IS SHARIA A FRIEND OR FOE OF LIBERTY?

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Sharia is the law that is derived from Islamic texts and traditions. Whether it is more of a friend or foe of liberty is disputed, but both sides can't be right.

On March 20, the *New York Times* ran an editorial taking aim at President Trump's "Islamophobia." Without assessing its merits, what interests the Catholic League is whether its interpretation of Sharia is correct. It defines it as "a set of principles, based on the Quran, that guide life for Muslims, much as biblical precepts guide Christians and Jews." "Extreme versions" exist, it allows, "including Afghanistan and Iran."

Agreeing with the *Times* is the Council on American-Islamic Relations (CAIR), the Muslim civil rights organization.

Sharia, it says, "plays the same role in Islam that canon law plays for Catholics and halacha plays for Jews, a voluntary moral compass, not an alternative legal code." It goes on to say that "Like other faith communities in the US and elsewhere, we see no inherent conflict between normative values of Islam and the US Constitution and Bill of Rights."

A week prior to the *Times* editorial, Rep. Mike Johnson, Speaker of the House, expressed his concern about those who "come to a country and not assimilate but to impose Sharia law." The problem there, he notes, is that "Sharia law is in conflict with the Constitution."

Agreeing with Johnson is the European Court of Human Rights.

In 2003, the Grand Chamber ruled that "It is difficult to

declare one's respect for democracy and human rights while at the same time supporting a regime based on sharia, which clearly diverges from Convention values…" Similarly, according to Islamic scholar Robert Spencer, Sharia law is "contrary to America's founding principles and may violate federal law and the Constitution."

Islamic texts may not settle the issue, but they do not seem to support the position taken by the *Times* and CAIR.

The Quran (5:44) declares that failing to "judge by what Allah has revealed" makes one a disbeliever. This would appear to render the U.S. Constitution subordinate to Sharia. Furthermore, Reliance *of the Traveller*, a classic Islamic manual of Islamic law, notes that "Jihad is a communal obligation." At best, this affirms the need for a militaristic struggle; at worst it is a call to arms.

Leaving aside the scholarly debate, what matters in the end is how Sharia is interpreted by those who implement it.

Freedom House annually reports on the state of freedom worldwide, rating every country as Free, Partly Free, or Not Free. Almost all the countries with a Christan majority are rated Free or Partly Free, and all but one with a Muslim majority (Senegal) are rated Not Free or Partly Free. That says it all.

The report that follows shows that the more fully Sharia is implemented, the greater the threat to civil liberties. In other words, in its purist form, Sharia is wholly incompatible with the tenets of the Constitution and the Bill of Rights. But Christianity is not.

CIVIL LIBERTIES IN COUNTRIES WITH SHARIA

This report surveys ten countries across three categories, drawing on Freedom House Reports (which score Freedom out of 100).

Full Sharia Implementation

These countries enforce Sharia as the sole or primary source of all law, including Islamic text legal punishments (amputation, flogging, stoning) and capital penalties for apostasy, blasphemy, adultery, and theft.

Islamic Republic of Iran

Freedom House: 10/100 (Not Free)

- Iran's constitution requires all laws to conform to Twelver Shia Sharia. Islamic text legal punishments are authorized and regularly applied. Iran's constitution recognizes only Zoroastrians, Jews, and Christians as protected minorities with limited rights. All others, plus converts, are treated as threats to the Islamic state. Apostasy and blasphemy are punishable by death.
- Iran holds regular elections, but they are not free or fair. The unelected Guardian Council vets and disqualifies candidates, and real power lies with the Supreme Leader and unelected institutions that control the security forces, judiciary, and economy. Media are heavily censored, journalists are arrested or killed, and are not independent. The judiciary is not independent and serves as a tool of repression: arbitrary arrests, torture, unfair trials, and executions are common.

Afghanistan

Freedom House: 8/100 (Not Free)

- Since overthrowing the elected republican government in August 2021, the Taliban has ruled Afghanistan as an Islamic Emirate with Sharia as the sole legal framework. The Taliban leader exercises unlimited authority by decree, with no constitution in place. Islamic text legal punishments are enforced nationwide. No non-

Islamic public worship is permitted, and apostasy carries a death sentence. Women are almost entirely excluded from public life, including education and employment.
- All political parties and opposition groups are banned. There are no elections, no representative bodies, and no independent media.

