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Evaluate the impact of the state religion on government and law in any two countries

In this essay I will be evaluating the impact of the state religion on government and law in Israel and Iran. Israel provides an interesting study of the interplay of religion and politics because it is a state that was created as a homeland for a specific religious group, and, on the other hand, Iran has also been greatly affected by its state religion in the more political area. I shall evaluate first, the state religion's impact on government and law in Israel, and then move onto the state religion's impact on government and law in Iran, and then finally draw up a conclusion.

Israel's government is obviously influenced by its religion because the state was created a group as a result of Zionism and its various movements. It has to a notable extent, affected the government. In 1948 the different Zionist groups reached a compromise as to the nature of the Israeli state. The existing political status quo would be maintained after Israeli independence through the implementation of a system of proportional representation in the Knesset (Israeli Parliament). This would assure the different Zionist factions that they would receive some degree of representation in the Knesset. Another compromise between the various religious Zionist groups was that the Israeli state would keep the Sabbath, ensure the observance of dietary laws in state institutions, maintain Orthodox control over laws concerning personal status (for example marriage and divorce) and allow different educational streams in school including Orthodox. There was also to be no definition of the nature of the state and no fixing of its boundaries. This aspect of the compromise infuriated those with the "Greater Israel ideology" which was an ideology that advocated that the Jews have right to the whole of biblical Israel and particularly the West Bank. It was only through these compromises that the various Zionist groups were able to reach agreement over the wording of the Declaration of Independence. This meant that Israel did not have any Constitution, Bill of rights or boundaries and this is the same case that continues today.

In Israel, religion also has a large impact when it comes to law. Israel was founded to provide a national home, safe from persecution, to the Jewish people. Although Israeli

law explicitly grants equal civil rights to all citizens regardless of religion, ethnicity, or other heritage, it gives preferential treatment in certain aspects to individuals who fall within the criteria mandated by the “Law of Return”. Preferential treatment is given to Jews who seek to immigrate to Israel as part of a governmental policy to increase the Jewish population. The criteria set forth by the “Law of Return” are controversial. The “Law of Return” differs from Jewish religious law in that it disqualifies individuals who are ethnically Jewish but who converted to another religion, and also in that it grants immigrant status to individuals who are not ethnically Jewish but are related to Jews. Another law, which is clearly affected by the state religion in Israel, is “The Nationality Law”. Israel's Nationality Law defines the terms through which one can be granted citizenship of the state of Israel. Israel is, by its own definition, the state of the Jewish nation, and its leadership believes that one of its primary objectives is keeping a Jewish majority in Israel. Thus, Israeli nationality law is created with a bias in favour of those with Jewish heritage.

Also in terms of ownership of land, before independence the Jews owned about 7% of the land in what was to become Israel. Today figures are very different, 75% is owned by the government, 20% is owned by the Jewish National fund and 5% is owned by Palestinian Arabs. The population figures for 2003 were 5 million Jews and 1.3 million Arabs. Thus the Arabs who made up 16% of the population only owned 5% of the land of Israel. These statistics mainly came about due to two things, “The Defence Regulations Act”, which allowed the military to designate “closed areas” where Arabs were not allowed to own land, and “The Agricultural Settlement Law of 1967 which prevented anyone who was not Jewish from leasing land belonging to the government of Israel. These measures obviously show the impact of the state religion on agricultural laws, which seem to favour the Jews over all. Finally with regard to law to do with military service in the state of Israel, there is also much influence by the nature of the Jewish state. There is a large religious dimension to it; there is one category of people who are not permitted to enrol in military service, Palestinian Arabs. Whether they are male or female, or even a citizen of Israel there are reasons why the nature of the state will not allow it. One of these reasons is that the Israeli army will most likely be directly involved in a fight against other Arab

nations, and there is a huge issue of loyalty. Also another reason is that the Israeli army is issued for defence and control of controlled Palestinian areas, and the Israeli army could never use Palestinians to fight the likes of Hamas and the P.L.O (Palestinian Liberation Organisation) in these areas.

Religion has also influenced the government and law of another state – Iran. The two are closely connected because of the nature of the nation, being that it is an Islamic state.

Religion in Iran has significantly affected the government in several ways. In Iran if you wish to stand for a position in parliament you will be checked by the religious body of the state to make sure that your personal views are in keeping with the religious faith. Also, any law passed by the parliament must first meet the approval of the religious body to make sure it is in keeping with Islam. At all levels of government, there is a corresponding religious position, an equivalent religious group which has a supervisory role, which is more powerful and higher than secular roles. For example “The Supreme Leader” of Iran trumps the president of Iran at any time. “The Supreme Leader” is responsible for the delineation and supervision of "the general policies of the Islamic Republic of Iran". The Supreme Leader is Commander-in-Chief of the armed forces, controls the military intelligence and security operations; and has the only power to declare war. The heads of the judiciary, state radio and television networks, the commanders of the police and military forces and six of the twelve members of the Council of Guardians are appointed by the Supreme Leader.

The religion of Iran also plays a significant role in law. In Iran the law must conform to the teachings of the Sharia; all laws must measure up to Islamic belief and law. These laws include, dress code, segregation of the sexes (also in education), and observation of the requirements for prayer. There was a reintroduction of polygamy after the Shah had banned it, in the event of divorce; children would go with the father, also women’s rights that had been established by the Shah were now gone. Also, banking had to conform to Islamic criteria. Enforcement of the religious law was handled by special groups within the population. Punishments were very brutal for breaking these laws, or disobeying

them. The punishments included stoning people to death, cutting off the hands of thieves and public flogging and executions.

In conclusion, it is quite visible that the state religion does play a noteworthy role in the two countries examined and has a huge impact on the government and the law in these states.