

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الحمد لله رب العالمين والصلاة والسلام على نبينا محمد. وأشهد أن لا إله إلا الله وأشهد أن محمدا عبده ورسوله. أمّا بعد:

Apostasy and Islam: The Current Hype¹

Much has been said in recent months concerning the law of apostasy in Islam. In particular, the recent case in Afghanistan has highlighted, once again, to many in the Western world that the Muslim world is neither civilized nor respectful of human rights. Repeatedly one hears cries that the Muslim countries must change in order to join “the family of civilized countries” in today’s world. In fact, the Islamic law of apostasy seems to be one of the most obvious cases where a “fundamental” human right is violated by Islamic law, bringing up the question of whether Islamic law is even suitable for modern times or must Muslims be *compelled* to modify and change their religion and laws.

Indeed, Article 18 of the Universal Declaration of Human Rights, signed by the vast majority of today’s countries, reads: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and 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.”

On the other hand, Muslims believe that the Prophet Muhammad (peace and blessings of Allah be upon him) said,

لَا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ إِلَّا بِأَحَدٍ ثَلَاثٍ الثَّيْبُ الزَّانِي وَالنَّفْسُ بِالنَّفْسِ
والتَّارِكُ لِدِينِهِ الْمُفَارِقُ لِلْجَمَاعَةِ

“It is not legal [to spill] the blood of a Muslim except in one of three cases: the fornicator who has previously experienced legal sexual intercourse, a life for a life and one who forsakes his religion and separates from the community.” (Recorded by al-Bukhari and Muslim.) The Prophet (peace and blessings of Allah be upon him) is also reported to have said,

مَنْ بَدَّلَ دِينَهُ فَاقْتُلُوهُ

“Whoever changes his religion is to be killed.”² (Recorded by al-Bukhari and others.)

These texts from the Prophet (peace and blessings of Allah be upon him) have led the vast majority of Muslim scholars to conclude that the punishment for apostasy from Islam in Islamic Law is death. It is true that there are some, especially contemporary writers, who opt for very different conclusions and argue that such a death penalty is a misunderstanding of Islamic Law. This is not the proper place to enter into such a debate. Instead, this author shall presume that the opinion that has been held by the vast majority of the scholars is the correct opinion.

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² It should be noted that this hadith does not give the “wisdom” behind this law. Thus, the complete reasoning why an apostate should be killed is not explained in the text (other than the specific case in the other hadith of abandoning the community). Hence, any discussion of the reason behind the act can be considered no more than speculation and conjecture. This is a very important point because some people try to “defend” this law by deriving reasons behind it, such as the commonly heard argument that apostasy is a threat to the state and is therefore tantamount to treason; thus the state has the right to kill said individual. This rational argument is sometimes answered simply by saying, “I do not think that an individual’s apostasy is a threat to the state.” The fact is that the complete wisdom behind this ruling is not explained to humans in the texts of the Quran or Sunnah. For example, it could possibly be the case that if someone has grown up and is living in an Islamic state, there is no rational excuse for him to give up the religion of Islam and become an apostate. Perhaps such an act by such a person is so grave that God, his Creator, deems that he is no longer deserving of life. This would definitely be God’s prerogative from an Islamic perspective. Again, this author is not stating that this is the wisdom behind the law of apostasy but is only saying that the real wisdom behind this law is not explained in the text and one must be cautious about stating what the reasoning is.

This entire discussion, therefore, shall be in the light of that conclusion. If the harsher punishment can be “defended” from the current onslaught, any lesser punishments will, obviously, be even more so defensible.

This opinion held by the vast majority of Muslim scholars of the past puts the contemporary Muslim into quite a quandary—especially given a “modern” view of religion that believes that religion must be changed if it does not meet the rational requirements of the times. However, before one immediately jumps to resolve an issue of this nature, one has to realize that there are a number of unstated premises that are in the background.

Furthermore, if one is being asked to give up the dictates of his faith, there should be rather strong compelling evidence demonstrating that his faith (or some aspect of it) is simply unacceptable. In other words, nobody should be asked to give up something that they believe in unless there truly is strong proof that what he believes in must be wrong or unacceptable. Otherwise, on what basis should an individual—any individual, be he Muslim, Christian, Jew, Hindu, whatever—compromise on something that he believes is demanded by or beloved to his very own creator and lord?

