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*Apostasy and the Notion of Religious Freedom in Islam*

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This paper will argue that the Afghan Government's sentencing to death of native Abdul Rahman as an apostate goes against Qur'anic decrees on apostasy and is therefore un-Islamic, given the context of the apostate in question.

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The question of whether or not Islam allows for freedom of worship has once again resurfaced as a topic of contention, this time in relation to the Afghan government sentencing of native Abdul Rahman to death as an apostate because of his conversion to Christianity sixteen years ago. Afghanistan, a declared Islamic state, officially follows Shari'a law.<sup>16</sup> Its constitution theoretically affords freedom of religion to all Afghan citizens; some of whom, in addition to Muslims, are Jews, Hindus and Sikhs. Thus, in contradistinction to this freedom, the sentencing by the Afghan government has drawn severe criticism from the international community. This criticism is based on the legitimization of the sentencing as that in accordance with Islamic tradition. The Qur'an, the primary source of law, however, preaches 'no compulsion in religion',<sup>17</sup> and does not sanction the killing of apostates. It is in this context that this paper will argue that the sentencing to death of apostates goes against Qur'anic decrees on apostasy, and is therefore un-Islamic, given the context of the apostate in question. I will do this in two parts: first examining what actions, contexts, and intentions constitute apostasy, and second by citing and then refuting the different arguments used by scholars to legitimize the killing of apostates.

The concept of apostasy can be understood in three main ways; through Qur'anic decrees, through hadiths or Sunnah, and through historical context. The Qur'anic notion of apostasy is captured in three functional concepts: *kufir* (disbelief), *irtidad* (apostasy), and *fisq* (stubborn disobedience). According to Islamic legists the concept of belief assumes God to be infinitely merciful, generous, compassionate and beneficent, and dictates that human beings in turn should be grateful for what God bestows on them. Disbelief then is the failure to acknowledge God's benevolence, to reject it, or to renounce God himself.<sup>18</sup>

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<sup>16</sup> Shari'a law is derived from the Qur'an and the Sunnah.

<sup>17</sup> The Qur'an, 2:256

<sup>18</sup> Apostasy, p 119 Encyclopedia of the Qur'an

The Qur'an distinguishes between disbelievers in two main ways: people who have never seen God's greatness (*kafara*), and people who acknowledge God but turn their back on God's greatness – apostates (*murtadd*). However, both are used interchangeably in the Qur'an. The Qur'an also differentiates between those who are apostates and those who stubbornly persist on turning away from God and disobeying his commands (*fasiqun*).<sup>19</sup> These functional understandings of apostasy are therefore reflective of the Qur'an's comprehensiveness in addressing people of differing degrees of religious belief and disbelief. Similarly, the notion of apostasy can also be understood using hadiths, or aspects of the Sunnah; accounts or stories about the Prophet and His companions' application of Qur'anic decrees on disbelief and apostasy to daily life, and their dealings with believers and non-believers. Lastly, apostasy can be further understood in historical context, for example, of the Apostasy Wars which were fought shortly after the Prophet Muhammad's (pbuh) death. The Wars were a time of great uncertainty for Islam, and were a turning point in its history. As a result, those who fought against the Prophet's companions to deny the future of Islam and the Islamic state were deemed treasonous apostates worthy of execution. This sanctioning of violence against apostates was thus a specific strategy to help ensure the survival of Islam rather than one aimed at denying people the freedom of religion.

Using these understandings of how apostasy has been defined in the Qur'an and in history, we will now examine the arguments used by scholars to legitimize the killing of apostates. The first argument scholars make is that the killing of apostates is a religious obligation or duty of Muslims in Muslim society,<sup>20</sup> and is referenced as such in the Islamic legal tradition. However, it must be acknowledged that the Qur'an refer to apostates as those led astray by Satan,<sup>21</sup> those who will not be forgiven or given guidance unless they repent,<sup>22</sup> and those who will be punished in this world and the hereafter by Allah.<sup>23</sup> The only concrete

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<sup>19</sup> Apostasy, p 119 Encyclopedia of the Qur'an

<sup>20</sup> Peters and De Vries, p 16-17

<sup>21</sup> The Qur'an, 47:25

<sup>22</sup> The Qur'an, 4:137

<sup>23</sup> The Qur'an, 9:74

punishment for apostasy that the Qur'an consistently sanctions is Hell Fire. Verses refer to apostates as the inhabitants of the Fire,<sup>24</sup> who await an agonizing torment,<sup>25</sup> will be forbidden paradise.<sup>26</sup> In sharp contrast to the Qur'an, Bukhari reports a hadith stating that "Whoever changed his Islamic religion, then kill him."<sup>27</sup> There are other hadiths that sanction the killing of apostates as one of three cases in which the blood of a Muslim can be shed,<sup>28</sup> and some that refer to the killing of converts to other religions as a judgment that Allah and His Apostle ordered.<sup>29</sup> Fewer hadiths sanction the punishment of Hell-Fire for apostates – the punishment consistently accorded to them in the Qur'an. However, it is understood by scholars that Qur'anic decrees override any other source of legal tradition. Thus, it is possible to refute the viability of these particular hadiths that sanction the killing of apostates as a religious obligation or duty of Muslims because they are in contradiction to the Qur'an, and therefore cannot legitimately be part of Islamic legal tradition.

