

# Islam, Apostasy, and Abdul Rahman

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## 1. Background



Abdul Rahman

Afghan prosecutors requested the death penalty for Abdul Rahman who had converted to Christianity about 15 years ago while working with a Christian aid group helping refugees. After his conversion, his wife divorced him, and their two children were raised by their grandparents. After a time in Pakistan, he returned to Afghanistan in 2002 to regain custody of his two daughters. His relatives reported his conversion to Kabul authorities, and on March 16, 2006, Abdul Rahman told the Afghan Judge Ansarullah Mawlavazada that he had converted from Islam to Christianity and believed in the Trinity. The Prosecutor Abdul Wasi charged that Abdul Rahman is a traitor, a scum to society, and an apostate who deserved execution according to Shari'a law.

## 2. Only Muslims Have Human Rights

The Afghan court denied Abdul Rahman's human rights as a person, since the court rejected his natural right to choose his own religious beliefs. Furthermore, it denied his natural human rights as a father, since he was not able to gain custody of his own children. The Afghan judge told The Times of London,

**“In this country we have the perfect constitution, it is Islamic law and it is illegal to be a Christian and it should be punished.”** The prosecutor, Abdul Wasi, has said that he would drop charges if Mr Rahman converted back to Islam, but he has so far refused to do so. “He would be forgiven if he changed back, but he said he was a Christian and would always remain one . . . **We are Muslims and becoming a**

**Christian is against our laws. He must get the death penalty.**"<sup>1</sup> (Bold emphasis added)

Shari'a law is fundamentally opposed to the natural justice of human beings because it calls for the execution of any Muslim who converts to another religion. Furthermore, many Muslim countries use their judicial and political power to intimidate, threaten, and persecute non-Muslims. Recently, the Algerian parliament approved a law targeting non-Muslim believers. Why do the Western nations lack the moral courage to expose and to challenge the injustice of this Algerian law against fundamental human rights?

The Algerian parliament has approved a law banning the call to embrace other religions than Islam. ... The ratified law stated to sentence imprisonment for two to five years and a fee between 5 to 10 thousands EURO against "anyone urging or forcing or tempting, to convert a Muslim to another religion." The same penalty applies to every person, manufacturer, store or circulate publications or audio-visual or other means aiming at destabilizing attachment to Islam. The law also bans practicing any religion "except Islam" "outside buildings allocated for that, and links specialized buildings aimed at practice of religion by a prior licensing." <sup>2</sup>

Imagine for a moment if Western governments had laws requiring the execution of every convert to Islam in Europe and North America. Muslims around the world would be horrified at such an injustice, never reflecting that this is exactly parallel to the injustice of their own Shari'a law. Also, almost no one would be willing to consider the faith of Islam, because it could lead to his or her death. Furthermore, consider the terrorizing effect upon Muslims who already live in the West, if the West were to fine and imprisoned Muslims for two to five years for promoting their faith or being involved in any aspect of producing, storing, or distributing Islamic literature. Yet, this is precisely the situation for Christians who are targeted for persecution in some Muslim countries.

Western leaders and diplomats lose their voices when it comes to Islamic intolerance and persecution. Perhaps, they have advocated the notion; *Islam is a religion of peace and tolerance*, for so long they have difficulty criticizing Shari'a law and its fundamental injustices. Politically, Western leaders hope their pro-Islamic statements have three effects. 1. Win the votes of the Muslims who live in their respective countries. 2. Negate the warnings of Christians and secularists who see the rapid and fearful rise of Islamic fundamentalism within their own nations. 3. Charm the Muslim populations around the world, so they will not join in militant Jihad against the West. Pragmatism is a poor substitute for speaking the truth. Western leaders quote abrogated verses in the Qur'an, as if these verses were an enduring feature of Islam. After promoting the wonders of the democratic process in Afghanistan, the apostasy charges against Abdul Rahman dashed the notion that Islam is a religion of peace and tolerance for any clear thinking and rational person.