At this point, it is necessary to inject a further comment, because issues of this nature are often the result of different worldviews and perceptions. Many in the West have the understanding that “faith” means to believe in something that one cannot prove. This is not the approach of Islam.³ In general, Muslims hold that there are very strong, rational reasons for them to believe in their religion. It is not simply a matter of “blind faith.” Instead—and this is obviously not the proper place to go into this in detail—Muslims think, for example, that the excellence of the Quran, its unquestionable historical authenticity, and the numerous miracles⁴ related to it all point to this book being a true revelation from God. Thus, before a Muslim is asked to override something found in his religion there had better be very strong evidence that something is mistaken or unacceptable in the religion of Islam. Furthermore, from a Muslim’s perspective, the burden of proof in such a case would be upon the one who claims that there is something superior or more suitable than what is found in Islamic law. (It must be stressed that this seems to be an issue that many in the West simply cannot comprehend because they think that faith is just a matter of blind faith and they do not realize that Muslims have rational reasons for believing in Islam and Islamic Law.)

The question that the Muslim must pose, therefore, is the following: Do those who promote “human rights” or “civilization/modernity” have such evidence and strong proofs? Without jumping too much ahead, it would seem that they do not.⁵ In fact, one can question, based on their own statements about civilization, whether those who call for “civilization” are actually civilized themselves. What are the criteria by which a country is to be judged to be among “the family of civilized nations” today? Is it, for example, the acceptance and respect for those vaunted “human rights”? This would seem to be the underlying premise of many statements heard in the media today. If that is the case, then the list of human rights need to be studied in further detail.

The “Family of Civilized Nations” and Human Rights

One would suspect that those who make a great fuss over the human rights of a Muslim accused of apostasy are themselves people who fulfill many, if not all, of the agreed upon human rights. It is interesting to take a glance at the Universal Declaration of Human Rights signed over fifty years ago and see how many “civilized

³ Allah mentions in numerous places in the Quran that the messengers were sent with clear proofs, evidence and signs.

⁴ For example, in recent years, many researchers have demonstrated how Quranic information is completely consistent with modern scientific data, either pointing to aspects mentioned in the Quran that were not discovered until recently or pointing to the fact that the Quran never mentions aspects that people used to believe in but which have now been discovered to be false. The interested reader may consult, for example, Keith L. Moore, Abdul-Majeed A. Zindani and Mustafa A. Ahmed, *Quran and Modern Science: Correlation Studies* (Bridgeview, IL: Islamic Academy for Scientific Research, 1990), *passim*.

⁵ A very important question that unfortunately lies beyond the scope of this short article is: How and on what basis does one determine what constitutes a “fundamental human right”? The Islamic answer would be that fundamental human rights are those human rights that God, their creator, has granted humans. For others, the answer may lie in some theory of “natural law” or simply due to convention or agreement. The fact is that even from a secular point of view, it is difficult to establish that something is truly a “fundamental human right.” An interesting recent discussion highlighting this sort of difficulty is Larry Alexander, *Is There a Right of Freedom of Expression?* (New York: Cambridge University Press, 2005), *passim*.

nations” of today are actually fulfilling the rights that they devised, agreed to and exhort the rest of the world to adhere to—especially, it seems, the Muslim world.

Here is a sampling of some of the rights of that original convention (for the sake of brevity the later conventions that were also agreed to shall be ignored here⁶):

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

In the history of mankind, two sets of people are well known for compiling manuals and research on the art of torture: the members of the Inquisition and the CIA. In recent times, perhaps everyone is familiar with the current debate in the United States about the use of torture on “terror” suspects.

Although it is a very general reference source, it is interesting to note what the 2004 Microsoft Encarta has to say about torture:

Until the 13th century torture was apparently not sanctioned by the canon law of the Christian church; about that time, however, the Roman treason law began to be adapted to heresy as *crimen laesae majestatis Divinae* (“crime of injury to Divine majesty”). Soon after the Inquisition was instituted, Pope Innocent IV, influenced by the revival of Roman law, issued a decree (in 1252) that called on civil magistrates to have persons accused of heresy tortured to elicit confessions against themselves and others; this was probably the earliest instance of ecclesiastical sanction of this mode of examination... In the 20th century the use of torture was revived on a major scale by the National Socialist, Fascist, and Communist regimes of Europe, usually as a weapon of political coercion. In addition, the Communist governments made use of the so-called brainwashing technique, a form of psychological torture in which mental disorientation is induced by methods such as forcing a prisoner to stay awake indefinitely. Brainwashing was practiced extensively on prisoners held by the Communists during the Korean War. Complaints about the use of physical and psychological torture have also been lodged against many other regimes in Latin America, Africa, and Asia.⁷

