

Why is it that up to the present day, “apostates” – progressive Muslim intellectuals, converts, and members of non-recognized minorities – socially ostracized, discriminated against according to civil law, persecuted, and taken into custody and imprisoned in Muslim majority countries, although in hardly any of these countries a law against falling away from Islam exists. Indeed, why is this the case even though in virtually all of these countries the constitutions ensure religious freedom? Why are apostates acquitted in court in some places but then have to go underground lest they lose their life in broad daylight? Who are the participants accounting for the creation of such a social climate in which apostasy, criticism of religion, and criticism of the local form of Islam appear to be crimes deserving death? And which preconditions have to be fulfilled in order for Muslim proponents of complete religious freedom to increasingly find a hearing in society and theology?

The vague notion frequently circulates that Islam forbids apostasy, indeed that apostates and converts from Islam to another religion are threatened with death. Where and with which justification this can be the case, however, in light of the known fact that there is no codified Sharia lawbook? Additionally, where does the justification come from when primarily Arab states call upon the Sharia as the source of legislation yet only apply it in locally valid catalogues of criminal law – and even at this point predominantly only in civil law? Where is the justification when scarcely any state has a prohibition against apostasy in its constitution or legislation. From a first glance at the wording of the constitutions of numerous Muslim majority countries, which are expressly committed to religious freedom, the conclusion could be drawn that in the final event religious freedom in such states reaches much farther than is initially supposed.

The fact that this is, however, not the case becomes clear very quickly to whomever deals with what are from location to location extremely varied but almost universally strained and in part dramatic situations facing critical intellectuals, artists, progressive Koranic scholars, journalists and secularists, agnostics or confessing atheists, enlightened thinkers, women’s and human rights activists, converts to other religions, and members of non-recognized minorities. The spectrum of limitations and pressure varies greatly from country to country and ranges from discrimination via legal disadvantages to societal ostracism and all the way to public condemnation, from arbitrary incarceration to threats and even death. What is, however, the cause and basis for all of this if no Sharia-orientated legislation on this question exists locally at all? Is it the widespread problematic nature of education? Does it have economic causes? Is it the misuse of power and political position?

If the state and legislative structures are not the deciding lever in the machinery which sets these side effects in motion as they relate to those who think differently, the question is to be asked as to the role public opinion makers play, particularly as it relates to the position of influential representatives of Islamic theology, for they exert a great degree of influence on society via a large number of channels. Worldview transfer and the transfer of the history of ideas in theology and law, and above all in society, which proceeds from them are together the central focus of this study. In which direction do influential theologians mould the societal climate with respect to the treatment of outsiders? Do these theologians justify and intensify outsiders’ possession of fewer rights due to their comments and opinion statements? Do they and their rationale account for a balancing counterweight in the difficult legal situation minorities and those who think differently face? Or do they even advocate more civil rights and liberties than the legal frameworks provide?

Over the past decades there have been an increased number of cases of escape and desire for asylum, and the mishandling and execution of certain critical intellectuals, authors and Koranic scholars, apostates and converts has been covered in press reports in the Western media. Research into all known cases, however, is more difficult than it might appear at first glance: It is only seldom that the precise circumstances and motives leading to this arrest or that case of death can be

investigated from a distance. In part, one finds that the local press does not report at all or presents an official standard version of a spying offense instead of the facts, or it refers to the involvement of the person concerned in drug dealing, or it presents involvement in some other morally offensive behavior or activity which is subversive to the state under the existing legal framework. The result is that from the outside it is often difficult to obtain a clear picture.

For that reason what one has here – while taking into account a number of prominent examples of the persecution of apostates which have already been academically investigated – is less the question of the consequences of apostasy as the central issue, but rather the points of departure with respect to the aspect of the history of the development of ideas. Why are apostates in Muslim majority countries under such strong fire in the first place? To ask this is to pose the question of the position contributors to this sort of societal climate have, a social climate in the shadows of which either civil rights and liberties and diversity of opinions can flourish or where intolerance, threats, and discrimination of those who think differently can blossom. For that reason the attitudes of influential representatives of Islamic theology as they relate to apostasy and to dealing with apostates are what take the center stage of this investigation.