

# Sharia Law and Impact on Women, Human Rights, and Economy

Nitya Kaza

Westford Academy, USA

## ABSTRACT

Sharia Law is a religious law. It is a part of Islamic traditions and is based on two Islamic texts, the Quran and Hadith. It often consists of different interpretations by Islamic scholars. From the Westerner's point of view, Sharia is very controversial because it doesn't exhibit the same values, especially when related to women's rights, such as the right to education, and human rights, such as freedom of speech. This paper covers what kind of impact allowing religion to intersect with law has. It will cover two countries, Afghanistan and Iran, and what kind of effects allowing Islam to dictate laws has on both countries. It will also explore why certain laws are put in place by analyzing excerpts from the Quran. Overall, the impact of Sharia in these countries is profound on a country's success, whether socially or economically. These findings serve as a basis for why allowing religious doctrines or beliefs cannot interfere with politics for the rest of the world.

## Introduction

### The Definition and Origin of Sharia

Today, Islam is the official religion of 26 countries worldwide. Many of these countries are populated with a majority of Muslims, and their laws often integrate Sharia Law. Sharia, which translates to "the clear, well-trodden path to water" in Arabic, is the code that all Muslims follow, guiding them in worldly and spiritual matters and helping them lead a moral life and grow closer to God. It comes from 2 different sources, the Quran & Hadith, which are both Islamic texts (Robinson 2021). The Quran is the main central text of Islam, and it outlines many regulations for Muslims on how to conduct their lives, such as how to pray, dress, and act in public, among many others. The Quran is highly valued among the Islamic community, as it is believed to be the direct word of God. In fact, this belief is so significant that many Muslims believe that there cannot be an authentic translation of the Quran into another language because it was given to the prophet Muhammad in Arabic. The Hadith is also an important doctrine; it is a collection of sayings/actions of the prophet Muhammad, which gives accounts of his daily practices. To explain the difference, the Quran, for example, says that Muslims must pray 5 times a day. However, the Hadith would tell Muslims *how* they should pray.

### Sharia and Policies

Sharia primarily consists of interpretations of these texts. Different scholars and practitioners interpret Sharia in different ways, and sometimes, the different understandings can conflict with each other, giving rise to controversy. Today, Sharia is especially controversial because it is compared with modern legal systems and doesn't reflect Western values, especially when looked at from the perspective of women's rights. Many countries, such as Iran and Afghanistan, have laws that are influenced by religious beliefs. In the cases of Afghani-

stan and Iran, women are fighting for the right to education and choice of clothing, among others. These countries are facing severe problems, economically and socially, due to the restrictive nature of Sharia Law. Thus, this paper develops the idea that religion or religious doctrines cannot interfere with or control politics or activities related to governing a country.

## **Afghanistan and the Taliban**

### **The Taliban**

On August 15, 2021, the Taliban took power in Afghanistan by establishing control over the capital, Kabul, and imposing their own harsh interpretation of Sharia Law. However, imposing their beliefs has challenged both human and women's rights. The Taliban are predominantly a Pashtun Islamic group who have now regained power after twenty years of rebellion against the Afghan government, since their fall from power in 2001. Their swift regain of power happened due to the United States withdrawing its remaining troops from Afghanistan. They have transitioned to a functional government but have not been able to keep up with providing food for Afghans and restoring the economy (Maizland 2023).

### **How Women Have Been Impacted**

The Taliban initially pledged to preserve women's rights, especially regarding education, but did not keep their promise. They intimidated journalists and restricted press freedoms, and they cut down on human rights significantly. There has been an increase in gender-based violence, including domestic violence and early and forced marriage. Notably, women's education has been substantially impacted by the Taliban's presence. On September 12, 2021, the Taliban first announced that women could attend university in gender-segregated classrooms while wearing hijabs. However, they also proceeded to shut down girls' secondary schools. Lastly, the Taliban suspended women's education at Universities. Women's access to public spaces such as parks was also cut down. Women were prohibited from entering all parks in Kabul and banned from going to gyms. Traveling was also a struggle, as women were required to have male escorts to travel long distances. The Taliban said this was justified, as it was 'meant to protect women from harm.' In addition, female passengers were required to wear hijabs; otherwise, drivers were not allowed to drive them. They also ordered women to cover themselves, including their faces, in public fully; otherwise, harsh punishment would follow (Tanno, 2022). The Taliban prohibited women from any work outside the household except for healthcare.

### **Human Rights Violations**

The Taliban's actions now are not so different from their rule in the 1990s. In 1996, the Taliban captured Kabul, killed the Afghanistan President, and established an Islam-controlled Afghanistan. Their rule caused a civil war and political instability, as no central government existed. Besides this, there were serious human rights violations such as killings, torture, looting, and abductions. They used brutal methods such as public executions and amputations. There was also practically no judicial system; for any minor mistakes, the Taliban would decide a punishment on the spot. Prisoners were especially treated horribly and tortured, even to death. Journalists and the press were severely restricted. For example, it was reported that at the time, two Argentine journalists attempted to interview Afghan women in Kabul but had been taken into custody and beaten by the Taliban, painting them in bad light. There were unconfirmed reports of kidnapped girls and women by local commanders

in areas such as Jalalabad and Kabul. Some women were subject to forced marriages and assault. (Bureau of Democracy, Human Rights, and Labor, 1997). Now, there have been reports of killings that were not issued by the government, forced disappearances, and torture. Children have been recruited, many of whom are younger than twelve years old, on behalf of the Taliban, and some have even been used as suicide bombers. These suicide attacks were referred to as “martyrdom operations” by the Taliban, which only encouraged more of its members to commit acts of violence. There were numerous reports of killings by the Taliban as they solidified their control of Afghanistan (2021 Country Reports on Human Rights Practices: Afghanistan 2021).