The nerve of those fascists and communists! The nerve of those uncivilized countries in Latin America, Africa and Asia! This is not the proper place to enter into a critique of the use of torture by the “family of civilized nations” who first and foremost uphold “human rights.” The interested reader may consult, just to name a few books, Alfred McCoy’s *A Question of Torture* or Jennifer Harbury’s *Truth, Torture and the American Way* as well as two books more specific about the recent debate *Abu Ghraib: The Politics of Torture* and *The Torture Papers: The Road to Abu Ghraib*. The amazing aspect to mention is that during this debate in the media, there has been very little or no mention that freedom from torture is, according to what the United States’ government signed, a fundamental human right.

It should be noted that for decades now Muslim activists have faced torture in prisons throughout the world with, for the most part, the West turning a blind eye to such activities. Indeed, some Western writers—even one who claims to be Sufi—defend such practices. For example, in Stephen Schwartz’s *The Two Faces of Islam: The House of Sa’ud from Tradition to Terror*, he states that Nasser’s regime’s “brutal repression of the Muslim brotherhood...was both necessary and justified.”⁸ Of course, he never notes that it was this brutality and torture in Nasser’s prisons that truly led to the emergence of extremism in the Muslim world.⁹

⁶ Other important international treaties include: the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the UN Covenant on Civil and Political Rights (1966), the Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), and the Convention on the Rights of the Child (1989). Each of these is ratified by numerous countries. Interestingly, the Convention on the Rights of the Child has been ratified by virtually every country in the world except the United States, the accepted leader of the “family of civilized nations” and Somalia, obviously a member, many of the West would imply, of the “barbaric” nations of the world.

⁷ © 1993-2003 Microsoft Corporation. All rights reserved.

⁸ Stephen Schwartz, *The Two Faces of Islam: The House of Sa’ud from Tradition to Terror* (New York: Doubleday, 2002), p. 134.

⁹ Many of those extremists, it should be noted, found their way later to Afghanistan. For more on the development of this extremism under Nasser, see Abdul Rahman al-Luwaihiq, *Religious Extremism in the Lives of Contemporary Muslims* (Denver, CO: Al-Basheer Company for Publications and Translations, 2001), pp. 95-123.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair, and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

These “fundamental human rights” are very interesting in the light of the manner in which both the United States and the European Union have responded in their “war on terror.” This point and the earlier comments seem to make it very clear that these fundamental human rights, which these very same nations speak so highly of, are by no means absolute. The “family of civilized nations” is more than ready to deny these human rights for the sake of “national security,” in other words, for the purpose of state. This is very telling. It clearly demonstrates that even from these countries’ points of view, the interest of the state is the most compelling factor. One simply has to understand and realize that his human rights can be suspended if necessary in the interest of the well-being of the state.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Obviously, freedom of religion and opinion is something that the West stands for—or does it really? In March 2006, David Irving, a British historian, was sentenced to three years in prison in Austria for denying the existence of gas chambers at Auschwitz during the Nazi holocaust. The Austrian law states that it is illegal to deny or “grossly play down” the Nazi genocide.¹⁰ This is a crime that has landed someone in prison. Yet where is the outcry from the “pro-human rights” governments of the West. Why are the Western leaders not asking in relevant forums, “When is Austria going to join the ‘family of civilized nations’”? The EU, perhaps the most vocal supporters of human rights, does not seem to have a problem with a law of this nature from one of its own.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Aren’t these the kinds of things that people demonstrate for outside of the World Trade Organization’s meetings? If the powerful nations (along with their friends in the powerful corporations) were fully in favor of these agreed upon human rights, wouldn’t they be embracing the demonstrators with open arms? Is that what occurs or are they met with the largest battalions of riot police the world has ever seen?¹¹ Could it possibly be the case that, according to the “family of civilized nations,” if “noble” profits are involved, then one may ignore human rights?

Today, there is a movement in the United States demanding the institution of a “living wage” as opposed to a “minimum wage.” The movement, so far, has not met with much success or acceptance.

Incidentally, beginning in 1923, Congress introduced the Equal Rights Amendment, to give equal rights to women, including the right to equal pay for equal work. Although the deadline to ratify that amendment was

¹⁰ See *Time Magazine*, March 6, 2006, p. 15.

