

## **ABSTRACT: Freedom to Believe: Reassessing the Regulations of Apostasy**

The freedom to choose one's religious belief is protected as a human right in international documents. The Universal Human Rights Declaration (1948), Article 3 recognises that "Everyone has the right to life, liberty and security of person." Additionally, the International Covenant on Civil and Political Rights, Article 3 says:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Article 19 says: 1-Everyone shall have the right to hold opinions without interference.

Many Muslim countries, including Iran, have adopted these conventions, and are therefore, obligated to extend these rights to their citizens. Nonetheless, in practice they continue to criminalise apostates with the most severe punishment, namely capital punishment. Such laws are based on the juristic understanding of apostasy within the sharia. However, the dynamism of *ijtihad* in the Shi'i tradition means that the rulings of former jurists does not prevent contemporary jurists from reassessing rulings regarding apostasy by re-looking at the sharia sources.

In light of this, the presentation will briefly discuss:

1. Can punishing apostates be evidenced from the sharia sources?
2. If so, is the Islamic Government obliged to implement such a punishment?
3. Furthermore, is apostasy punishable in when it relates to individuals changing their personal beliefs or only in cases where it leads to confrontation with the faithful community?

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Ayatollah Mohaghegh Damad completed his seminarian studies at the Fayzieh School in Qom, Iran, where he achieved the status of a mujtahid by the age of 25. Amongst his notable teachers are Allama Tabatabai and Shaykh Murtada Mutahhari, under whom he studied Islamic philosophy. His studies in Islamic Jurisprudence and Legal Theory were conducted by the likes of Ayatollah Mohammed Reza Golpaygani and Ayatollah Morteza Haeri Yazdi. Parallel to his seminarian education, Ayatollah Mohaghegh Damad pursued secular academic studies, obtaining a degree in Islamic Philosophy and a Masters in Islamic Jurisprudence, both from Tehran University, before going on to earn his PhD in Law at the University of Louvain-la-Neuve, Belgium. He is the Dean of the Department of Islamic Studies at The Academy of Sciences of Iran, and a Professor of Law and Islamic Philosophy at Tehran University. He is recognised as one of the world's most influential Muslims by The Muslim 500 for his scholarly work.