Muslims need to recognize that human rights are a two-way street.<sup>3</sup> If they believe any person has the right to become a Muslim, they need to grant that any person has the right to become a

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<sup>1</sup> Anger over Christian convert in Kabul who faces death, The Times of London, March 21, 2006.

<sup>2</sup> Algeria bans Muslims from learning about Christianity, Arabic News, March 21, 2006.

<sup>3</sup> Irfan Husain, One-way traffic, Dawn.com, April 1, 2006.

non-Muslim. If they demand that an Islamic government execute any Muslim who converts to Christianity, they should demand that a non-Muslim government execute any Christian who converts to Islam too. If a person is not able to practice freely a religion in a Muslim country, then a Muslim should not be able to practice Islam within a Christian, Hindu, or secular country. A major reason the West is losing the ideological battle with Islam is that it tolerates the Muslim's view that human rights are a one-way street.

Jesus Christ said,

So in everything, **do to others what you would have them do to you,**  
for this sums up the Law and the Prophets. Matthew 7:12

While Islam claims to honor the Prophet Jesus Christ, they hate those who follow His teachings. This is why they threatened to execute a follower of Jesus. Furthermore, they despise the teachings of the prophets and Jesus Christ when they hold up a Holy Bible as if it were a criminal offense to have a book with the teachings of Noah (*Nuh*), David (*Dawud*), Solomon (*Suleiman*), Jonah (*Yunus*) and the Lord Jesus Christ (*Isa*). Islam gives honor to the names of the prophets; but, in reality, it is the religion most diametrically opposed to the teachings of the prophets of God.

### 3. Who is insane?

The Afghan judge suggested that Abdul Rahman may escape the death penalty because he appears to be mentally unfit. ABC news has a report entitled, "Afghan Convert May Be Unfit to Stand Trial: Afghan Man Who Converted to Christianity May Be Mentally Unfit to Stand Trial".<sup>1</sup> Yet, we wonder who is really insane? Is a judge mentally fit when he displays a Bible as evidence of a capital crime? Are Muslim clerics sane when they deliver their fiery Friday sermons demanding the execution of Abdul Rahman? Are the hysterical Afghan demonstrators acting rationally while screaming death to Abdul Rahman and the West? Are the Muslim clerics and judge intelligent when they do not have the mental facilities to understand the most basic principles of natural justice and human rights?

During the Soviet Russian era, Communists charged many dissidents and Christians with insanity and sent them to psychiatric prisons in Siberia. The constitution of Soviet Russia guaranteed religious freedom to its citizens. As a result, the Soviet judiciary could not bring charges against them based on religion. The insanity charge was a convenient excuse to send dissidents and Christians to Siberia for incarceration. It provided a legal maneuver for the Soviets to promote their ideals of religious tolerance to the West while still terrorizing the Russian Christians inside their country.

In a parallel fashion, the Afghan legal system appears to be looking for a way to maintain its Islamic apostasy laws as the supreme law of the land while seeking to rid itself of Abdul Rahman's case because of international pressure. According to Shari'a law a person cannot be charged with apostasy if the person were insane.<sup>2</sup> The Afghan prosecutor said that Abdul

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<sup>1</sup> [Afghan Convert May Be Unfit to Stand Trial](#), ABC News, March 22, 2006.

<sup>2</sup> ... someone totally oblivious is as if **insane, and is not held legally responsible** (dis: k13.1(O:)), for these latter do not entail unbelief; Ahmad ibn Naqib al-Misri, *Reliance of the Traveller: A Classic Manual of Islamic*

Rahman might be mentally unfit to stand trial for leaving Islam. As a result, Afghanistan would retain its inhumane apostasy laws and be able to threaten any future converts to Christianity. More importantly, by ridding itself of Abdul Rahman's case, Western financial aid will continue to flow into the country.

Using the insanity ploy fools the West into thinking they were tough with the Afghan judicial system on the principles of human rights. In fact, nothing has changed in the laws or constitution of Afghanistan. Its apostasy laws still require the execution of anyone who leaves the faith of Islam. The West cried out loudly against the injustice, so the Muslims stopped the West's crying without really giving them anything. It is rather like putting a pacifier into a hungry baby's mouth to stop its crying. The crying baby is fooled into thinking it is being fed. The Shari'a law of Afghanistan has given up nothing to the West, and it continues to persecute Christians and Muslim apostates in Afghanistan.

