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Sharia Incorporated

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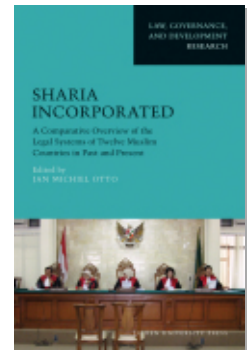
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Annexe: Tables

Table A.1 *Twelve countries by socio-economic indicators*

<i>Country</i>	<i>GDP/PPP Capita (US \$ 2008)</i>	<i>Life expectancy (M/F 2007)</i>	<i>Literacy rate, adult total (% of people aged 15 and above)</i>	<i>Official development aid (US \$ Mln. 2007)</i>
Egypt	5460	68-72	66 (2007)	1,083
Morocco	4330	69-73	56 (2007)	1,090
Saudi Arabia	22950	71-75	85 (2007)	-131
Sudan	1930	56-60	-	2,104
Turkey	13770	69-74	89 (2007)	797
Afghanistan-	-	3,951
Iran	10840	69-73	82 (2006)	102
Pakistan	2700	65-66	54 (2006)	2,212
Indonesia	3830	69-73	92 (2006)	796
Malaysia	13740	72-77	92 (2007)	200
Mali	1090	52-57	26 (2007)	1,017
Nigeria	1940	46-47	72 (2007)	2,042

Source: The World Bank.

Data reports available:

<http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:20535285~menuPK:1192694~pagePK:64133150~piPK:64133175~theSitePK:239419,00.html>
(accessed March 2010)

Table A.2 *Islamic state and state religion, in twelve countries*

	<i>Islamic state</i> ¹	<i>Islam as state religion</i> ²
Egypt	No	Yes
Morocco	Yes	Yes
Saudi Arabia	Yes	Yes
Sudan	No	No
Turkey	No	No
Afghanistan	Yes	Yes
Iran	Yes	Yes
Pakistan	Yes	Yes
Indonesia	No	No
Malaysia	No	Yes
Mali	No	No
Nigeria	No	No

¹ As a basis we took the standard text "nation A is an Islamic state." This clause can be found in the constitution of Morocco in the preamble; in Saudi Arabia article 1. Variants of this provision include: Afghanistan, article 1, "Afghanistan is an independent, unitary, and indivisible Islamic republican state"; Iran, article 1, "The form of government of Iran is that of an Islamic Republic"; Pakistan, article 1, "Pakistan shall be a Federal Republic to be known as the Islamic Republic of Pakistan." Concerning those nations that are not Islamic states, the formulations of interest are: Egypt, article 1, "The Arab Republic of Egypt is a democratic state based on citizenship. The Egyptian people are part of the Arab nation and work for the realization of its comprehensive unity." Sudan, article 1, defines its own nation as "(...) a country of racial and cultural harmony and religious tolerance." Turkey "is a democratic, secular and social state governed by the rule of law" (article 2). Indonesia is founded on "the belief in One and Only God" (preamble and article 29, sub 1). (Source: <http://www.law.cornell.edu/world>, accessed on 10 March 2010)

² As a basis we took the standard text "Islam is the state religion of state A." These statements are to be found in the constitutions of: Egypt article 2; Morocco article 6; Saudi Arabia article 1; Pakistan article 2. Variants of the standard text are: Afghanistan (article 2): "Islam is the sacred religion of Afghanistan"; Iran (article 12): "The official religion of Iran is Islam and the Twelver Ja'fari school"; and Malaysia (article 3, sub 1) "Islam is the religion of the Federation". Of the nations that do not mention Islam as the state religion, Sudan is of particular interest: in article 1 it is stated: "Islam is the religion of the majority of the population and Christianity and traditional religions have a large following". (Source: <http://www.law.cornell.edu/world>, accessed on 10 March 2010)

Table A.3 *Sharia as main source of law, in twelve constitutions*

	<i>Sharia as 'a' or 'the' main source¹</i>
Egypt	Yes
Morocco	No
Saudi Arabia	Yes
Sudan	Yes
Turkey	No
Afghanistan	Yes
Iran	Yes
Pakistan	Yes
Indonesia	No
Malaysia	No
Mali	No
Nigeria	No

¹ *The constitutional articles referred to are: Egypt, article 2; Saudi Arabia, article 1; Sudan, article 65; Afghanistan, article 3; Iran, article 4; Pakistan, article 2A in relation to article 227.1*

Table A.4 *Principle of equality in twelve constitutions*

	<i>Principle of equality</i>	<i>Direct limitations based on sharia¹</i>
Egypt	Yes	Yes
Morocco	Yes	No
Saudi Arabia	No	-
Sudan	Yes	No
Turkey	Yes	No
Afghanistan	Yes	No
Iran	Yes	Yes
Pakistan	Yes	No
Indonesia	Yes	No
Malaysia	Yes	No
Mali	Yes	No
Nigeria	Yes	No

