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A Warning Worth Revisiting

Thursday, March 23, 2006

Back in November of 2003, religious freedom specialist Paul Marshall warned that the new Afghan constitution was a disaster for religious liberty. Senior Fellow at Freedom House's [Center for Religious Freedom](#), Marshall published his warning in the November 3, 2003 edition of *National Review*. Now that Abdul Rahan is on trial for his life in Kabul, charged with the "crime" of converting to Christianity, we know that Marshall's warning was prophetic.

Marshall agreed with the [U.S. Commission for International Religious Freedom](#) in calling the draft constitution a form of "Taliban-lite." Here are excerpts from his essay:

The draft provides no guarantees of religious freedom and says only "other religions are free to perform their religious ceremonies within the limits of the provision of law" (2). This is a right merely to ceremonies, and there is no religion whose practice is limited merely to ceremonies. Threats to religious freedom concern Muslims as well as non-Muslims, and lie at the heart of democracy. Already, as in Iran, the draft outlaws any political party "contrary to the principles of the sacred religion of Islam..." (35). If the state declares that its laws and decisions are identical with Islam, then any opposition can be punished as violating Islam. In Afghanistan, this is not a theoretical question.

When the cabinet was announced last year, Fazul Shinwari, the chief justice, denounced Sima Samar, the newly appointed women's affairs minister, for speaking "against the Islamic nation of Afghanistan" and she was charged with "blasphemy," which could carry the death penalty. This June the Afghan courts shut down the publication Aftaab and charged its editor, Sayeed Mahdawi, with blasphemy for criticizing the government's view of the role of Islam. Shinwari has threatened to kill those who criticize his version of sharia and refuse to "obey the laws of Islam." While the draft outlaws discrimination on the basis of religion and sex, and professes adherence to international human rights standards, these provisions are subject to the stipulation that they cannot be contrary to an undefined "sacred religion of Islam...." The constitution does not say what the principles of Islam are. They will be defined at some later point by Islamic judges. But, whatever they are, they will be the law of the land and "ignorance about the provisions of laws" (56) will be no defense against them.

We were warned, and Abdul Rahman is now threatened with execution for professing his belief in Christ.

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