¹¹ The Abrahamov scandal has shown that there are even forced abortions among the labor force in Saipan, a land owned by the United States and therefore what is manufactured there may have the label, “Made in the U.S.” The referred to labor force includes a large number of young women brought in from other countries, such as the Philippines.

extended all the way until 1982, it was not ratified by enough states and has never become part of the US constitution.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

These are truly amazing articles. It can be argued that anyone who believes in or promotes free market, liberal capitalism is, in essence, stating and showing that they do not believe in this human right. Free market capitalism, due to the violation of its essential assumptions, is not geared to producing “the best of all possible worlds” and only produces what the skewed market demands. A mixture of capitalism and socialism, at best, can provide something but probably not all that is needed. But it is this very mixture of capitalism and socialism that has been the target of attack in recent years. The policies of the World Bank, the IMF and the WTO, which are nothing but tools in the hands of the “family of civilized nations” have been nothing short of an assault on any such “socialist” practices on the part of governments, especially those of lesser developed countries. The “liberalization” policies are in complete contrast to the “fundamental human rights” of the individuals of those countries.

The point of the above discussion is not to argue that “two wrongs make a right” and that, if those civilized countries can violate “human rights,” Muslim countries should be allowed to do the same. (True, such a stance on the part of Western nations can be seen as very hypocritical and nothing breeds hatred and resentment like hypocrisy in action. However, again, that is not the main point here.) The point being made here is that it is rationally understood that there may be some issues that take precedence over what one understands to be fundamental human rights. In other words, as stated above, these rights cannot be considered absolute and defensible under all circumstances. This is true even for those countries who accept these fundamental human rights in principle. Thus, rights are good and important but they are not the end all of the issue. Other important and overriding factors may also have to be considered. Perhaps nothing highlights this point more than the recent debate on torture—even though the same countries who are debating the legality of torture have agreed that torture is clearly considered a violation of fundamental human rights.

Could God Legislate Death for Apostasy?

Many Christians, in particular, seem abhorred by the fact that Muslims could believe that God has legislated death for apostasy. This author has personally heard Christians claim, once again, that Islam must be some barbaric religion to believe in such a penalty. This attitude is very perplexing to this author. It is one thing to say, “We no longer believe in such a law” and quite another to say, “We do not believe in a God that would legislate such a penalty.” In the former case, the individual is simply turning his back on what may have been part of his religion. Such an approach is common for modernist Jews, Christians and Muslims. However, the latter approach clearly denies what is stated in their holy books. (Unfortunately, this is also not uncommon for modernists. However, many less-extreme Jews, Christians and Muslims do not allow themselves to go that far.)

An in-depth study of all of the relevant Biblical texts is well beyond what is needed here. Hence, only one or two verses shall be commented upon.¹²

Exodus 22:20 reads, “He that sacrificeth unto *any* god, save unto the LORD only, he shall be utterly destroyed.” Famed and widely respected Biblical commentator Matthew Henry had the following to say about this verse:

¹² The author would like to thank Br. Hadi Hashmi for his research paper, “Verses dealing with the Death Penalty for the Apostate.”

IV. Idolatry is also made capital, v. 20. God having declared himself jealous in this matter, the civil powers must be jealous in it too, and utterly destroy those persons, families, and places of Israel, that worshipped any god, save the Lord: this law might have prevented the woeful apostasies of the Jewish nation in after times, if those that should have executed it had not been ringleaders in the breach of it.¹³

Numbers 25:1-5 reads:

1 And Israel abode in Shittim, and the people began to commit whoredom with the daughters of Moab. 2 And they called the people unto the sacrifices of their gods: and the people did eat, and bowed down to their gods. 3 And Israel joined himself unto Baal-peor: and the anger of the **LORD** was kindled against Israel. 4 And the **LORD** said unto Moses, Take all the heads of the people, and hang them up before the **LORD** against the sun, that the fierce anger of the **LORD** may be turned away from Israel. 5 **And Moses said unto the judges of Israel, Slay ye every one his men that were joined unto Baal-peor.**

Another passage, Deuteronomy 13:6-11 is also quite telling:

6 If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which *is* as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known, thou, nor thy fathers; 7 *Namely*, of the gods of the people which *are* round about you, nigh unto thee, or far off from thee, from the *one* end of the earth even unto the *other* end of the earth; 8 Thou shalt not consent unto him, nor hearken unto him; neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him: 9 But thou shalt surely kill him; thine hand shall be first upon him to put him to death, and afterwards the hand of all the people. 10 And thou shalt stone him with stones, that he die; because he hath sought to thrust thee away from the **LORD** thy God, which brought thee out of the land of Egypt, from the house of bondage. 11 And all Israel shall hear, and fear, and shall do no more any such wickedness as this is among you.

