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Muslim Headscarves Around the World Define Religious Expression Policies

By Alex Colvin

The passage by the French legislature of a law banning the wearing of religious apparel or symbols by students in state-run schools has brought to the fore a complex of issues involving freedom of religious expression, the relationship between church and state, rights of women, rights of children, and the assimilation of minority cultures in an increasingly pluralistic society.

The French law, which bans large crosses, Jewish skull caps, Sikh turbans, as well as Muslim headscarves, will go into effect in September. The President of France has indicated that he would like to see a similar ban for employees in public hospitals and government positions.

French supporters of the ban argue that they want to preserve the secular nature of the state. They say that this is not a violation of religious freedom because the ban extends to prominent display of religious symbols by members of all faiths.

Kenneth Roth, executive

director of Human Rights Watch, disagrees. He has stated that "The proposed law is an unwarranted infringement on the right to religious practice. For many Muslims, wearing a headscarf is not only about religious expression, it is about religious obligation."

Those who, like Roth, oppose the French law say that it is a clear violation of Article 18 of the Universal Declaration of Human Rights which declares: "Everyone has the right to freedom of thought, conscience and religion; this right includes 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."

Other international treaties and agreements support this right with similar language. States are only permitted to interfere with the right of religious practice if it threatens public health, order or morals. Opponents of the law maintain that the wearing of headscarves poses no such threat.

Some advocates of women's rights see the wearing



of headscarves as repressive toward women. Yet Muslim women who choose to wear the headscarf assert that it is not repressive. It is an affirmation of their identity as a member of the community of Islam. For them, to be forced not to wear the headscarf in public is degrading and humiliating.

Some have also argued that children wearing headscarves in school may not be doing so of their own volition but may be coerced by their parents. However, international law respects the right and duty of parents to oversee the religious upbringing of their children. The state has the responsibility to

continued on page 6

What's Inside

Religious Freedom USA

2

China Evades Censure at UN

3

Briefs from Around the World

4

Texas Takes Unitarians' Tax Exempt Standing

The Texas Comptroller has decided that a Texas Unitarian church is not a religious organization for tax purposes. Her reasoning: The organization "does not have one system of belief."

Polygamists Barred from Wedding Teenage Girls

The Arizona House unanimously approved a bill intended to combat marriages of teenage girls in polygamist enclaves. The bill makes it illegal for parents or church officials to arrange and facilitate polygamous marriages involving children who have not reached the age of 18. A similar law already exists in Utah.

Scientology Wins One And Settles Another

A former member and long-time critic of the Church of Scientology has been ordered by a Marin County, California judge to pay the church \$500,000 for illegally using the its private documents. Superior Court Judge Lynn Duryee issued the judgment in a breach-of-contract lawsuit against Scientology defector Gerald Armstrong. In a separate case, a long-standing wrongful death lawsuit filed against the church by the estate of Scientology practitioner Lisa McPherson reached a surprise settlement, ending a fiercely contested legal battle. The terms of the settlement were not disclosed.

Mormon Fundamentalists Can't Evict Dissident Man

An Arizona judge has refused to evict a Colorado City man from a home on land owned by the polygamist Fundamentalist Church of Jesus Christ of Latter



Day Saints. Superior Court Judge James Chavez denied a request to evict Ross Chatwin from property owned by the church's United Effort Plan trust. Chatwin, who grew up in the church, publicly denounced the its leader in January. Chavez ruled that Chatwin could not be evicted unless the church compensates him for improvements he made to the property.

Santeria Priest Faces Animal Abuse Charge

Authorities seized more than 100 animals that had been kept at a South San Francisco home for use as sacrifices by practitioners of the Afro-Cuban religion Santeria. The Peninsula Humane Society took about 100 birds, eight pygmy goats, five rabbits and one pig from the home of Gilbert Stephson, a Santeria high priest, the Associated Press reported. Courts have ruled that it is not illegal for Santeria to engage in animal sacrifice rituals as long as the animals are cared for properly before slaughter.

Ten Commandments Must Share the Stage With Seven Aphorisms

A federal judge said the Summum religious group is likely to win a suit seeking to put its Seven Aphorisms (principles of creation) next to the Ten Commandments in a Utah public park, but stopped short of issuing a ruling. U.S. District Judge Dee Benson gave lawyers for the Salt Lake City-based church and the city until July 4 to reach a settlement.

