

Article

Freedom of Religion: The Contribution of Contemporary Iranian Reformist Scholars

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Abstract: This article examines a specific line of thinking shared by several contemporary reformist Iranian religious scholars who present arguments in favor of freedom of religion. Focusing on the ideas of five prominent reformist Iranian scholars—Abdolkarim Soroush (b.1945), Muhammad Mujtahed Shabestari (b.1936), Hasan Yousefi Eshkevari (b.1950), Mohsen Kadivar (b.1959), and Ahmad Qabel (d.2012)—the article argues that these thinkers' defense of freedom of religion is based not only on their interpretations of the Qur'an and historical Islamic sources, but also philosophical arguments in which concepts from the fields of epistemology and hermeneutics are deployed. As the article demonstrates, some of these scholars connect the notion of freedom of religion to political arguments supporting religious tolerance, or the view that, in order to guarantee religious freedom, the state must be neutral towards the religious orientation of its citizens.

Keywords: freedom of religion; Iranian reformist scholars; Soroush; Shabestari; Eshkevari; Kadivar; Qabel



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1. Introduction

This article explores the ideas of several Iranian reformist scholars and the methods they use to argue in favor of religious freedom. The scholars whose ideas are discussed in this article are Abdolkarim Soroush (b.1945), Muhammad Mujtahed Shabestari (b.1936), Hasan Yousefi Eshkevari (b.1950), Mohsen Kadivar (b.1959), and Ahmad Qabel (d.2012). All of these scholars except for Qabel are still living. While Soroush, Eshkevari, and Kadivar live in exile, Shabestari lives in Iran. These scholars belong to a broader movement identified as “religious intellectualism” (*rowshanfekri-e dini*)—a trend of thinking that argues for a more pluralistic reading of religious texts, opposes any attempt by the state to claim monopoly over religious truths, and favors the promotion of a civil and nonreligious state (Jahanbakhsh 2004; Bayat 2013). The ideas of these scholars stand in sharp contrast to those of traditionalist clergy and thinkers in Iran. The reformist scholars often adopt a contextualist approach to interpreting the Qur'an—an approach that requires consideration of the text alongside the circumstances or conditions that existed at the time of the revelation of the Qur'an. For them, many Qur'anic teachings that concern social, political, and legal matters are context-specific, and cannot necessarily be implemented in all times and places including the contemporary era (for their ideas about the Qur'an see Akbar and Saeed 2018, 2020; for this type of approach among Muslim scholars see Akbar 2019). By contrast, conservatives often argue for the immutability of many of the Qur'an's teachings on socio-legal issues. As one conservative theologian and instructor at the *howzah* of Qom notes, “Not all changes lead to changes in the nature of Qur'anic commandments . . . we cannot ignore the injunctions of the Shari'a based on external and contextual changes, and instead replace the unshakable commands of the Shari'a with conjectures and guesses” (Kamrava 2008, p. 91). Unlike reformist scholars, who often argue that the Qur'an should be interpreted in light of the condition of the new age, conservatives maintain that reinterpretation of primary sources of religion is unnecessary, with some arguing against the notion of “multiple interpretations” of the Qur'an (see Ghamari-Tabrizi 2008, p. 217) and some rejecting the concept of a “pluralist reading of Islam” (see Bayat 2007, p. 113).

This article does not seek to examine the ideas of the aforementioned reformist scholars in detail but instead to explore some of the broader concerns that unite their work, specifically with respect to the question of freedom of religion. The article first explores the importance of the notion of freedom of religion in international laws and then provides a brief history of freedom of religion in Iran. The article then includes four main sections in which the thematic arguments presented by these scholars in their defense of freedom of religion are analyzed. Sections 1 and 2 concern their arguments supporting the right to change one's religion; Section 3 explores their understanding of freedom of religion from a philosophical and political perspective; and Section 4 explains how the specific understanding of the notion of "faith" (*imān*) presented by some of these scholars—namely Soroush and Shabestari—has led them to argue in favor of freedom of religion.

The notion of freedom of religion as discussed in this article includes three key elements: (1) the right of citizens, including lay intellectuals and clerics, to express their religious beliefs, including ideas that might seem to be unorthodox about religious texts, such as the Qur'ān (I refer this as to "freedom of interpretation"); (2) the right of citizens to change their religions and convert to unbelief or another religion ("freedom of conversion"); and (3) the right of religious minorities to practice their religion freely and without coercion, as well as their rights to be treated similarly to the adherents of other religions, including those who comprise the majority of the population ("religious freedom for minorities"). For the purpose of this article, religious minorities are simply defined as any group of individuals whose religion is different from that of the majority population.

It is useful to indicate from the outset that the scholars whose ideas are discussed in this article have often lamented Muslim thinkers' failure to promote or discuss freedom of religion. For example, Mohsen Kadivar (2009a, p. 128) states, "Religious scholars have not paid sufficient attention to the issue of freedom of religion and belief, therefore failing to construct an analytical framework for its understanding and exploration". Kadivar (2009a, p. 126) continues, "most available interpretations of Islam do not welcome the freedom of religion and belief". Qabel (2013, p. 143) argued that most *ulamā* deny freedom of religion by a specific reading of the primary sources of Islam and demand the death penalty for apostasy. Eshkevari (2013) argues that emphasis on the freedom of religion is a way to promote peace, friendship, equality, and justice and to reduce hostility and discrimination. Therefore, the promotion of freedom of religion is necessary, though this is not promoted by the majority of *fuqahā* today.