#### 4. Insufficient Evidence

Essentially, the insufficient evidence and insanity claims are similar in that both claims maintain their Islamic apostasy laws intact while still satisfying the West's concern about the life of Abdul Rahman. The Afghan government depends upon receiving billions of dollars from the West. Consequently, it is willing to use an exception in Shari'a law even though the exception should not apply in Abdul Rahman's case. In spite of clear testimony to his conversion to Christianity, the Afghan court said there is insufficient evidence of apostasy, so they must release him. In effect, the Afghan court shielded its apostasy laws from erosion, and the nation continues to benefit from the flow of Western financial aid.

A Supreme Court spokesman, Abdul Wakil Omeri, said the case had been dismissed because of "problems with the prosecutors' evidence." He said several of Mr. Rahman's relatives testified **he is mentally unstable** and prosecutors have to "decide if he is mentally fit to stand trial." Another Afghan official involved with the case said the court ruled there was **insufficient evidence** and returned the case to prosecutors for further investigation. But he said Mr. Rahman would be released in the meantime.

<sup>1</sup> (Bold emphasis added)

#### 5. Islamic Tolerance

Like most Muslims, the Afghan judge said, "Islam is a religion of mercy, kindness and tolerance." This deceptive assurance comforts liberal Westerners, blinding them to the harsh realities of Islamic law. The Afghan judge made the above statement on Islamic tolerance, then he went on immediately to say, "if he doesn't revert back to Islam, he's going to receive the death penalty, according to the law". Executing a person because you cannot tolerate his religious beliefs is fanatical intolerance by any normal definition of the word. This statement shows what *true* Islamic mercy, kindness, and tolerance mean! A Muslim government has the legal right to execute every convert to Christianity, if he does not repent and return to Islam. Where is the tolerance? The vocabulary may be the same, but, in Islam, mercy and tolerance do not

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*Sacred Law*, Translated by Nuh Ha Mim Keller, Amana Publications, Beltsville, MD, 1997 Revised Edition, p. 597.

<sup>1</sup> [Afghan man saved from execution](#), Washington Times, March 27, 2006.

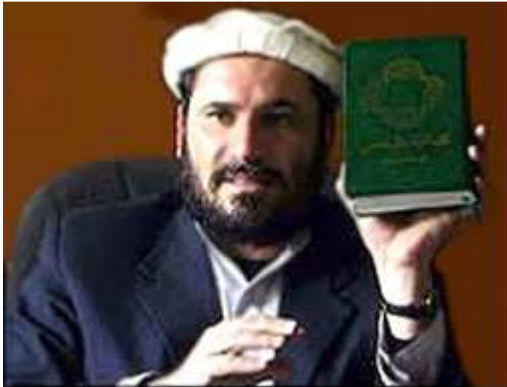
correlate with any Western understanding of these words. These pleasant sounding words of muffle the cries of those persecuted in Muslim lands.

The judge handling the case, Ansarullah Mawlavizada, said the courts were trying to find a "good solution" which could include persuading Rahman to revert to Islam. "This is a sensitive issue -- we are trying our best to handle it quickly," he told AFP. "Since **Islam is a religion of mercy, kindness and tolerance**, we will try to find a good solution. We are trying our best to persuade the man to convert back to Islam." On Wednesday Mawlavizada said that "**if he doesn't revert back to Islam, he's going to receive the death penalty, according to the law**". <sup>1</sup> Afghan News Network March 23, 2006. (Bold emphasis added.)

The West lost because it did not challenge the government of Afghanistan to remove the root of the problem, which is Shari'a law abrogating the basic human rights of non-Muslim citizens. The Afghan court won, because it was able to shield the Shari'a law provisions of its nation's constitution from erosion. As a result, the Afghan judiciary is able to continue prosecuting and punishing Christian converts, since most of them never receive any international attention. <sup>2</sup> They suffer without anyone knowing or being able to speak in their defense. Isaiah 42:7, 22-23; 61:1, Matthew 25:36, 39-40.