Amish Man's Horse Gets to Stay Home

An Amish man who had been ordered to remove livestock from his property to comply with town zoning ordinances will be allowed to keep a horse in his yard after all. A zoning ordinance adopted by Walker Township, Pennsylvania in 2000 prohibits residents from keeping livestock in densely populated districts, such as the one in which the Amish man, Jacob Stoltzfus, lives. Town officials reversed a zoning officer's decision to remove the horse, citing the fact that the horse was already on the property when the regulation was put in place.

Trooper Fails in Bid To Avoid Casino Duty

The Indiana Supreme Court will not review a former state trooper's claim that his being fired for refusing to work at a casino violated his religious freedom. The court rejected an appeal by Ben Endres, while admitting that he raised an important legal question. Endres, who is now a St. Joseph County sheriff's deputy, wanted the court to require that the Indiana State Police rehire him and accommodate his religious belief against gambling.

China Evades Censure at UN Despite Continued Abuses

By Dan Fefferman

China, despite having one of the world's worst records on religious freedom and other human rights, has evaded censure after the UN's Commission on Human Rights defeated a vote on a resolution criticizing Beijing. The United States, which sponsored the resolution, took the step after years of China's continued hard-line policy on human rights.

The vote wasn't even close, with 28 member states siding with China against the motion, only 16 voting with the US, and nine abstentions. Supporters of China cited Chinese National People's Congress' adoption of an amendment to the 1982 constitution, including the landmark provision that "the state respects and preserves human rights."

But human rights groups and the US stressed that words are inadequate unless followed by deeds.

China's envoy accused the US of playing politics with the resolution.

"Wake up and stop dreaming. You cannot turn China into the United States," Sha Zukang said.

Meanwhile reports of Chinese repression of religious groups continued to flow in.

The crackdown on the Falun Gong spiritual movement persists unabated. The US government reports that thousands of Falun Gong members have been arrested, sent to labor camps and threatened with job loss. There are credible reports of both torture and death of those who refuse to recant after being arrested.

Christians risk serious repercussion if they worship at unreg-

istered churches, including any Catholic church with links to the Vatican.

Authorities held the Catholic bishop of Zhengding, Julius Jia Zhiguo, captive for ten days before releasing him. Bishop Jia's detention, which lasted through the Easter holidays, followed the arrest of another Chinese bishop in March. Jia, 69, was ordained a bishop in 1980 and has been imprisoned for a total of 20 years.



The Chinese government official in charge of religious affairs slammed Hong Kong's Catholic Bishop Joseph Zen for criticizing government policy and called for Falun Gong to be outlawed in the territory.

Two underground Catholic priests, however, were reportedly released. Father Lu Genjun, 42, and Father Cheng Xiaoli, 40 had been detained in An Guo in northern China. Charged with "disturbing public order" for giving classes in natural family planning and Catholic morality. An Guo itself has been without a bishop since underground bishop Liu Difeng reportedly died in prison.

Freedom House's Center for Religious Freedom hailed the release by Chinese authorities of the two Catholic priests and a Protestant pastor, Zhao Wenquan.

Still jailed is Pastor Xu Shuangfu, 59, kidnapped at gunpoint while visiting church members in Heilongjian province. Xu has spent more than 20 years in prison and is reported to be the spiritual leader of hundreds of thousands underground Christians.

"The Chinese government has shown some promising responsiveness to world public opinion," said Center director Nina Shea, "so the pressure must continue until Xu and all religious prisoners are released."

However, the family of a young man arrested in April for attending an unofficial Christian service in Heilongjian says they believe he was beaten to death while in police custody. Gu Xianggao, 28, was arrested on April 27 while attending a house-church meeting.

Agence Press France reports that China has tried three underground church leaders in secret for exposing a crackdown against Christians just days after it passed the constitutional amendment to protect human rights.

Liu Fenggang, Xu Yonghai and Zhang Shengqi were tried at the Intermediate Peoples Court of Hangzhou in eastern Zhejiang province, the New York-based group Human Rights in China said. The three Christians were brought to trial on charges of "providing intelligence to organi-

continued on page 8



RELIGIOUS FREEDOM AROUND THE WORLD

Australia

The city of Melbourne has been ordered to apologize for discriminating against the meditation group Falun Dafa by barring it from the city's 2003 "Moomba" Parade. Judge John Bowman ordered the Melbourne city council to publish an apology within 14 days in three Chinese newspapers. The city council had bowed to Chinese government pressure to ban Falun Dafa from participating in the parade.