Saudi Arabia

Freedom House: 9/100 (Not Free)

- Saudi Arabia's Basic Law says the country's constitution is the Quran and other Islamic texts, that the regime derives its authority from them, and that courts apply Islamic Sharia along with regulations issued in conformity with Islamic texts. Saudi Arabia has an absolute monarchy. No officials at the national level are elected. Conversion from Islam is a capital offense. Non-Muslims cannot practice their faith publicly, and proselytizing is banned.
- The regime relies on pervasive surveillance, the criminalization of dissent, and oil-funded spending to maintain power. Dissent is punished with long prison terms, including for social media posts.

Partial Sharia in Authoritarian States

In these Gulf monarchies, Sharia governs personal status and family law for Muslims. Criminal law is primarily secular, though apostasy and blasphemy remain criminal offenses in theory. Civil liberties are independently suppressed by authoritarian governance.

United Arab Emirates

Freedom House: 18/100 (Not Free)

- The UAE is a federation of seven emirates led by

hereditary rulers. Limited elections exist only for a federal advisory body, but political parties are banned, and all real power rests with the ruling families. Sharia governs personal-status matters (marriage, divorce, inheritance, child custody), which discriminate against women and non-Muslims. There is no independent media.

Qatar

Freedom House: 25/100 (Not Free)

- The hereditary ruler holds all executive, legislative, and judicial power. Sharia-based personal-status law requires male-guardian approval for many actions and enforces unequal inheritance and divorce rules. Over 85% of the population are non-citizens with almost no religious or civil rights.
- Registered Christian groups may worship in approved churches, whereas many other non-Muslim groups are generally limited to private worship and lack formally recognized places of worship. Proselytizing for religions other than Islam is criminalized, as is blasphemy.
- There are no political parties, no free elections, and no realistic path for the opposition to gain power.

Partial Sharia with Democratic Participation

These countries combine partial Sharia application with some degree of electoral democracy, press freedom, and civil society.

Malaysia

Freedom House: 53/100 (Partly Free)

- Malaysia operates a dual legal system: secular courts coexist with state-level Sharia courts that govern

personal status and moral offenses for Muslims. No nationwide Islamic text legal punishments are imposed. The country holds competitive elections in which opposition parties win seats, maintains some independent media and online expression, and permits freedom of assembly.
- Sharia-related restrictions remain significant. Apostasy is effectively impossible and can lead to detention or "rehabilitation." Moral police conduct raids on unmarried couples.

Indonesia

Freedom House: 56/100 (Partly Free)

- Indonesia has made democratic gains since the fall of its authoritarian regime in 1998, with regular competitive elections, relatively free media, and multiple peaceful transfers of power. Indonesia's national legal system is not based on Sharia, but it is not purely secular either; religion remains deeply embedded in the constitutional order.
- Nationally, blasphemy laws have led to arrests for social media posts. Indonesia's new criminal code has introduced apostasy-related restrictions.

Nigeria

Freedom House: 44/100 (Partly Free)

- Nigeria's federal constitution is religiously neutral, and since 1999, twelve northern states have operated Sharia-based criminal systems alongside secular courts. Those systems include Islamic text penalties in law, and courts have imposed punishments such as caning, amputation, and death by stoning for adultery, though stoning is uncommon in the modern era.
- National elections occur but are marred by irregularities, violence, and vote buying. Military and

law enforcement agencies often engage in extrajudicial killings, torture, and other abuses. Journalists covering sensitive topics face harassment and arrest.

Pakistan

Freedom House: 32/100 (Partly Free)

- Pakistan holds regular elections under a competitive multiparty system, but the military exerts enormous influence over elections, government formation, and policy. Pakistan's personal and family law is based on Sharia, and its criminal code includes strict blasphemy provisions carrying the death penalty.
- Dozens have been sentenced to death for blasphemy; though actual executions by the state are rare, vigilante killings and mob attacks are common. Islamist militants conduct terrorist campaigns against the state and regularly attack religious minorities. Media freedom is curtailed, and the judiciary's independence has been eroded.

Republic of the Sudan

Freedom House: 1/100 (Not Free)

- Sudan has a hybrid system. Muslim personal and family law remains heavily shaped by Sharia, including through the Personal Status Law for Muslims of 1991. Some Islamic text legal punishments and other severe Sharia-derived penalties still remain in Sudan's criminal laws.
- No elected government exists. There is no electoral commission, no independent judiciary, and no credible path to elections.

The conclusion is obvious: Sharia is the enemy of liberty. We enjoy our freedoms precisely because of our Judeo-Christian heritage.