2 Chronicles 15:8-19 has the law being applied even to the young among the apostates. The relevant verses in that passage are verses 12-13 which read, “12 And they entered into a covenant to seek the LORD God of their fathers with all their heart and with all their soul; 13 That whosoever would not seek the LORD God of Israel should be put to death, whether small or great, whether man or woman.”

From the New Testament, one finds in Romans 1:20-32 that Paul approves of the death of idolaters, homosexuals and other sinners. This passage reads,

19 Because that which may be known of God is manifest in them; for God hath showed *it* unto them. 20 For the invisible things of him from the creation of the world are clearly seen, being understood by the things that are made, *even* his eternal power and Godhead; so that they are without excuse: 21 Because that, when they knew God, they glorified *him* not as God, neither were thankful; but became vain in their imaginations, and their foolish heart was darkened. 22 Professing themselves to be wise, they became fools, 23 And changed the glory of the uncorruptible God into an image made like to corruptible man, and to birds, and four footed beasts, and creeping things. 24 Wherefore God also gave them up to uncleanness through the lusts of their own hearts, to dishonour their own bodies between themselves: 25 Who changed the truth of God into a lie, and worshipped and served the creature more than the Creator, who is blessed for ever. Amen. 26 For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature: 27 And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly, and receiving in themselves that recompence of their error which was meet. 28 And even as they did not like to retain God in *their* knowledge, God gave them over to a reprobate mind, to do those things which are not convenient; 29 Being filled with all unrighteousness, fornication, wickedness, covetousness, maliciousness; full of envy, murder, debate, deceit, malignity; whisperers, 30 Backbiters, haters of God, spiteful, proud, boasters, inventors of evil things, disobedient to parents, 31 Without understanding, covenant-breakers, without natural affection, implacable, unmerciful: 32 **Who knowing the judgment of God, that they which commit such things are worthy of death, not only do the same, but have pleasure in them that do them.**

The above examples should be sufficient. The interested reader may further consult Deuteronomy 13:12-18 and Deuteronomy 17: 1-7.

Actually, as is well-known, the history of the official Christian church and many of its leaders on issues of this nature is very dark indeed. One did not need to be an apostate to be killed in the history of Christianity. Apostasy is to be distinguished from heresy, as is clear in the following passage from the *Encyclopedia Britannica*,

¹³ Taken from *The Bible Suite Collection* (ValuSoft, 2006).

[Apostasy is] the total rejection of Christianity by a baptized person who, having at one time professed the faith, publicly rejects it. It is distinguished from heresy, which is limited to the rejection of one or more Christian doctrines by one who maintains an overall adherence to Jesus Christ.

Two examples from the history of Christianity dealing simply with heretics—not apostates—should suffice here. The Cathars, a pacifist heretical group of southern France, were crushed. Pope Innocent III declared a crusade against them. Here is how two Christian authors described part of that crusade:

In 1209, Arnold Amaury, abbot of Citeaux, called for the collective slaughter of all Cathars in the town of Beziers. His motto, which has carried forth into modern expression, stated, "Kill them all, the Lord knows those who are his." Only a small minority of the town, perhaps five hundred, was made up of Cathars, but all the city paid the price for guilt by association. Twenty thousand were killed. Thus began the wholesale slaughter of thousands of Cathars in the thirteenth century.¹⁴

Non-Catholics, of course, may respond to the above by putting the blood of those deeds on the hands of the evil Catholics. However, one should not forget Martin Luther's ruling concerning the Anabaptists, another pacifist heretical group who had the audacity to have themselves re-baptized when adults.¹⁵ Martin Luther stated that such heretics are not to be tolerated and the only fitting punishment for them was hanging.¹⁶

This approach is in compelling contrast to the legacy of Islam. Not long after the death of the Prophet (peace and blessings of Allah be upon him), the caliph Ali had to face the crisis of the heretical group known as the Khawarij. Although he sent people to preach to them to correct their misunderstandings, his approach was that they were not to be physically attacked by the state as long as they did not commit any acts of violence against the Muslims. The Khawarij did become violent and it became necessary for Ali to fight and defeat them. Afterwards, he was asked about them. He was asked if they were polytheists and Ali replied that they were fleeing from polytheism. When he was asked if they were hypocrites, he replied that hypocrites rarely remember and mention Allah. Finally, they asked him, "What are they?" He replied, "They are our brethren who revolted against us and we fought them only due to their revolting against us."¹⁷

For God or For Country?

