muslim who hopes to achieve paradise on that final day must emulate Muhammad to the best of his ability.

What Muhammad said or did in various circumstances are recorded in volumes of traditions known collectively as hadith. There are various collections of hadith, each known by the individual who compiled the traditions. For Sunni Muslims the two most authoritative hadith collections are by al-Bukhari and Imam Muslim.

Thus, all of sharia is based on what Muhammad said, acted upon, or gave either explicit or implicit permission to do. Sharia is Muhammad, Muhammad is the living commentary on the Qur'an. And the Qur'an is the literal Word of God to Muslims. Thus, sharia is the set of rules and regulations specified by Muhammad who interpreted the Qur'an for mankind. One can only obey the Qur'an by following sharia.

All Muslims adhere to sharia. They must. To separate sharia from Islam is impossible. Islam is sharia; sharia is Islam. In fact, a few years back when Tennessee was having a debate about an anti-sharia state law, a prominent Muslim attorney in Dearborn observed, "Islam is sharia; sharia is Islam. The two cannot be separated, and thus Tennessee's law is unconstitutional because it is an attack on a religion protected by the First Amendment." Note what he said: To take a stand against sharia is equivalent to standing against Islam. Thus, for all Muslims, observing sharia is an integral part of the practice of Islam.

## SHARIA AND THE CONSTITUTION

The best way to approach this subject is by way of compare and contrast. In viewing sharia by way of a well-known document accepted by a majority of Islamic nations and contrasting that with another well-known document accepted by a majority of the free world and which also forms the basis of our Constitution, one can quickly and easily see that sharia and our Constitution are at odds with one another in nearly every area of interest.

The two documents we will examine and compare are the UN Declaration on Human rights and the Cairo Declaration on Human Rights in Islam.

### UN Declaration on Human Rights

Also known as the Universal Declaration of Human rights, it was adopted in 1948 by most nations but encountered opposition by Islamic nations, most notably Saudi Arabia, which claimed it violated sharia. There are several articles which contravene Islam.

- **SLAVERY.** UN Article 4 prohibits slavery. Article 4 reads, “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”

Although slavery was not illegal when the US Constitution was first written, the 13<sup>th</sup> amendment outlawed the practice. Amendment 13 reads, “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

There has never been an abolition movement in Islam, because the Qur’an and hadith contain rules for slaves, their rights, and the slave trade, so that the non-slave status is in itself not a ‘Human Right.’ Slaves include Christians, even today. Muhammad himself owned slaves and endorsed slavery, so to outlaw slavery would be deemed un-Islamic.

- **CRUEL PUNISHMENT.** UN Article 5 reads, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

The US Constitution has similar wording in Amendment 8 which reads, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

Yet sharia prescribes such inhumane punishment as normative for Muslims. Stoning to death for adultery is common in many Islamic nations today and is carried out routinely. Sharia requires the amputation of the hand of a thief in accordance with the Qur’an. Trouble makers who “cause mischief in the land” are to have a foot and hand on opposing sides amputated. Homosexuals are stoned to death or hanged. In Saudi Arabia, one well paid government job is a professional who beheads others for a variety of crimes, again in full accordance with sharia.

- **EQUALITY.** UN Article 7 reads, “All are equal before the law and are entitled without any discrimination to equal protection of the law.”

Equality under the law has always been a hallmark of American culture and law, though in practice discrimination still exists in certain areas. However, the goal has always been equality, regardless of gender, race, religion, etc. The Declaration of Independence begins with these words: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” The 15<sup>th</sup> Amendment erased race as a barrier to voting and the 19<sup>th</sup> Amendment erased gender as a barrier to voting. Equality for all is what the American legal system strives to achieve.

Not so in Islam. According to sharia the testimony of a non-Muslim is not valid against a Muslim in a court of law. A woman’s testimony is equal to one half that of a man. Females receive one-half the inheritance of a similarly situated male. Non-Muslims living in a majority Islamic society are ascribed the role of a “dhimmi” – a second class citizen with few rights and little protection under the law.

- **FAIR TRIAL.** UN Article 10 reads, “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”

Amendment 6 to the US Constitution says, “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an [impartial](#) jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his [defence](#).”

The notion of a public hearing with full equality for all is absent in sharia. As we have already seen, the testimony of a non-Muslim is deemed invalid and inadmissible, so in an Islamic court the only testimony allowed is that of a Muslim, hardly fair and impartial. Moreover, any proceedings are conducted and adjudicated according to the dictates of sharia, with the Cairo Declaration on Human Rights in Islam being the bedrock. We will discuss the Cairo document below.

- **MARRIAGE.** UN Article 16 reads: Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

The right to marry in the US is not explicitly spelled out in the Constitution, but has always been interpreted and understood to fall within the general principle of a right to

liberty, real liberty. The Preamble to the Constitution says, “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.” And the Declaration of Independence includes this well-known statement regarding liberty: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” Courts have upheld that both these phrases include equality in marriage of both spouses in the right to enter into the marriage covenant as well as the right of each party to terminate the marriage. And there are no restrictions placed on marriage between two people of a different religion or race, and even in recent times several states have no restrictions on marriage of two people of the same biological sex.

Yet sharia prohibits marriage between a Muslim woman and a non-Muslim man. A Muslim man may marry a Christian wife but not vice versa. Sharia also gives the man (but not the woman) an unconditional right to divorce. And sharia (and Islam) would never entertain marriage between two people of the same sex.

