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COMMENTARY: Religious freedom under Islam

By Henrik Ertner Rasmussen , former General Secretary, Danish European Mission

In this personal commentary for Forum 18 News Service <http://www.forum18.org>, Henrik Ertner Rasmussen, former General Secretary of the Danish European Mission, draws on his experience of living and studying in the Muslim world to examine how Islam understands religious freedom. He believes Muslims' attitudes to religious freedom have been shaped by the concept of Dhimmitude, under which proselytism by non-Muslims was banned, and Jews and Christians have become second-class citizens with only limited rights. He notes that a "religious supermarket" with a free choice of different products and brands has not been introduced in the Muslim world, but sees signs of hope that intellectuals and religious officials in the Muslim world are discussing new ideas openly and are suggesting reforms which could lead to greater religious liberty.

At a conference on Christian-Muslim dialogue, the question of religious freedom came up. "In our country, the Christians have more religious freedom than the Muslims," one Muslim leader declared, "because they have the right to convert, while Muslims haven't." At another conference, where the topic was aired, the Muslims in one working group agreed with the Christians that of course, there should be religious freedom. When challenged by the Christian representatives, who said that it would mean that Muslims should have as much right to convert to another religion as Christians, the response was: "Of course not!"

The question of religious freedom under Islam has historically been connected with the concept of Dhimmitude. In regions conquered by Muslims after the death of the prophet Muhammad, Christians and Jews as so-called "People of the Book" were allowed to keep at least most of their church buildings and synagogues, conduct their worship and other religious activities, including burials, according to their own rites, and they enjoyed a certain autonomy concerning matters under canonical law. They would enjoy the protection of the Muslim government provided they paid the Jizya, a poll-tax levied on every member of the Dhimmi community (a Dhimmi being a member of a group under the Dhimma, or pact of conditional protection).

However, as soon as Muslims were involved in any legal dispute with the Dhimmi community, Sharia, or Islamic law, would be applied. Non-Muslims were allowed freedom of worship, but not of missionary activity. Proselytism among Muslims was forbidden.

The concept of Dhimmitude has had an overwhelming and pervasive influence on societies which have for centuries been part of the Muslim world. This influence is still felt today, even though the express outward rules that made discrimination against Dhimmis mandatory have long disappeared. Under these rules Christians and Jews were obliged to wear special clothing that made them easily distinguishable from Muslims. They were not allowed to ride horses, only donkeys, and had to adopt a humble and abject demeanour.

Concerning conversion from Islam to another religion, Islamic law usually forbids this, calling it ridda, or apostasy. A Hadith, a record of a saying or action of the Prophet or his followers, records that he once said: "If a man changes his religion, kill him." Later traditions have added some conditions, and a widely accepted understanding is that an apostate male should be persuaded three times to return to Islam and, failing this, be put to death. An apostate female should also be persuaded three times, failing which she should be locked up for the rest of her life. The more modernistic view, shared by senior Muslim scholars in Egypt, is that an apostate is granted the rest of his life to repent and return to Islam. Meanwhile, the government seems intent on making life as difficult as possible for the convert.

The Universal Islamic Declaration of Human Rights, adopted by the International Islamic Council in 1981, includes sections on freedom of religion, but the Arabic text, which differs on several points from the English one, includes the traditional prohibition against leaving the umma, the fellowship of Islam. This section is omitted in the English text.

The topic of religious freedom has been widely discussed in many parts of the Islamic world, and some scholars have, at least in theory, supported an understanding derived more directly from the text of the Qur'an itself, understood to be the very word of God, where it says: "There is no compulsion in religion" (2:256). This is understood to mean that an individual cannot be forced to accept Islam as his or her religion. By wider implication, some argue, it can be taken to mean that someone who decides to leave Islam cannot be forced to return. This understanding contrasts with the hard-line Islamist understanding, derived from other Qur'anic verses (9:12; 29; 36; 123): "Fight the unbelievers" is the message of all these verses. The term "unbelievers" is popularly and among hardliners understood to mean all non-Muslims. Moderate and modernist scholars, however, will say that these verses apply only to

certain specific cases where non-Muslims have taken the initiative in aggression towards Muslims. According to this view, none of these verses can be understood as a general order to fight non-Muslims. Likewise, according to the moderates and the modernists, the term *ridda*, or apostasy, should not be understood in terms of inner religious conviction, but rather in terms of political and military treason.

Indeed, during the last fifty years or so, few examples of death sentences for apostasy from Islam have been documented. The applications of the old laws concerning *Dhimmi*s have likewise lapsed. Only in Yemen did these laws continue to be in force until the departure of practically all the Yemeni Jews in 1950. Christian missionary work in the Islamic world including attempts at proselytism among Muslims has been conducted on a considerable scale since the 19th century and through the height of colonial rule, but has met increasing restrictions since such rule ended during the 1940s and 1950s.

Legislation on the issue of apostasy has, in general, been unclear. In Egypt, for instance, there is no law saying that it is forbidden to change one's religion, but a convert from Islam to Christianity risks being arrested and imprisoned when his or her conversion becomes known. By law, a person who wishes to convert to another religion (only Islam, Christianity and Judaism are considered legal religions) must meet with a person of religious authority in the community, a priest, a rabbi or an imam, who must make sure that the conversion is not forced and should even try to persuade the person who wants to convert to give up the conversion and stay in his or her own original community. However, this law is not always applied, and Christians are encouraged in various ways to adopt Islam. A Christian can change his or her name officially to a Muslim name and easily obtain a new identity card, whereas it is legally impossible for a Muslim who has become a Christian to change his or her name officially. In some other countries in the Islamic world there are clear laws against apostasy, which carries the death penalty.