The history just referred to is actually very relevant for the contemporary discussion. It was this history that led to revulsion among Western thinkers to the idea of killing for the sake of God. There was so much killing of Christians by Christians in Europe that the great thinkers of Europe finally concluded that it makes no sense to kill "in the name of God."

It did not take long for what occurred in the particular circumstances of Europe to be accepted by Western thinkers as "universal principles." Nothing highlights this fact more than a short treatise prepared by the Institute for American Values shortly after 9/11. This paper was entitled, "What We're Fighting For." It was signed by many of the leading intellectuals in the United States, including Francis Fukuyama, Samuel Huntington, Daniel Patrick Moynihan and many others—including some of the leading just war theorists of today, such as James Turner Johnson, John Kelsay and Jean Bethke Elshtain.

In the opening passages of that paper, they state the following:

We affirm five fundamental truths that pertain to all people without distinction:

1. All human beings are born free and equal in dignity and rights.
2. The basic subject of society is the human person, and the legitimate role of government is to protect and help to foster the conditions for human flourishing.
3. Human beings naturally desire to seek the truth about life's purpose and ultimate ends.
4. Freedom of conscience and religious freedom are inviolable rights of the human person.
5. Killing in the name of God is contrary to faith in God and is the greatest betrayal of the universality of religious

¹⁴ Ergun Mehmet Caner and Emir Fethi Caner, *Christian Jihad* (Grand Rapids, MI: Kregel Publications, 2004), p. 183.

¹⁵ One can only wonder what Martin Luther would have to say about today's "born again" Christians.

¹⁶ See Caner and Caner, p. 162.

¹⁷ Abu al-Fidaa Ismaeel ibn Katheer, *Al-Bidaayah wa al-Nihaayah* (Beirut: Maktabah al-Maarif, n.d.), vol. 7, p. 290.

faith.

We fight to defend ourselves and to defend these universal principles.

Points numbers four and five are of most interest here. This author has to admit that the logic of this preamble escapes him. For example, how did Point 5 become a universal principle?¹⁸ It definitely goes against what the West believed in for centuries. In reality, to this day, it is not a “universal principle” within the West—as can be seen by Christians who have been fighting each other in Northern Ireland and those who have committed murder at abortion clinics in the name of God. It is astonishing to see that after mentioning the basic principles, they then say that they fight “to defend these universal principles.”

At the very least, they should have said that they believe that these principles are good for all of humankind and deserving of the greatest amount of support. The way they have stated their case—and as signed by numerous dignitaries—has a fundamental logical flaw in it. How can they “fight” to defend the “universal principle” of “killing in the name of God is contrary to faith” while also fighting to defend the principle of “religious freedom” as one of the “inviolable rights of the human person”? From what they stated, one could argue that it is acceptable to fight for the sake of God against those people who kill in the name of God because killing in the name of God is contrary to faith in God, as they have stated!

But what have they done in reality? All they have done is replaced religion—for which one is not allowed to fight—with some principles that they have concluded—for which one is allowed to fight! Why should more weight be given to their devised principles rather than the principles that one believes has been revealed from God? Isn't fighting for man-made principles nothing more than a “secular holy war”? In one of his numerous writings, James Turner Johnson made a valuable comment that highlights the self-contradiction of the stance that these signatories have taken. He wrote,

However, when the state itself develops a state ideology, something very much like holy war reasoning reasserts itself in secular guise. Examples include the ideologies of nationalism, nazism, communism, ethnicity, and even democracy. The West, then, has not completely rejected war for religion, for something very like it lives on in the form of wars for various justifying ideologies.¹⁹

Now comes a very perplexing question for anyone who believes in God, which, it seems, is still the majority of humankind today: How is it that one is not allowed to fight for the sake of God's religion—God who created and nourished all of humankind—yet it is considered acceptable today to fight in the name of man-made ideologies, such as “democracy” or “freedom”? Indeed, it is considered completely acceptable today to fight in the name of man-made “nations.” People get together and form a nation, sometimes a result of most arbitrary historical events, and yet it becomes considered acceptable and logical for the people of that nation to kill others in wars carried out in the name of that nation. The same people who defend those types of wars, including many of the signatories to the above mentioned treatise, will condemn killing or fighting in the name of religion or for the sake of God. Which one should make more sense to the one who believes in God, regardless of whether he be a Jew, Christian, Muslim or whatever?