Scholars also make the argument that apostasy is a treasonous crime against the Islamic state. Though this was indeed the case during the time of the Apostasy Wars, it is necessary to question if apostasy can be equated with political treason today. To do so, we must clarify whether Islamic states exist today. According to traditional definitions of an Islamic state, most current states fall short. For example, Islamic states are required to adopt the Shari'a<sup>30</sup> as part of a complete, holistic civil legal system. However, most states are selective, and in many cases, discriminatory about which laws they adopt, and who they apply to. Also, Islamic states are required to have Muslim leadership responsible for policy and administration of the state instead of monarchies, or so-called representative governments. It is evident that because they do not subscribe entirely to Islamic ideology and the holistic system, "Islamic" states fall short of

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<sup>24</sup> The Qur'an, 2:217

<sup>25</sup> The Qur'an, 3:176-7

<sup>26</sup> The Qur'an, 5:72, 3:85

<sup>27</sup> Hadith- Sahih al Bukhari, Volume 9, Book 84, No. 57

<sup>28</sup> Hadith,- Sahih al Bukhari, Volume 9, Book 83, No. 17

<sup>29</sup> Hadith – Sahih al Bukhari, Volume 9, Book 84, Nos. 58 & 632

<sup>30</sup> Shahid, p 1

being protectors of Islam. However, even if we were to accept that an Islamic state exists today, we would need to examine whether apostates were in fact threatening the survival of the state and its governance structures, or whether they were simply embracing another faith. It was the case that during the Apostasy Wars people claimed to be Prophets, threatened the leadership of the Prophet's Companions, and raised armies against them and Islam in order to deny its future. Violence against the apostates was at that time, sanctioned on the understanding that the apostates were enemies of the Islamic state and therefore needed to be killed. However, it is crucial to understand that though the use of violence may have been legitimized during the Apostasy Wars, it still remains an exception to the rule, and cannot be viewed as a legitimate course of action in all circumstances or as the religious duty of Muslims, even if the apostate threatens the Islamic state. This is acknowledged in the Qur'an about apostates in Surat al-Baqarah:<sup>31</sup>

*“When it is said to them, ‘Believe, as others believe,’ they say, ‘Should we believe as the fools do?’ but they are the fools, though they do not know it. When they meet the believers, they say, ‘We believe,’ but when they are alone with their evil ones, they say, ‘We’re really with you; we were only mocking.’”*

The people in this verse persistently switch loyalties between the believers and the non-believers. Though they do not claim to be prophets, or raise armies against the Muslims, and are not converts, they are implied and regarded as being apostates because they shamelessly mock Islam and make a farce of being loyal to the Muslims and the Islamic state, while actually being traitors. The Qur'an goes on to state: “If you cannot do this [i.e., believe] – and you never will – then beware of the Fire prepared for the disbelievers, whose fuel is men and stones.”<sup>33</sup> Despite the fact that the people were traitors, and severely deceived the Muslims, they are prescribed no earthly punishment, but are guaranteed Hell Fire.

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<sup>31</sup> The Qur'an, 2:13-14

<sup>33</sup> The Qur'an, 4:137

After examining and refuting the two main arguments scholars use to justify violence against apostates, it is now necessary to turn our attention back to the case of the aforementioned 'apostate,' Abdul Rahman, as there are several flaws in how the Afghan government legitimized his death sentence. Firstly, though Abdul Rahman has been labeled an apostate because he turned away from Islam after having previously embraced it. Even when others attempt to convert Muslims, it is detailed in the Qur'an, they are worthy of forgiveness by the ummah (the Muslim Community).<sup>34</sup> The Qur'an further advises the ummah that apostates be repeatedly reminded of the goodness and generosity of Allah<sup>35</sup> and be encouraged to repent<sup>36</sup> and return to the faith,<sup>37</sup> though not in fear of death<sup>38</sup>. The Qur'an does not state that the killing of apostates is the religious duty of all Muslims. Secondly, though Abdul Rahman converted to Christianity, this cannot be sufficient reason for sentencing him to death or exiling him from the state, because the Afghan government allows Christians, and people of other faiths to live peacefully and enjoy the privileges of freedom of worship within their borders. Thirdly, Abdul Rahman never intended to undermine the Islamic Afghan state or committing a treasonous act against it through his conversion to Christianity. He converted to Christianity, merely because he wanted to embrace the faith after coming into contact with it while working in aid camps in Pakistan, a predominantly Muslim country. Thus, it is possible to conclude with confidence that the Afghani government has been unjust in their exiling Abdul Rahman from his country and his family, and that the death-sentence they granted him for being an apostate, is in fact un-Islamic and is not in accordance with the Islamic legal tradition's views regarding freedom of religion. It is possible to argue that because the Afghan state did exile him and remove him from his supportive family and his predominantly Muslim environment, it has furthered his estrangement from his faith. Furthermore, this also

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<sup>34</sup> The Qur'an, 2:109

<sup>35</sup> The Qur'an, 24:55

<sup>36</sup> Peters and De Vries, p 15

<sup>37</sup> Peters and De Vries, p 16

<sup>38</sup> Peters and De Vries, p 16

has severely tarnished the image of Islam as and depicted it as an unjust religion in the eyes of many Afghanis as well as the international community.

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