## National Impact and Economy

While it may seem like these restrictions just impact women personally, they would have lasting consequences. However, external events, such as the COVID pandemic and its aftermath and international conflicts, such as the Ukraine Crisis, have impacted food prices and worsened security in Afghanistan. Along with climate issues and severe drought running in parallel, there has been rising food insecurity and poverty. The Taliban faced huge economic problems when they took power, amounting to around \$8 billion dollars of cutoff meant for civilian and security aid. The Afghanistan economy has lost \$5 billion per year, leading to a huge economic shock. Rising inflation continues to be a problem (Byrd 2022). In 2022, the industrial sector saw a decrease of 5.7% as businesses, many of which are owned by women, faced closure (Chung 2023). Without women being allowed to have education, they won't have the skills necessary to enter the workforce. More and more women are being pushed into poverty due to these regulations enacted by the Taliban.

## How the Quran Factors In

Many of these regulations and beliefs come from the interpretation of the Quran. One of the most notable is the Taliban's evident belief in gender roles. This comes from verse 4:34 of the Quran, which states: “Men are the protectors and maintainers of women, because Allah has given them more (strength) than the other, and because they support them from their means.” (The Holy Quran: 4:34) This line states gender roles; it can be interpreted a man must take care of a woman in all aspects, including financially. This belief is religious; it comes from a religious doctrine given to the people by god, and if they have faith in it, they should follow it. However, enforcing one person or group's ideology on everyone violates their personal choice. Verse 2:256 states explicitly: “Let there be no compulsion in religion; Truth stands out clear from Error.” (The Holy Quran: 2:256) If there should be no forcing of religion on others, then why is Islam so intertwined with government affairs and law-making? Thus, the Taliban is capitalizing on religion to legitimize their power and justify their restrictions and violence. What can be observed is that it is not the actual Quran or Sharia that cuts down on women; instead, it is the interpretation of those texts.

## Iran and Morality Police

### The Morality Police

Wearing a hijab, an Islamic religious act, is an official law in Iran. The morality police, or Gasht-e-Ershad, is a unit of the police force in Iran that primarily enforces laws related to Islamic dressing. It acts on Islamic beliefs/requirements, specifically what they define them to be. The Iranian government has stated that these guidance patrols are a requirement of Islam. It is proven that the Islamic religion affects the government and law, causing a multitude of problems to arise in Iran. They also closely monitor actions such as drinking alcohol and mixed gatherings of males and females who are unrelated and are generally involved in people's personal lives. In regards to dressing, they specifically require that women wear hijabs and long, loose-fitting garments to mask their bodies. Hundreds of people have been killed, and thousands have been detained. The morality police believe that they have to uphold what is right and forbid what is wrong (Robinson 2023). But this is a generic statement, open to interpretation. Who decides what is right and wrong?

## The Case of Mahsa Amini

On September 16th, 2022, Mahsa Amini was taken into custody for wearing her hijab incorrectly. But while she was there, she slipped into a coma and was taken to a hospital, where she died. It was found that she took several blows to her head, and an officer banged her head into a vehicle. Her corpse had several bruises. Her death led to large-scale protests all over Iran, where women cut their hair and burned their hijabs, directing their anger toward the morality police. They openly walked in public without covering their hair, and some waved their hijabs in the air. Protestors also made use of social media by posting videos and photos without hijabs (Gritten & Gozzi, 2022).

## Effectiveness of the Morality Police

The protests became increasingly alarming to the government, so authorities tried enforcing the dress code without the police. They considered disbanding the police but eventually decided to preserve the Gasht-e-Ershad (Gritten & Gozzi, 2022). However, there is skepticism about how effectively the morality police can enforce the strict dress code. The number of people protesting is too high, and the most that the police can do is use violence. But that strategy will not work for a massive number of people.

## How This Relates to the Quran

The Quran does explicitly state that women should cover themselves. Verse 24:31 states: "And say to the believing women that they should lower their gaze and guard their modesty...that they should draw their veils over their bosoms." (The Holy Quran: 24:31) A *khumur* is a veil that covers the head. Thus, the purpose of this verse is to indicate that women cover themselves, mainly in public. While this is a central and essential point of belief to Muslims, this verse and the Quran, as a whole, is still a religious doctrine open to interpretation. As seen in the case of Afghanistan, allowing points from a religious doctrine to control society can have consequences. What makes this point even more apparent is that the government is resorting to violence to enforce these religious doctrines. However, one thing to note is that the morality police contradict the Quran in a way. Verse 2:256 states that there is no compulsion in religion. However, the morality police force people to follow certain religious practices as part of the law and use violence to keep the people in check at any cost.

## Conclusion

Religion, especially its interpretation and practice, should not affect the law. Laws should be focused on keeping peace and order in society rather than reflecting a person/group's beliefs about religion. In the country of Afghanistan, the Taliban are making and enforcing laws based on their religious beliefs, and it affects women and

their educational rights and freedom. In Iran, the government created the morality police to enforce what is righteous based on religious beliefs, and it caused great unrest, mainly regarding women being forced to wear hijabs. Thus, these two countries may serve as an example of why religion and law should be kept separate around the world.

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