## 6. The Bible

This picture shows an Afghan Supreme Court judge, Ansarullah Mawlavizada, holding up the evidence of Abdul Rahman's crime —a Bible! <sup>3</sup> Muslims despise the book of the prophets of God.



In effect, this means that the Afghan people believe it is a crime to follow the teachings of the prophets of God. Across Afghanistan Muslim clerics have demanded the death of Abdul Rahman, because he has submitted to God and His message. Of all religions, Muslims boast the most that they follow the teachings of the prophets. However, exactly the opposite is the case. **Islam is**

**the religion that is most opposed to the prophets of God.** Saudi Arabia bans the writings of the divine prophets; such is their hatred of the true message of God.

Imagine for a moment, if a U.S. Supreme Court judge were to hold up a Qur'an as if it were evidence that a person had converted to Islam and was worthy of execution. Likewise, imagine if Christian leaders all across America were to agitate their congregations to demonstrate in the streets demanding that the U.S. government execute any Muslim who had left Christianity. Finally, imagine Christian clerics calling for the Muslim's murder if the government were not willing itself to execute the apostate. This is rather like the state of affairs in Afghanistan for Christian converts. The Taliban were overthrown, and these are the so-called moderate Muslims who have replaced them!

<sup>1</sup> Afghanistan seeks solution on convert amid Western uproar, Afghan News Network, March 23, 2006.

<sup>2</sup> More Christians Arrested In Wake Of 'Apostasy': Two other converts from Islam in custody; another hospitalized after beating. Compass Direct, March 22, 2006.

<sup>3</sup> Ansarullah Mawlavizada holds copy of Bible, Yahoo News, March 26, 2006.

## 7. Islamic Constitutional Law

**The Afghanistan Constitution** in Preamble 5 affirms the Universal Declaration of Human Rights of the United Nations.<sup>1</sup> Preamble 8 states that the purpose of the constitution is to create a civil society free of oppression and to assure the fundamental rights and the freedoms of its people. However, State Chapter 1, Article 3 abrogates these assurances of human rights and freedoms by subordinating them to the prior tenets of Islamic law. Furthermore, as noted in Amendments Chapter 10, Article 1, the Afghan Constitution does not permit any constitutional amendment to curtail the supreme role that Shari'a law has over the constitutional powers of the executive, legislative, and judicial branches of government. Since the Afghan people cannot amend its constitution to remove its Shari'a law's supremacy, it would require an entirely new constitution for Afghanistan to make its constitution not subservient to Shari'a law.

**Preamble 5.** Observing the United Nations Charter and respecting the Universal Declaration of Human Rights,

**Preamble 8.** For creation of a civil society free of oppression, atrocity, discrimination, and violence and based on the rule of law, social justice, protection of human rights, and dignity, and ensuring the fundamental rights and freedoms of the people,

**State Chapter 1, Article 3.** In Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam.

**Amendments Chapter 10, Article 1.** The provisions of adherence to the fundamentals of the sacred religion of Islam and the regime of the Islamic Republic cannot be amended.<sup>2</sup>

On the one hand, the Afghan officials can show the Western leaders its constitutional protections of the religious rights of its citizens; and, on the other hand, the elected officials can show the Afghan clerics that Shari'a law is the supreme law of the land. The supremacy of Shari'a law in the Afghan Constitution subordinates the human rights of the Universal Declaration of Human Rights of the United Nations to its Islamic jurisprudence. As a result, an Afghan's religious rights vanish under Shari'a law, and the Afghan judiciary has the legal apparatus to sentence a Muslim apostate to death.

**Shari'a law** is clear and unambiguous. Shari'a law states that a Muslim who changes his religion from Islam is executed. This is the punishment prescribed by all four traditional schools of Islamic jurisprudence. (For a more extensive treatment of Islamic scholarship on apostasy, see an article entitled, *Apostasy: Part I. What does Islamic Scholarship say?*<sup>3</sup> The article provides quotations from twelve different Muslim scholars.) Professor Abdur Rahman Doi states the following in his book entitled, *Shari'ah Law: The Islamic Law*,

The punishment for apostasy is prescribed in the following Hadith of the Prophet:

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<sup>1</sup> Universal Declaration of Human Rights: Article 18. 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.