Belarus

Protestants in Belarus allege that their members have been harassed "simply because they study the Bible at home with their friends." Non-Christian groups and new religions have made similar charges, claiming that secret police agents regularly break up peaceful meetings of members studying in private homes. Now, four Protestant churches in Belarus are asking the constitutional court to repeal a law that forbids religious groups from worshipping outside of officially recognized religious buildings. The law has been widely criticized as one of the most repressive in Europe. It also puts restrictions on religions that have been working in Belarus for less than 20 years, barring them from publishing literature or setting up missions.

Canada

Christian leaders in Canada fear that a law designed to protect homosexuals from "hate speech"

might in fact make it illegal to quote from portions of the Bible. Canadian Bill C-250 calls for the proscription of public statements condemning homosexual behavior. The Canadian Conference of Catholic Bishops warned in a letter to Justice Minister Irwin Cotler that this could result in a prohibition against quoting certain biblical scriptures or teaching time-honored Christian doctrines that oppose homosexual acts as sinful.

Italy

The Justice Commission of the Italian Senate has approved a law making "mental manipulation" a crime punishable by from two to six years in prison. Penalties are more severe if the crime is committed within the context of a group "practicing or sponsoring activities aimed at creating or exploiting the physical or psychological dependence of members." If passed, the law is expected to face problems of constitutionality, according to Italian legal expert Massimo Introvigne of the Milan-based Center for Studies on New Religions. Italy's Constitutional Court in 1981 struck down the law against "plagio," which he characterized as "a crime very similar to the present mental manipulation." He warned, however, that "the draft law's approval by

the Commission is symptomatic of a new climate in Italy."

Israel

Israel's Supreme Court has ruled that foreigners who convert to Judaism in Israel are eligible for citizenship under the Law of Return. However, it sidestepped the key issue of whether the eligibility extends to conversions officiated by non-Orthodox rabbis. The case has been closely watched by the Reform and Conservative movements, the two largest in the United States, which have been denied recognition in Israel. Currently non-orthodox conversions are recognized only if they occur outside of Israel.

Meanwhile Catholic press reports complain that priests and nuns living in Israel and in the Occupied Territories, some of whom have been there for more than a decade, are facing a hard time because of the authorities' refusal to renew their visas.

Iran

Iran's judiciary has reportedly quashed a death sentence for blasphemy against dissident intellectual Hashem Aghajari. The ruling sparked major student protests and badly damaged Iran's image abroad.

On the other hand, Iran's cinemas have succumbed to hard-line pressure and stopped showing a hit film that poked fun at clerics. Entitled "The Lizard," the movie follows the fortunes of a thief who escapes prison by donning the turban and robes of a mullah. Ironically, he proves a crowd-pleaser as

a preacher. The film had barely passed the country's zealous religious censors and played to packed cinemas, breaking box office records.

Japan

Aum Shinrikyo is still a danger to society, a Japanese government has decided. The group, which has changed its name to Aleph, is using businesses to expand membership and remains faithful to its convicted guru's violent teachings, a government report said. The group's leader, Shoko Asahara, was sentenced to death in March for ordering a murderous nerve gas attack in 1995 against the Japanese subway system. Aleph remains under close surveillance by Japanese authorities. Its remaining members claim to have been unaware of the subway plot and have apologized for their leaders' actions. Aleph says its businesses are intended mainly to raise funds to compensate victims of the subway gassing and other cult crimes.

Laos

A minority Hmong Christian from northern Laos says the government required him to renounce his faith before releasing him from three months in detention, Radio Free Asia reports. Tong Tu Vang says he was required to sign a statement in which he agreed to renounce the Christian religion. The statement also stipulated that he would revert to animism as practiced by the majority of the residents of his area.

Pakistan

President Pervez Musharraf's has announced a possible revision of Pakistan's anti-blasphemy law, which mandates death for anyone who criticizes the Islamic religion.



His statements were welcomed by the country's Catholic bishops, protestant leaders and human rights activists, who have been calling for the abolition of the blasphemy law. The blasphemy law is thought to be the cause of hatred and fear between the faithful of various religions in Pakistan.

Russia

A Russian court has banned the activities of the Jehovah's Witnesses in Moscow, intensifying a drive against what authorities view as "totalitarian sects" with a pro-U.S. agenda. The decision drew a strong response from the U.S. State Department, with a spokesman urging the Russian government to honor commitments to respect the right of all faiths to religious freedom.

