



Human Dimension Implementation Meeting 2012, Warsaw, Poland
October 1st, session 11: “Freedom of thought, conscience, religion or belief”

Response to the US Delegation

Salam al-Marayati represented the United States at Session 11. We refer to his speech, excerpts of which are found below (from his prepared text¹ on October 1, 2012, as reported by the U.S. embassy in Belgium). Several of the points made by Mr. al-Marayati are problematic, and deserve further consideration.

For example:

...The U.S. government intervenes to ensure freedom of religion when discrimination against a religious community is committed and seeks to punish those who use violence as a recourse to defend their beliefs. **Much like the Prophet, who established religious pluralism in his society when he stated, “the Jews are a community alongside the Muslims,”** we feel that America strives for the ideal of religious pluralism, where Muslims represent a thriving community alongside other religious communities. [emphasis added]

As a self-declared “practicing” Muslim, Salam al-Marayati is presumably well aware of the Doctrine of Abrogation and its centrality to Koranic theology and jurisprudence. The verse he quoted is superseded by, inter alia, this one:

Qur’an (5:51) — O you who have believed, do not take the Jews and the Christians as allies. They are [in fact] allies of one another. And whoever is an ally to them among you — then indeed, he is [one] of them. Indeed, Allah guides not the wrongdoing people.

It strains credulity to think that Mr. al-Marayati is unaware of verses such as these, which have guided Islamic policy towards Jews since the inception of Islam, and which belie his assertion that Islam promotes religious pluralism.

He went on to say:

Hate speech that intends to degrade, intimidate or **incite violence against someone based on religion** is harmful. [emphasis added]

As a devout Muslim, Mr. al-Marayati is surely aware of the *sahih* (authentic) hadith of Bukhari, and knows that they are cited by all major Sunni theologians and ulema as a universally applicable guide for faithful Muslims. Below are three relevant hadith from Bukhari:

Bukhari (52:260) — "...The Prophet said, 'If somebody (a Muslim) discards his religion, kill him.' " Note that there is no distinction as to how that Muslim came to be a Muslim.

Bukhari (84:57) — [In the words of] "Allah's Apostle, 'Whoever changed his Islamic religion, then kill him.'"

Bukhari (89:271) — A man who embraces Islam, then reverts to Judaism is to be killed according to "the verdict of Allah and his apostle."

These verses clearly and specifically incite violence, so they must be considered harmful. We are compelled to conclude that Salam al-Marayati finds some of the core tenets of his own religion harmful.

Mr. al-Marayati highlighted countries where the rights of religious minorities are violated:

Armenia continues to imprison 34 Jehovah's Witnesses for actions stemming from their religious conviction in which they refuse to serve in the military or in the alternative service. In Turkmenistan there are four such prisoners.

A number of countries have used laws on "extremism" to restrict or punish non-violent religious activity. **Russia** continues to use laws on extremism to target believers, including Muslims, Jehovah's Witnesses, Baptists, Pentecostals, and members of the Hare Krishna movement. Anti-extremism laws have also been used to seize or prohibit religious literature in Russia.

[...]

Examples of onerous registration burdens include setting minimum numbers of people required to petition for registration, or compelling those seeking registration to submit their religious doctrines for scrutiny by the authorities. In **Hungary**, the new religion law politicizes a basic human right by requiring a two-thirds vote of Parliament for official recognition of religious groups.