Wherever Sharia is adopted as the basis of national or regional law, or even where adherence to Sharia is the expected norm in a sub-culture, the whole idea of religious freedom as described in Article 18 of the Universal Declaration of Human Rights is problematic, to say the least. Sharia as traditionally understood runs counter to the ideas expressed in Article 18. There are countries traditionally belonging to the Muslim world, however, where a long history of religious tolerance has made it easier to accept the ideas of Article 18, even among Muslims. The best example is Indonesia, but even in Indonesia the legislative process is at present strongly influenced by a conservative Islamist agenda.

In the post-Soviet societies which were historically part of the Muslim world, the very idea that a Muslim could be free to choose his or her religion is often viewed with suspicion, if not outright condemnation. Apostasy from Islam is tantamount to treason, even from the point of view of Muslims who are Muslims by culture rather than by faith and spiritual conviction.

Here as in the Middle East Muslim opinion is, of course, informed not only by religious texts, but also by a long history of perceived victimisation at the hands of crusaders, be they Franks or Russians. Conversion to Christianity is seen as joining the enemy.

All this being said, there is reason for concern because we are all living in a world characterised by massive change, including a shift from old community-based concepts of rights and duties to more individualistic ones. This change comes as a result of the influences of globalisation made possible by the advances of the means of mass-communication. Even in conservative, tribally oriented societies like those of the Arabian Peninsula, young adults will be influenced by what they hear and see from East and West, North and South, by satellite TV and on the Internet, and a civilisational clash seems inevitable. The reason for this clash is that, in general, Islamic law is still being applied in ways that do not take deeper layers of societal change into consideration, and by people who see no way of changing the "letter of the law" to suit those changes.

Dr Nasr Hamid Abu Zaid, an Egyptian history professor, was condemned as an apostate by an Egyptian court in 1995 for having proposed changes to Islamic inheritance laws clearly defined in the Qur'an. Dr Abu Zaid's argument was based on the fact that the Qur'anic text as such was a great step forward for women's rights, whereby instead of having no right to inherit from their deceased fathers, they were given the right of half of what their brothers inherited. By consequence, women - whose place in society has changed in such a way that they are, in actual fact, breadwinners on equal terms with their husbands - should now be given the right to inheritance on equal terms with men, who were formerly supposed to be the breadwinners and therefore would inherit a double portion of what each of their sisters would inherit.

When a professing Muslim can be condemned thus as an apostate, one wonders how the attitude to a Muslim who apostatises in favour of Christianity – not to speak of other religions - can change. Seeing groups of Egyptian youths in the streets of Cairo chanting Hare Krishna ritual chants is still unthinkable. Jehovah's Witnesses are outlawed in all Arab countries and most of the Muslim world. Only the three traditional monotheistic religions are allowed to exist officially. Foreign non-affiliated churches or churches which have not previously existed in Egypt can only set up missions there if they are accepted by one of the country's existing denominations. For instance, a mission of a Pentecostal denomination at odds with Assemblies of God in the United States must register with the Assemblies of God counterpart in Egypt in order to exist.

In my examples, I have focused almost exclusively on Egypt, but similar conditions obtain elsewhere in the Middle East. In the Arabian Peninsula, conditions are generally worse, especially in Saudi Arabia, where government representatives have repeatedly stated that Christian churches or buildings of any other faith community except Islam will never be built anywhere in the country. Christian worship in private houses is said by one government minister to be admissible, but the fanatic religious police "Muttawa"

seem to interpret this differently. They have interrupted Christian prayer meetings in private homes and arrested the participants. This practice is "justified" by a saying by the Prophet that Islam cannot co-exist in the Arabian Peninsula with any other religion.

As most of the countries in the Muslim world in theory claim to defend human rights, including religious freedom, even claiming that Islam was the first religion to codify human rights, it is obvious that their understanding of religious freedom differs greatly from the general western understanding. The "religious supermarket" with a free choice of different products and brands has not been introduced in that part of the world yet, and governments are not interested in introducing it, probably partly because of a fear of anything that threatens stability and predictability.

Governments also feel a great need to paternalistically protect their citizens, especially the illiterate or those with little education, from new ideas that do not belong in the religion that they have "inherited" from their parents. The main reason, however, is that Islam is seen as the ultimate truth, and its prophet Muhammad is "the seal of the prophets", meaning the last one who brought the final and perfect revelation for all mankind. Governments in the Islamic world see themselves as defenders of the true faith, and the Islamists who accuse them of not doing enough to fulfil that role stand ready to take that role upon themselves.

Regrettably, much remains to be done in the realm of religious liberty in the Muslim world. If governments and their agencies could be persuaded to pay international conventions more than mere lip service, much could be gained, especially if their educational systems would instil respect for human rights into their students. Especially respect for the individual's personal convictions needs to be promoted, together with respect for those religious traditions which belong to the cultural and national heritage of the countries of the Muslim world.

At the same time, it must be underscored that there are signs of hope, especially since intellectuals and religious officials in the Muslim world are discussing these subjects openly and are suggesting reforms which could lead to greater religious liberty.

A printer-friendly map of the Middle East and Central Asia is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=mideast>

Henrik Ertner Rasmussen , contributed this comment to Forum 18 News Service. Commentaries are personal views and do not necessarily represent the views of F18News or Forum 18.

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