Meanwhile, tensions between Catholics and Orthodox continue to simmer. The mayor of Novgorod, bowing to the opinion of the city's Orthodox bishop, has denied the Catholic pastor of the Church of the Assumption permission to build a small Carmelite convent next to the parish church. The bishop maintained that the region lacks any Catholic tradition. However, others contend that before the Communist revolution of 1917, there was indeed a Catholic parish in Novgorod with 5,000 faithful, two churches and several chapels.

Saudi Arabia

The US Commission on International Religious Freedom strongly criticized Saudi Arabia for discrimination and has again recommended sanctions unless its record improves. "The government of Saudi Arabia engages in systematic, ongoing and egregious violations of the right to freedom of thought, conscience, religion, or belief," the congressionally mandated panel said in its annual report. The commission, which was set up to monitor State Department religious freedom policy, criticized the department for not taking a stronger stance against the Saudi government. It made similar criticisms regarding both Egypt and Iran.

Sudan

In a property dispute favoring a Muslim business at the expense of a Christian church, riot police have evicted church staff from the office of the Archbishop of the Episcopal Church of Sudan in Khartoum. Three truck-loads of armed police reportedly arrived without warning and ordered the building to be emptied, threatening violence to force compliance. Sudanese authorities said that the building had been sold to an Arab business by the bishop of the church last year. However the church claims the "bishop" was a fraud and a government agent. The Archbishop of Sudan protested the police action, saying "I call on the government to restore the Church's property to its rightful owner — the Church."

Syria

Syria will no longer allow foreign students to study Islam in private Syrian schools, according to instructions handed down by

continued on page 7

Muslim Headscarves Around the World

from page 1

protect minors from discrimination on the basis of the faith or practice of their parents or family members. While states also have a right to pass appropriate legislation to protect minors from abuse, opponents of the French law argue that unnecessary codes of dress or behavior should not be used under the guise of preventing abuse.

Some German states are following the French example. On April 1, 2004, Baden-Wuerttemberg became the first German state to ban headscarves. According to an article in *The London Times*, Culture Minister Annette Schavan defended the ban saying that Islamic headscarves, or "hijabs," could be interpreted as a symbol of "Islamist political views" which had no place in the classroom. Baden-Wuerttemberg had previously banned a teacher from wearing a headscarf. The teacher appealed and the German Constitutional Court ruled in her favor but only because they found no statute banning headscarves in educational institutions. At the same time the court opened the door for bans on religious apparel by stating that German states could pass such laws if they believed that religious apparel would have an undue influence on children. At least six other German states are considering similar bans similar to the one passed by Baden-Wuerttemberg.

Belgium is also considering passing a similar law.

Ironically, Turkey, a Muslim country, first banned headscarves. Turkey was established as a secular state in the aftermath of World War I by Kemal Attaturk. There

were no legal restrictions on headscarves until the early 1980's when headscarves were banned in universities and other public institutions. Headscarves were seen as a visible sign of rising Islamic fundamentalism in the wake of the Iranian revolution, and have been perceived as a threat to the secular nature of the state. Controversy over headscarves continues to rage.

Uzbekistan is seeking to encourage the formation of an Uzbek national identity and a secular state. They view foreign "Wahabi" influences as a threat. Authorities make a distinction between traditional Uzbek patterned scarves which cover the head but leave the face uncovered and Arab or "foreign" headscarves of a solid color that are clasped in the front or cover the face. The former are permitted, the latter are prohibited. Students in schools and Universities attempting to wear such "foreign" apparel will be expelled and may be arrested.

According to a report on Uzbekistan titled "Class Dismissed: Discriminatory Expulsions Of Muslim Students" published by Human Rights Watch in October 1999, the rector of the Institute for Oriental Studies explained the policy as follows, "...we are now on the threshold of the twenty-first century, when we want to build up a secular state like all the other countries. How is it possible that people can think like people thought thousands of years ago?"

On the other hand, in Saudi Arabia women are still expected to cover from head to toe when in public. Many women wear the "niqab," a stricter version of the

headscarf that only permits a slim slit at the eye-level. Grand mufti Sheikh Abdul Aziz al-Sheikh, the highest religious authority in Saudi Arabia, has described efforts to relax strict Muslim standards in the country "satanic and dangerous." The mufti particularly criticized women who appeared unveiled at an economic conference in Jeddah. He has denounced the French ban as an infringement of human rights as have many other Muslim religious leaders.