- RELIGIOUS FREEDOM. US Article 18 reads, “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

Freedom of religion and religious practice and identity is found in the 1<sup>st</sup> Amendment to the Constitution, which reads in part, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” American citizens are free to embrace any religion they desire with a wide latitude as to what constitutes “religion,” are free to leave any religion, change from one religion to another, or have no religion at all. Nobody is born into a religion or assigned a religion at birth.

Sharia dictates that all children follow the religion of the father, even in mixed religious families with a Muslim father and Christian or Jewish mother. Children are automatically deemed Muslim at birth. “Freedom of religion” in sharia means one is free to embrace Islam freely, but one is never free to leave. Abandoning Islam is an automatic death penalty according to sharia and is carried out routinely in many nations governed by sharia.

- FREEDOM OF SPEECH. UN Article 19 says, “Everyone has the right to freedom of opinion and expression ...”

The 1<sup>st</sup> Amendment of the Constitution says, “Congress shall make no law... abridging the freedom of speech...”. Freedom of speech extends to expression not only with

verbal communication, but in art, writing, the media, and even in action.

Yet even very recent history has shown that certain forms of expression are forbidden by sharia. Non-Muslims (and even skeptic Muslims for that matter) who openly criticize Islam, Muhammad, or the Quran face severe punishment. The Islamic Republic of Pakistan, whose legal system is founded upon sharia, prescribes both fines and imprisonment for anyone who criticizes Muhammad. See section 295-C of Pakistan's penal code. And in accordance with sharia, the Organization of Islamic Conference (57 member Islamic nations) have been pursuing the adoption of UN Resolution 16/18 which prohibits defaming Islam in any way, including speech.

### Cairo Declaration on Human Right in Islam

The UN or Universal Declaration on Human Rights was deemed offensive to many Islamic nations, who failed to adopt it in 1948 when the rest of the world did so. Nations governed by sharia could not agree to the UN Declaration for the reasons I have already addressed.

In response, the Organization of Islamic Conference in 1990 crafted their response to the UN Declaration. They called it the Cairo Declaration on Human Rights in Islam and was named after the city in which several Islamic nations adopted the document as the basis for defining human rights. I will not detail here why the Cairo Declaration stands in opposition to the UN Declaration, and thus the US Constitution. The bulleted highlights below say all that needs to be said in this regard.

- It guarantees many of the same rights as the UDHR while at the same time reaffirming the [inequalities inherent](#) in [Islamic law](#) and [tradition](#) in terms of [religion](#), [religious conversion](#), [gender](#), [sexuality](#), [political rights](#), and other [aspects of contemporary society at odds with Islamic law and traditions](#).
- The Declaration starts by saying "All men are equal in terms of basic human [dignity](#)" (but not equal "human rights") ...
- Both men and women are given the "right to marriage" regardless of their race, color, or nationality, but men and women are given unequal right to [marry a non-Muslim](#), to [marry more than one spouse](#) or to [divorce their spouse\(s\)](#).
- Article 10 of the Declaration states: "Islam is the religion of unspoiled nature. It is [prohibited](#) to exercise any form of [compulsion](#) on man or to exploit his [poverty](#) or ignorance in order to convert him to another religion or to [atheism](#)." In other words, *no freedom of religion; either for one to convert out of Islam or for a Christian to share his faith with a Muslim.*
- Article 19 stipulates that there are no other crimes or punishments than [those mentioned in the sharia](#), which include corporal punishment (whipping, amputation) and capital punishment by [lapidation](#) or [decapitation](#). The right to hold public office can only be exercised in accordance with the sharia (i.e. a non-Muslim (including Christian) can never hold public office.

- Article 22(a) of the Declaration states that "Everyone shall have the right to [express his opinion freely](#) in such manner as would not be [contrary to the principles of the Shariah](#)." In other words, freedom of speech is limited to sharia.
- 22(b) states that "Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shariah." According to former sharia lawyer Daniel Akbari in his book [Honor Killing](#), enjoining good and forbidding what is evil is a characteristic that defines Muslims. It includes a right AND duty for individuals to enjoin good and forbid evil, using violence if necessary.
- 22(c) states: "Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the *dignity of Prophets*, undermine moral and ethical values or disintegrate, corrupt or harm society, or *weaken its faith*." A Christian fulfilling his religious duty to share his faith would violate this section and lead to punishment. Moreover, and speech deemed to denigrate Muhammad will lead to punishment including imprisonment.
- Articles 24 and 25 state that all rights and freedoms mentioned are subject to the Islamic sharia, which is the declaration's sole source.

Moreover, nations which advocate sharia must be willing to embrace the following, which are allowed under sharia, in addition to what has already been mentioned.

- Corporal punishment of wives by husbands.
- Marriage of pre-pubescent girls to older men.
- Polygamy, with an allowance of up to four wives for any man.
- Honor killing of family members who bring shame.
- Muslims held to be of a higher social status than non-Muslims, including priority treatment (i.e. discrimination) in every area of life.

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I will cherish this final article from Rev. Joe Carey. May he rest in peace, while his earthly labor lives on through those he mentored, encouraged, and to whom he shared truth.

Until next time...

*Kat Rowoldt*

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