

Apostasy and Conversion

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- In the context of a conference which tries to identify how the international community can strengthen its ability to protect religious freedom and, in particular, to develop practical proposals for the global promotion and support of freedom of religion and belief, why is it important to discuss apostasy and conversion?
- Because apostasy and issues surrounding conversion present perhaps the most serious and pressing threats to freedom of religion or belief worldwide, in particular the right to change one's religion or belief and the right to teach one's religion or belief
- This is a wide and complex area and I wish to offer some food for thought on the issues of apostasy and conversion in the context of the freedom to change religion or belief
- A major reason why conversion is becoming a hot international topic is the Muslim belief that leaving Islam is at best a grave sin, at worst a crime of apostasy that merits execution
- Apostasy – defined as “the abandonment or renunciation of a religious belief or principle” or, as the Catholic Encyclopaedia puts it, as “the desertion of a post, the giving up of a state of life” – initially stems from the individual conscience and decision to change religion or belief and is a crime on the statute books in 14 countries around the world, including Iran, Saudi Arabia and Afghanistan. And in some of these states it is punishable by death. But even where apostasy is not a crime, it acts a strong deterrent to changing one's religion or belief in certain societies and therefore a fundamental impediment to the full enjoyment of human rights
- Another factor in a growing global controversy is the belief in some Christian circles that Christianity must retain the right to seek and receive converts, even in parts of the world where this may be viewed as a form of cultural or spiritual aggression. A number of states in India have passed anti-conversion laws aimed at “protecting” the Hindu majority from efforts by members of other faiths, particularly Christians, to teach their religion. These laws impose criminal sanctions on both the “converter” and the person converting
- The Indian government is not alone. Other countries in South Asia have chosen to ban or restrict the propagating of faith, and in some legislation prohibits conversion without prior notification of the authorities or defines “forcible” conversion in very broad terms
- But in most human societies the reason why conversion causes controversy has little to do with religious dogma, and much to do with power structures (for example, within the family or the state) and politics. Conversion is seen as an act whose consequences are as much social and political as spiritual. In many

societies, having a religion or belief is intimately associated with issues of identity, status and collective belonging, rather than merely limiting itself to a matter of private personal conscience. Conversion will never be seen as a purely individual matter when one religious community is at odds or in conflict with another. For in any situation where religion and authority (whether political, economic or personal) are bound up, changes of spiritual allegiance can cause shockwaves

- My starting point – my premise – is the fundamental moral importance of freedom to change religion or belief, that it is a morally essential human right and one that deserves unconditional protection so that any person of faith should be able to enthusiastically and freely share his or her beliefs with others with a view to inviting – but never to compel – them to join him or her on the same religious path
- To be human is to search for truth. This search necessarily requires freedom of conscience – the ability to examine the validity of all belief systems and to choose, change, and practise one’s beliefs
- Moreover, the freedom to change our religions or beliefs is especially critical. Why? Because if we are to act ethically, we must always be free to search out the truth for ourselves. We must be free of obstacles and hindrances erected by dominant religions or ideologies
- Individual and collective progress requires a constant willingness on the part of everyone to listen to the views of others and reconsider their initial beliefs and opinions. Such a process would not be possible at all if participants cannot change their most deeply held convictions, including religious ones
- Religion, in my understanding, is about the personal investigation of reality using the faculties of both faith and reason and not the following of tradition or the inheritance of identity. That is, religion, thus conceived, transcends cultural or political reality because it emanates from the spiritual dimension of human existence. Therefore, to deny the right to change one’s religion goes against the very nature of what it is to be human
- Governments have recognised the importance of the right to change religion or belief in various international instruments, foremost among these being Article 18 of the Universal Declaration of Human Rights. It is significant that according to the Declaration’s explicit language, the right to change religion or belief is not a “manifestation” of religion or belief. This means that it is a non-derogable right, not subject to certain restrictions that governments are allowed to impose on the manifestation of religion or belief
- Yet we must confront the gradual emasculation of the strong and unequivocal statements of the right to change religion or belief in international instruments over the last six decades, in large part because of the opposition to such issues as apostasy and resistance to the right of religious conversion
- And although it is routinely argued that these difficulties do not call into question the freedom to change religion or belief and as it is inherent in the very concept of

the freedom of religion or belief, this is not completely/generally accepted by the nations of the world. If any reminder of this were needed, it should be noted that attempts made to insert the right to change religion or belief in the annual resolution on freedom of religion or belief before the Human Rights Council in March 2011 were unsuccessful