<sup>2</sup> The Constitution of Afghanistan.

<sup>3</sup> Apostasy: Part I. What does Islamic Scholarship say?

عن ابن عباس رضى الله عنه، قال: قال رسول الله صلى الله عليه وسلم: "من بَدَّل دينه فاقتلوه."

It is reported by Abbas, may Allah be pleased with him, that the Messenger of Allah (S.A.W.) said: "Whosoever changes his religion (from Islam to anything else), bring end to his life."

**The punishment by death in the case of apostacy has been unanimously agreed upon by all the four schools of Islamic jurisprudence.**<sup>1</sup> (Bold emphasis added)

**The Universal Islamic Declaration of Human Rights** (September 19, 1981)<sup>2</sup> is a duplicitous declaration in that it declares explicitly the right to freedom of religion, but then it removes this freedom, making it subservient to Shari'a law. See the Explanatory Note 1 in the following quotation.

Preamble. *WHEREAS* Allah (God) has given mankind through His revelations in the Holy Qur'an and the Sunnah of His Blessed Prophet Muhammad an abiding legal and moral framework within which to establish and regulate human institutions and relationships;

**XIII Right to Freedom of Religion. Every person has the right to freedom of conscience and worship in accordance with his religious beliefs.**

**Explanatory Notes. 1.** In the above formulation of Human Rights, unless the context provides otherwise:

- a) the term 'person' refers to both the male and female sexes.
- b) **the term 'Law' denotes the Shari'ah, i.e. the totality of ordinances derived from the Qur'an and the Sunnah and any other laws that are deduced from these two sources by methods considered valid in Islamic jurisprudence.** (Bold emphasis added.)

Normally, a nation's constitution is the supreme law of the land. However, from an Islamic viewpoint, Shari'a law abrogates the constitution in any jurisprudence where Shari'a law and the constitution conflict with one another.

**The Cairo Declaration on Human Rights in Islam** (August 5, 1990)<sup>3</sup> is another Islamic statement on human rights. Again, it presents proudly its human rights credentials, but it is like a scorpion where the sting is in the tail. The sting of Shari'a law is in the very last Article of the Declaration, and it paralyzes the vigor of the Declaration's assurances of religious freedoms. This is why the guarantee of religious human rights in Islamic constitutions is not a true legal safeguard for non-Muslims, rather it is legal cosmetic to put a kinder and gentler face on Islam without exposing its poison.

ARTICLE 10: Islam is the religion of true unspoiled nature. It is prohibited to exercise any form of pressure on man or to exploit his poverty or ignorance in order to force him to change his religion to another religion or to atheism.

ARTICLE 24: **All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah.**

<sup>1</sup> Doi, 'Abdur Rahman I., *Shari'ah: The Islamic Law*, A.S. Noordeen, Kuala Lumpur, Malaysia, 4th printing, 1998, p. 266.

<sup>2</sup> Universal Islamic Declaration of Human Rights

<sup>3</sup> Cairo Declaration on Human Rights in Islam

**ARTICLE 25: The Islamic Shari'ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.**

## 8. The State Department of the United States

The statements of Undersecretary of State Nicholas Burns and department spokesman Sean McCormack said they hoped that the trial would be held in “a transparent way.”

We did discuss the case of Mr. Abdul Rahman. And I said on behalf of our government that we hope very much the judicial case, which we understand is now underway, would be held in a transparent way.<sup>1</sup>

Firstly, the Afghan prosecutor should never have brought the case to trial, because the Afghan constitution guarantees religious freedom, and it is a universal human right too. Secondly, Undersecretary of State Nicholas Burns lacked moral clarity when he seemed to say the trial was acceptable as long as they conducted it “in a transparent way.” If the Afghan court convicted Abdul Rahman of being an apostate, would it have been acceptable if the government executed him as long as the judge conducted the trial “in a transparent way”?