...In the worst instances, individuals have faced criminal sanctions for engaging in unregistered religious activity, as is the case in **Belarus, Kazakhstan, Tajikistan** and **Uzbekistan**. [emphasis added]

One might in contrast wonder why. Mr. al-Marayati did not mention Turkey, where the few remaining Christians suffer systematic administrative obstruction and discrimination, as was brought up in the plenary by the Order of St. Andrew delegate. He pointed out that for more than forty years Turkey has prevented the education of priests at the Halki seminary. They also referenced the fact that Turkey refuses to recognize the Ecumenical Church, not to mention the less-than-benign fact that Turkey still keeps more than one-third of another OSCE participating State, Cyprus, under occupation. If Mr. Al-Marayati were genuinely concerned with protecting "pluralism", he could usefully have addressed Turkey on those issues .²

Mr. al-Marayati made a final point about the “discrimination” practiced by Western governments against Muslim women who wear the hijab:

...As President Obama stated in his 2009 Cairo speech, “it is important for Western countries to avoid impeding Muslim citizens from practicing religion as they see fit — for instance, by **dictating what clothes a Muslim woman should wear.**” We welcome the Council of Europe Commissioner for Human Rights’ call for governments to “stop targeting Muslims through legislation or policy, and instead enshrine the ground of religion or belief as a prohibited ground of discrimination in all realms.” [emphasis added]

Once again, the issue of women’s apparel is put into a different light when relevant statutes from Islamic law are consulted. Consider the following passage from an authoritative compendium of Islamic law, *Reliance of the Traveller* (in Book M, “Marriage”):³

m2.3: Looking at Members of the Opposite Sex

It is unlawful for a man to look at a woman who is not his wife or one of his unmarriageable kin (def: m6.1) (O: there being no difference in this between the face and hands or some other part of a woman (N: if it is uncovered), though part excludes her voice, which is not unlawful to listen to as long as temptation is unlikely. Allah Most High says,

“Tell believers to lower their gaze” (Koran 24:30).

A majority of scholars (n: with the exception of some Hanafis, as at m2.8 below) have been recorded as holding that **it is unlawful for women to leave the house with faces unveiled, whether or not there is likelihood of temptation.** When there is likelihood of temptation, scholars unanimously concur that it is unlawful, *temptation* meaning anything that leads to sexual intercourse or its usual preliminaries. As for when there is real need (dis: m2.11), looking is not unlawful, provided temptation is unlikely).

(A: Being alone with a woman who is not one’s wife or unmarriageable kin is absolutely unlawful, though if there are two women and a man, the man and the woman are no longer considered alone.) [emphasis added]

It is thus clear that Islamic law, which is drawn directly from the Koran and the Sunna, requires that women be veiled. Those who object to laws against the hijab are in fact lobbying to impose these onerous sharia prescriptions requiring the full veil on women in their communities. This is hardly a stance that can be justified on the grounds of human rights.

We are left with the conclusion that either Salam al-Marayati is being less than candid in his statements about Islamic principles and practices, or that he is unaware of the official doctrines of his own religion as they are interpreted by Islamic scholars and observed by the majority of the world’s 1.5 billion Muslims.

<http://www.uspolicy.be/headline/us-muslim-advocate-osce-religious-freedom>

- ² “The Status and Issues of the Ecumenical Patriarchate of Constantinople” (Oct. 1 2012) and “The Status and Issues of the Greek-Orthodox Minority in Turkey” (Oct. 3 2012), both from 2012 OSCE HDIM Warsaw, http://www.osce.org/hdim_2012?view=conference_documents&display=page_5&arg=92455&author=229
- ³ *‘Umdat al-salik wa ‘uddat al-nasik*, or *The reliance of the traveller and tools of the worshipper*. It is commonly referred to as *Reliance of the Traveller* when cited in English. The text used is from the Revised Edition (published 1991, revised 1994) and is “The Classic Manual of Islamic Sacred Law ‘Umdat al-Salik by Ahmad ibn Naqib al-Misri (d. 769/1368) in Arabic with Facing English Text, Commentary, and Appendices”, edited and translated by Nuh Ha Mim Keller. The publisher is listed as amana publications in Beltsville, Maryland. This an authoritative source on Sunni Islamic law, because it is certified as such by Al-Azhar University in Cairo. There is no higher authority on Sunni Islamic doctrine than Al-Azhar; it is the closest equivalent to the Vatican that can be found in Islam.