- How can states be urged to ensure that their legal systems effectively guarantee individuals the right to change one's religion or belief? And, specifically, what are the tools, mechanisms and resources that can take the apostasy and conversion discussion debate in the most favourable direction, that is towards the unfettered acceptance of the freedom to change religion or belief? These are some of the key questions before us
- In thinking about this, we need to recognise that the alarming increase in resort to legal sanctions against apostasy may be the consequence of a number of trends. One is the polarisation in debates over the universality of human rights versus cultural relativity, or at least the extent to which religious and cultural particularities may be accepted to trump international human rights standards. A second reason is the retreat of nation states to more conservative interpretations of religion as the presumed basis of ensuring solidarity and loyalty in their realm. Resort to punishing apostasy may, therefore, be more of a signal of the sense of being politically and ideologically under siege than an indicator of religious loyalty and orthodoxy. The subject of apostasy could, therefore, be fruitfully examined in the context of identity, and the penalties, threats, and intimidation that can be extended to ensure continued loyalty
- The danger of not combating the challenges posed by apostasy is dire. In particular, the discussion about apostasy under Islam must be undertaken with greater care and understood in the context of vast divergences of opinion and interpretations
- We need to recognise that there are many in Muslim countries today who wish to reform or restrict the punishment for apostasy and it would seem that contextualising the apostasy ban – including its political rather than religious utility today – seems perfectly reasonable and legitimate
- Such formulations contextualise the death penalty for apostasy as a requirement at a time when the Muslim community was under siege and under risk of extermination. It is also asserted that this context certainly does not hold when Islam is established and enjoys majority status. Indeed, the Qur'anic injunction of "no compulsion in religion" is a principle clearly at odds with a practice of imposing the death penalty for apostasy
- But even with the acceptance of the legal and cultural possibility of change to the laws of apostasy under Islam, a further, more daunting challenge remains: the political challenge of bringing about such change. How can this be effected in such a way that does not cause fracture within the Muslim world by unnecessarily pitting the forces of status quo against reform?

- The debate about conversion and change of religion can be resolved well, but it needs to be conducted with more subtlety
- Many arguments suggest that any conversion – changing one’s religion or making efforts to persuade another person to change their religion – is totally immoral. In this regard, they are not concerned solely with aggressive proselytism, but all forms of sharing beliefs. Indeed, there is a significant body of opinion that is explicitly opposed to freedom to change religion or belief, holding the understanding that one is culture-bound to retain the religion or belief into which one happens to be born. They consider that, if one does not genuinely hold this belief, at least one should not be so discourteous to adopt another. And it is assumed that when someone changes his or her religion is often due to adverse outside influences or for purposes that are not very commendable
- Part of the problem is in the terminology. Words – and their deeper meanings – are important in this debate and we should choose them carefully
- “Converting” has negative implications – it suggests that a person from one religion is acting as a predator, forcing a vulnerable person to change their religion against their will, coercing people into joining their faith, either by material allurements, or by insulting and condemning their own religion. Most people of faith would not recognise such motives. International law offers clear protection for the freedom to teach one’s religious faith to others, including carrying out actions to persuade another person to believe in that religion. However, we need to distinguish between the principle about whether religious beliefs can be shared, and the practice of how this is done. International human rights law unequivocally condemns any use of coercion in the propagation of religious beliefs. But what does “coercion” mean and what does it not mean? And, more importantly, what term should be used to capture the spiritual significance of the pivotal moment in a human being’s exploration of religious truth and the process that facilitates this?
- There is also the perspective that democracy brings. Democracy necessarily brings people holding different viewpoints into debate with each other. It isn’t always done respectfully, unfortunately, but it should be. People differ in their views on politics, economics, morality, and they try to persuade other people by explaining why they think they are correct. That is not being arrogant or disrespectful, but being honest. If that is the nature of a democracy, it seems inconsistent to allow debate on most topics, while cutting off debate on religious matters, especially as these often relate to people’s deepest convictions about life
- In a democracy, the freedom to manifest one’s religion, to share ideas on topics of spiritual import must be upheld and limitations to this freedom must be imposed in exceptional cases and determined with great care. Furthermore, in a democratic space, the State has the duty to ensure that all voices can be heard, and that no group dominates others. But how can this be practically accomplished? What is the role of the state in ensuring that the democratic space where ideas are shared and developed also includes the possibility for individuals and groups to explore spiritual realities together in ways that are conducive to mutual respect, growth and understanding? And what is the role of non-state actors in this respect?

- States argue that limiting the teaching of religions and the sharing of beliefs is necessary to preserve particular traditions, identities and ideologies and to protect the rights of targeted populations. Yet, a change of identity resulting from conversion does not constitute a violation of the individual's human rights. Rather it is one's desire to maintain an identity that requires legal protection. And, of course, this throws up the whole question of what one means by "identity". So, what constitutes legitimate governmental action in limiting the freedom to the sharing one's religious beliefs? And is it a legitimate reason for the State to limit that right in order to protect the rights of a targeted population?
- Further, in an integrating world where patterns of response and association undergo a continuous process of shifting, what is the role of institutions in managing these developments in a way that promotes the cohesion and well-being of society?
- I would like to humbly suggest that the best way to deal appropriately with conversion is not through legislation or resolutions. There is a more difficult way, but one which will be much more rewarding in the long-term: dialogue and promoting mutual respect throughout society
- Rights should always be exercised with responsibility, and it is better to protect rights and promote responsible behaviour, than to limit rights for fear of how they will be exercised. If the government protects the right to freedom of religion in all its fullness, then it has kept its part of the bargain. It then falls to the people to act responsibly. Since there is concern about the activities of the Church in certain regions of the world, perhaps Christians could follow the example of Sri Lankan churches by using a code of conduct that promotes responsible and respectful behaviour. That would be a very promising start to resolving the issues