The Taliban in Afghanistan had mandated the wearing of the strict Muslim apparel for women until the regime was deposed by US led occupation forces.

Amongst non-Muslim, non-European countries, Singapore does not allow Muslim girls to wear headscarves to school on the grounds that the prohibition promotes religious harmony. Singapore's population is approximately 77 percent ethnic Chinese and 14 percent Muslim Malays. Schools do, however, allow Sikhs to wear their turbans. In 2002, four girls were suspended from school for wearing headscarves, known in Singapore as "tudongs." A court challenge to the ban was initiated but abandoned when the Chinese government refused to allow a prominent lawyer from Malaysia to argue the case.

Contrary to the French model of the secular state that seeks to prevent religious expression in the public domain, the United States and some Western European nations such as the United Kingdom and Sweden have maintained that the state should maintain a neutral role in relation to religion while at the same time allowing a diversity of religious expression.

Muslim Headscarves Around the World

from page 6

In the United States, the courts and the Justice department have adopted a course of defending the right of Muslims to wear headscarves. In February 2004, Muslims in Alabama won a court case allowing them to wear headscarves in photographs for drivers' licenses. In April, a federal judge agreed to let the Justice Department join a lawsuit against a school district that suspended a Muslim girl for wearing a headscarf to school.

The issues surrounding the headscarf debate highlight the growing complexity of society worldwide. With large-scale immigration and an increasingly free flow of ideas via new technologies, national populations are becoming

less homogeneous. How will societies assimilate ever growing minorities with cultural backgrounds different than that of the host country? This issue is especially pressing in European countries that have experienced large scale immigration in the past few decades.

These difficulties are aggravated by the increased tension and security concerns that have arisen due to the 911 terrorist attack in New York, the US-led war on terror, and subsequent bombings in Spain and other countries. Each country in the world faces a unique challenge balancing freedom and security.

Furthermore, many traditionalists in different faiths resent the

changes induced by globalization and modernization and the threat that they perceive to their identity, faith and practice.

Within this complex environment, finding the right formula regarding the wearing of religious apparel and powerful religious symbols is not easy. Yet, given the central importance of freedom of conscience and religious freedom, it seems all the more important for states to maximize these rights while at the same time fulfilling their primary role of maintaining the peace.

World Briefs

from page 5

the Interior Ministry. One such student was Capt. James Yee, the American Muslim military chaplain at the Guantanamo Bay detention center, who was accused of mishandling classified information and other charges. Yee studied Islam and Arabic in Damascus in the mid-1990s.

Tajikistan

Dushanbe city authorities have officially written to the Jewish community ordering them to vacate their century-old synagogue by July, the synagogue's chief rabbi Mikhail Abdurakhmanov told Forum 18 news service in May. The synagogue has been earmarked for demolition

under a plan to build a new residence for the president.

Vietnam

Four Vietnamese Christians who organized and led weekly worship services in a house church have been sentenced to prison for "disturbing public order." They received sentences of 26 to 36 months, according to a report released by the Center for Religious Freedom at Freedom House, in Washington, D.C. The Center has also received information that the government is forcing Christians to take pain-inducing drug injections in an effort to persuade them to abandon their faith. Meanwhile, Human Rights Watch

joined in condemning Vietnam for its repression of ethnic minority Christians in the Central Highlands following reports of bloody clashes with security forces. The number of Christians killed by the Vietnam's communist government in an Easter crackdown could be as high as 280, with 26 people still missing, according to International Christian Concern, which monitors the persecution of Christians worldwide.



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China Evades Censure at UN

from page 3

zations outside of China.” The men had told overseas groups of the suppression of Christians in Hangzhou city, where more than a dozen churches in houses were destroyed and at least 300 Christians were arrested.

On the subject of Tibet, China’s communist leaders remain adamant that the Dalai Lama will not be allowed back any time soon, fearing

his return would spark separatist activism. The Dalai Lama has said he is willing to do almost anything to settle the issue of Tibet, even if it means going to China personally.

“I am not seeking independence, I am not trying to separate Tibet from China,” the Dalai Lama has said. “I am only seeking a genuine autonomy for Tibet, but the Chinese leadership has a hard time

believing what I am saying. This is why a face-to-face meeting is very important.”

China is playing hardball with anyone who fails to support its Tibet policy. It even threatened to strip Liverpool of its twin city status with Shanghai if officials from the British city met the exiled Tibetan, according to reports.

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