The issue becomes even more perplexing for those who believe in God: An individual can be jailed for life and even put to death for treason, all in the name of the state, yet at the same time, in the name of freedom of expression, anyone is allowed to say anything they wish about God, religion or virtually any other subject. The man-made entity called the state—which may not even exist tomorrow, such as Yugoslavia, or may even give up its overriding ideology, such as the USSR—has the right to put someone to death but God has no right to call for the death of any individual.²⁰

¹⁸ Note that the treatise never defines what is meant by “killing in the name of God.” If they are referring to something like the Crusades or the Inquisition, such events have never been characteristic of Islamic practices and one would hope that to reject practices of that nature would be a universal principle. However, if they are referring to the concept that one believes that his belief in God requires that he may even have to kill another human for specific reasons, then it is definitely highly presumptuous of them to claim such as a universal principle. In fact, based on the texts of the Bible itself and the history of Western civilization, one could argue that the burden of proof is upon those who claim that God never condones any killing in His name as opposed to those who say that such is a possibility.

¹⁹ James Turner Johnson, *The Holy War Idea in Western and Islamic Traditions* (University Park, PA: The Pennsylvania State University Press, 1997), p. 60

²⁰ Without continuing this discussion too much further, it should be noted that someone may argue here that the laws of the state are drawn up by individuals in the interest of the members of the state. That premise, in itself, is questionable. One could easily argue—and history would be a strong witness—that the laws of the state are *mostly*

The result is a rather hypocritical situation. If such rights for states are accepted then they must also be accepted for God, especially when one's view of God embodies state, society and personal devotion, as in the case of Islam.

The Paradox of Human Rights and the Freedom to Believe

Those who object to the law of apostasy in Islam in the name of "human rights" have fallen into a very interesting paradox: According to the principle of freedom of belief, nobody should be asked to give up anything they believe in, however today it is being demanded of Muslims that they not believe in or implement the Islamic law of apostasy. In other words, in the name of human rights and the freedom to believe, they are saying that one does not have the right to believe that someone should be put to death for denying the religion of Islam. This is very much similar to Henry Ford saying, "You can have the Model T in any color you like, as long as it is black." They are actually defining the limits of one's belief and they are doing that in the name of freedom of belief.

Proponents of human rights have openly voiced their view: If there is any conflict between human rights—that is, what they claim to be human rights—and any religion or way of life, then human rights takes precedence. In other words, one has the freedom to do and believe what one pleases as long as it is in accord with what the propagators—or dare one say, false gods—of human rights approve of. Ann Elizabeth Mayer, for example, writes,

Muslims may have the sincere conviction that their religious tradition requires deviations from international law, and such private beliefs must be respected. However, the situation becomes different when beliefs that Islamic rules should supersede human rights are marshaled to promote campaigns or measures for stripping others of rights to which they are entitled under international law or when such beliefs are cited to buttress governmental policies and laws that violate the International Bill of Rights. The resulting curbs on rights and freedoms go well beyond the realm of protected private beliefs and enter the domains of politics and law.²¹

Mayer claims to write more from an international observer of law. So now, she has gone from declaring freedom of religion to declaring what types of religion will be free to exist and be actually put into practice. Obviously, any religion that claims any say in "politics" or "law" is not an acceptable religion.

In a work entitled *Women's Rights Human Rights: International Feminist Perspectives*, Mayer wrote an article in which she delineated some of what must be removed from the Islamic world due to its contradiction with the concept of human rights. Note how many of the following clearly and without question violate direct texts of the Quran or Sunnah,

Laws [in the Muslim Middle East] commonly provide that the wife must obey her husband, that wives are not allowed to work outside the home without their husbands' permission, that men may take up to four wives, that a Muslim woman may not marry outside the faith, and that women are entitled to only one-half the inheritance share that men inherit in the same capacity. Depending on the country involved, one may find that women are compelled to wear concealing garments in public... that their testimony in court is excluded or valued at one-half the weight of a man's, that they are not allowed to travel without the permission of a male relative or unless accompanied by a male relative... Obviously it would be hard to justify the retention of such laws if one took seriously international norms such as Article 2 of CEDAW [Convention on the Elimination of all Forms of Discrimination Against Women, in force since 1918], requiring all states "to pursue all appropriate means and without delay a policy of eliminating discrimination against women."²²

drawn up to support the contemporaneous powerful elites in the state, which just enough "power" given to others to appease them. (I believe it was James Madison who made virtually the same point in the Federalist Papers.) In any case, the Islamic argument is that the believer in God should trust God's ability to lay down laws more than he should trust the limited capabilities of humans to lay down laws for entire states.