U.S. Department of State likes to think there is a difference between the Taliban and the Karzi government on the issue of apostasy and Shari'a law. Both governments would torture and execute Muslim apostates if it were not for international considerations. Is there a single church building in Afghanistan? What happens to a Christian convert who does not make the headlines of international news? Why has the U.S. government spent billions of dollars establishing an intolerant theocratic Islamic state following Shari'a law?

State Department spokesman McCormack contrasted the government in Kabul with its fundamentalist predecessor. "Under the Taliban, anybody considered an apostate was subject to torture and death," he said. "Right now, you have a legal proceeding that is under way in Afghanistan." McCormack said the administration underscored to Abdullah "that we believe tolerance and freedom of worship are important elements of any democracy."<sup>2</sup>

## 9. Democracy or Human Rights

Contrary to what many think, democracy does not equal a government that respects human rights. Democracy is simply a government ruling according to the will of the majority of the people.<sup>3</sup>

**1 a :** government by the people; *especially* : rule of the majority **b :** a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections

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<sup>1</sup> On-The-Record Briefing on U.S.-Afghanistan Strategic Partnership, U.S. Department of State, March 21, 2006.

<sup>2</sup> U.S. Backs Afghan Man Who Converted to Christianity, Fox News, March 22, 2006.

<sup>3</sup> Democracy in the Arab World, a U.S. Goal, Falters, New York Times, NY, April 10, 2006.



**2** : a political unit that has a democratic government —**dem·o·crat·ic** / "de-m&- 'kra-tik/ *adjective* —**dem·o·crat·i·cal·ly** *adverb*<sup>1</sup>

There is nothing inherent in democracy to protect the human rights of minorities. In fact, minority rights are often opposed to the will of the democratic majority. Thus, it is a false assumption to argue that the spread of democracy across the Muslim world will bring a better human rights record. For example, if the majority of the Afghan people were to decide the case of Abdul Rahman, the overwhelming democratic majority would have had him executed. Natural human rights were his only legal safeguard against the democratic majority and the sword of Shari'a law.

The Middle East needs universal human rights far more than democratic governments. Currently, the democratic process is fueling the rise of Islamic fundamentalism in the Middle East,<sup>2</sup> because, in contrast to Christianity, Islam lacks a moral foundation in natural law and human rights. What Muslim countries need specifically are the following. 1. Their governments need to remove the Shari'a law articles from their constitutions. 2. Their educational systems need to teach the value of universal human rights. 3. Their legal authorities need to enforce vigorously violations of human rights. 4. Their governments need to promote and encourage the freedom of non-Muslims to propagate their religious ideologies without intimidation in the same way Muslims propagate Islam in Western countries. 5. Their governments need to curtail the influence of Islamic clerics who foment hatred and bigotry in the masses. 6. Saudi Arabia needs to stop funding Islamic schools, constructing mosques, and printing Islamic literature in the West until it allows this type of funding and propagation within its own borders by non-Muslims.

## 10. The Muslim-Islam Fallacy

Many people argue that most Muslims are wonderful, hard-working, family-oriented, and hospitable people. Therefore, they conclude it must follow logically that Islam is a good religion. The first assertion is granted. However, the conclusion is fallacious and not deducible from the initial premise. The life of Muhammad, the Qur'an, and the Sunnah (*ahadith*) of Muhammad define the religion of Islam, and we must evaluate Islam based upon the teachings and behavior of Muhammad.

For example, during the Soviet Russian era, most Russians were wonderful, hard-working and hospitable people too. While this is a true statement, it does not follow that the ideology of Marxism and Leninism is a good model upon which to base a national government. We must evaluate atheistic communism by the teachings of Karl Marx and Vladimir Lenin. Some people act good and other people act badly in all religions and ideologies. The Muslim-Islam fallacy is not a valid or sound argument to evaluate Islam. The teachings and life of Muhammad must be the basis of a critique or defense of Islam.



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<sup>1</sup> The American Heritage® Dictionary of the English Language, Fourth Edition

<sup>2</sup> Cartoon — Beat your swords into democracy.