¹ *Egypt (article 11): "The State shall guarantee harmonization between the duties of woman towards the family and her work in the society, ensuring her equality status with man in fields of political, social, cultural and economic life without violation of the rules of Islamic jurisprudence." Iran (article 20): "All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria." Malaysia (article 8, sub 1) "All persons are equal before the law and are entitled to the equal protection of the law." Article 8, sub 5 states: "This Article does not invalidate or prohibit: a) any provision regarding personal law; b) any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion." The Pakistan constitution (article 25, sub 1-3) is very specific on the principle of equality for women: "All citizens are equal before the law and are entitled to equal protection of law. There shall be no discrimination on the basis of sex alone. Nothing in this Article shall prevent the State from making any special provision for the protection of women and children." (Source: <http://www.law.cornell.edu/world>, accessed on 10 March 2010)*

Table A.5 *Freedom of religion in twelve constitutions*

	<i>Constitutional freedom of religion</i>	<i>Formal limitations based on Sharia¹</i>
Egypt	Yes	No
Morocco	Yes	No
Saudi Arabia	No	Yes
Sudan	Yes	No
Turkey	Yes	No
Afghanistan	Yes	No
Iran	Yes	No
Pakistan	Yes	No
Indonesia	Yes	No
Malaysia	Yes	No
Mali	Yes	No
Nigeria	Yes	No

¹ *Even though none of the nations researched, except for Saudi Arabia, directly and explicitly limits freedom of religion on the basis of sharia, most of the Muslim nation are not neutral on religion. Many nations have Islam as a state religion. Examples are Morocco (article 6): "Islam shall be the state religion. The state shall guarantee freedom of worship for all." Afghanistan (article 2): "The religion of Afghanistan is the sacred religion of Islam. Followers of other religions are free to perform their religious rites within the limits of the provisions of the law." Many Muslim nations have a dual norm on this point. Pakistan (article 20) has constitutional freedom of religion: "Subject to law, public order and morality: a) every citizen shall have the right to profess, practice and propagate his religion; and b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions." At the same time, Pakistan has in its constitution taken this right from the Ahmadiyya movement). The constitution of Indonesia includes freedom of religion (article 29, sub 1 and 2): "The State shall be based upon the belief in the One and Only God" and "The State guarantees all persons the freedom of worship, each according to his/her own religion or belief." Its post-1998 amendments confirm this in Article 28E, stating "(1) Each person is free to worship and to practice the religion of his choice,...] (2) Each person has the right to be free in his convictions, to assert his thoughts and tenets, in accordance with his conscience. (3) Each person has the right to freely associate, assemble, and express his opinions. Yet the Indonesian state recognizes only a few religions. The implication is that freedom of religion is limited to these religions. (Source: <http://www.law.cornell.edu/world>, accessed on 10 March 2010)*

Table A.6 *Twelve criminal laws on illegality and punishment of apostasy*

	<i>Illegality of apostasy</i>	<i>Actual convictions and executed punishments</i>
Egypt	No	No
Morocco	No	No
Saudi Arabia	Yes ¹	Not recently ²
Sudan	Yes	Not since 1985
Turkey	No	No
Afghanistan	Disputed	No
Iran	Yes, disputed	Very rarely ³
Pakistan	No	No
Indonesia	No	No
Malaysia	Yes, some states, disputed	Very rarely ⁴
Mali	No	No
Nigeria	No	No

¹ *The penal law of Saudi Arabia is completely based on sharia. The death penalty applies in cases of conviction of apostasy. If apostasy is proved, the execution will take place. In Sudan (article 126, penal code) apostasy is also punishable by death.*

² *The U.S. International Religious Freedom Report (2009) said the following: "Conversion by Muslims to another religion (apostasy) and proselytizing by non-Muslims are punishable by death under the Islamic laws adopted by the country, but there have been no confirmed reports of executions for either crime in recent years." US International Freedom Report at <http://www.state.gov/g/drl/rls/irf/2009/127357.htm> accessed on 25 February 2010.*

³ *In recent years there have been few confirmed reports on persecution of those who have converted to Christianity. Concerning executions because of apostasy, in November 2009 a Kurdish freedomfighter named Fattahian was hanged supposedly for enmity against God and apostasy.*

⁴ *In some states, such as Terengganu, Kelantan and Perlis, regulations were enacted to make apostasy punishable. In Perlis the Islamiah Aqidah (Islamic religious belief) Protection Enactment was passed in 2000. 'This law empowers the Judge in a Syariah Court to make an order detaining for up to one year in an Aqidah Rehabilitation Centre a person who attempts to change his or her religion if the person refuses to recant. Until now, this is the most extreme position taken with regard to the issue of apostasy.' Moreover, the constitutionality of such regulation is contested (Harding intra, see 11.4).*