²¹ Ann Elizabeth Mayer, *Islam and Human Rights* (Boulder, CO: Westview Press, 1999), p. xv.

²² Ann Elizabeth Mayer, "Cultural Particularism as a Bar to Women's Rights: Reflections on the Middle Eastern Experience," in Julie Peters and Andrea Wolper, eds., *Women's Rights Human Rights: International Feminist Perspectives* (New York: Routledge, 1995), p. 177. Note that few Muslim countries have ratified the CEDAW and among those that have, they entered reservations on some of its points. Mayer, however, argues that such reservations are not valid because they are "incompatible with the object and purpose of the treaty or convention involved." Mayer, "Cultural," p. 178. Basically she is actually saying, and correctly so, that Muslim countries should refuse to sign such conventions when they contain affronts to the Islamic religion.

Similarly, after the World Conference on Human Rights in Vienna in June 1993, the *New York Times* stated that Washington warned “that it would oppose any attempt to use religious and cultural traditions to weaken the concept of universal rights.”²³ At that conference, Secretary of State Warren Christopher stated that the U.S. will defend the universality of those rights against those who hold, in his own words, “that human rights should be interpreted differently in regions with non-Western cultures.”²⁴

It seems that what they are saying is clear: Although freedom of belief is a fundamental human right, according to the article quoted above, before one is truly allowed to believe in or practice any religion, one must check with the human rights experts to ensure that the beliefs and practices of that religion are compatible with fundamental human rights. If this is not a paradox, nothing is.

The following question remains: What “right” do they have to force such paradoxical thinking upon the Muslims, requiring that the Muslims actually alter their faith? It seems that there is no such “right” as such a right could only be invoked by contradicting the Muslim’s “fundamental human rights”!

Conclusion

It is beyond the scope of this article to touch upon all of the relevant points related to the question of the law of apostasy in Islam²⁵ in the light of contemporary thought and attitudes. However, the above has been sufficient to demonstrate that there does not seem to be any logical, historical or philosophical argument that proves that Islam’s law of apostasy is unacceptable or irrational, especially when applied within the strict confines of the principles of Islamic Law.

The belief in the Islamic law of apostasy stems from the Islamic belief in God, the Creator. It stems from the belief that God has the right to lay down laws for His creatures and that, in fact, He is the best in laying down such laws. This should be considered logical by anyone who believes in God. Even though it can be considered logical, this argument is repugnant to many of the West, even those who believe in God. However, this fact has more to do with the West’s unique history than with the logic of the argument being made. The West experienced a period in which many were killed in the name of God and they also experienced a period in which they realized that their scriptures are not truly from God, due to their manifest contradiction with science. Both of these facts led the West to move away from “God’s law” to man-made laws. One, though, cannot derive “universal principles” from the experience of this small portion of human beings. In fact, those phenomena have no relevance whatsoever to Islam.

Thus, there is no logical reason for a Muslim not to trust in Islam’s scripture, the Quran, as being a true revelation from God.

Hence, there is no reason for a Muslim to abandon God’s law.

Similarly, there is no reason for a Muslim to stop believing in the fact that the best lawgiver is God Himself.

Therefore, there is no logical reason for a Muslim to stop believing in the Islamic law of apostasy as explained by the Prophet of God, Muhammad (peace and blessings of Allah be upon him).

²³ Quoted in Noam Chomsky, *The Umbrella of U.S. Power: The Universal Declaration of Human Rights and the Contradictions of U.S. Policy* (New York: Seven Stories Press, 1999), p. 11.

²⁴ Chomsky, p. 12.

²⁵ For example, one important issue not discussed here is the question of the conditions for applying a *hadd* (prescribed penal punishment) in Islam. In particular, given all of the conditions that must exist before *hadd* punishments are implemented, can a country like today’s Afghanistan truly have the right to implement the *hadd* punishment for apostasy? It is very possible that the government itself is committing *kufr* (disbelief), not to speak of opening the door for all sorts of anti-Islamic organizations and peoples to work freely in the land. This very important issue is one that contemporary Muslim scholars must discuss in detail as the harm of misapplying the *hadd* could possibly be very great for Muslims and Islam as a whole.