2. Freedom of Religion in an International Context

The right to freedom of thought, conscience, and religion is recognized in Article 18 of the Universal Declaration of Human Rights (UDHR), which states: "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" (UN General Assembly 1948).

This Article of the Universal Declaration of Human Rights acknowledges the interaction between freedoms of religion or belief and other basic human rights such as freedom of thought and conscience. The right to freedom of religion was also recognized in the International Covenant on Civil and Political Rights (ICCPR) adopted in 1966 (UN General Assembly 1966). Article 18(2) of the ICCPR stipulates, "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice". Like the UDHR, the ICCPR in its Article 18(3) highlights the freedom to manifest one's religion or beliefs. Articles 18(4) and 2 of the ICCPR ask state parties to respect the religious liberty of individuals within their territories.

Article 18 of the UDHR influenced the emergence of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (Religion Declaration), which was adopted in November 1981 (UN Human Rights 1981). Article 4 of the 1981 Religion Declaration asks all states to "take all appropriate measures to

combat intolerance on the grounds of religion or other beliefs". The Declaration condemns "intolerance and discrimination based on religion or belief" (Article 2), stipulating that any form of discrimination "between human beings on the grounds of religion or belief" not only constitutes "an affront to human dignity", but is also "a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights" and "an obstacle to friendly and peaceful relations between nations" (Article 3).

While the 1981 Religion Declaration does not explicitly refer to religious minorities, Article 27 of the ICCPR states: "In those States in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right . . . to enjoy their own culture, [and] to profess and practise their own religion" (UN General Assembly 1966). Various articles of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities adopted on 18 December 1992 acknowledge the rights of religious minorities as well (UN Human Rights 1992). In particular, the Declaration asks states to protect the religious identities of minorities and to "encourage conditions for the promotion of that identity" (Article 1). People belonging to religious minorities should enjoy the right to practice their own religion without coercion or any form of discrimination (Article 2). Accordingly, so long as their "specific practices" are in line with "international standards", religious minorities should be able to practice their religion freely, and states should "take measures to create favorable conditions to enable persons belonging to minorities to express their characteristics and to develop their . . . religion" (Article 4).

Despite the widespread international recognition of the aforementioned laws, religious freedom is still a problem in many parts of the world. One study by the Pew Research Center (2014) has demonstrated that religious hostilities, such as attacks on minority faiths or pressure on their members from outside to follow certain religious norms, were strong in one-third of the 198 countries and territories surveyed. Across territories such as those of the Middle East, North Africa, Europe, and Asia, levels of religious hostility have roughly doubled since 2007. As noted by David Johnston (2015, p. 115), religious fanaticism still poses "a tangible threat today". Moreover, as Hana Sadik El-Gallal (2014, p. 40) notes, "Increasing diversity in societies . . . makes new demands on national policies for tackling intolerance, racism and discrimination of minorities and as religious identities are on the rise, religious discrimination and intolerance is increasing".

3. Freedom of Religion in Iran

During the modern period, there have been several cases in Muslim-majority countries where the religious freedoms of people have been violated. As already noted, one aspect of religious freedom according to UDHR is that people should be free to choose a religion and to abandon it, converting to another religion if they wish. This has been a sensitive issue in Islamic societies, as classical Islamic texts often prescribe capital punishment for apostates. When Article 18 of the UDHR was drafted, some states with large Muslim majorities, such as Saudi Arabia and Egypt, strongly opposed the phrase "freedom to change religion or belief", as this would, in their view, encourage activities that might lead to proselytizing and in turn inspire Muslims to convert to other religions (see Khaliq 2012, p. 191). During the past few decades, several Muslim scholars have been accused of apostasy. In 1985, the Sudanese scholar Muhammad Mahmoud Taha was accused of apostasy and was consequently executed for his exegetical hermeneutic of the Qur'an. In 1995, the Appeal Court in Cairo maintained that the Egyptian scholar Nasr Hamid Abu Zayd was an apostate and ruled that he and his wife must separate from each other. In the context of Iran, which is the subject of this article, Hashem Aqajari and Hasan Yousefi Eshkevari, two Iranian religious intellectuals, were initially condemned to death for apostasy in the early 2000s, though their sentences were later commuted to five years of imprisonment in the case of Eshkevari and eight years of imprisonment in the case of Aqajari.

Iran is a Muslim-majority country in which various aspects of religious freedom have been restricted during the modern period. Although the overall situation of religious

minorities and freedom of religion improved during the Pahlavi era compared to the Qajar period, certain religious minorities were occasionally deprived of their full rights under the Pahlavi regime. For example, under Reza Shah, Armenian schools were closed in 1938–1939; Armenians were denied government jobs and employment, and they did not progress further than the lower ranks of the military (Sanasarian 2000, p. 38). Reza Shah's pro-Nazi policies during the 1930s threatened the Iranian Jewish population too, and, although they were not systematically persecuted, anti-Semitic articles were published by official government outlets (Sanasarian 2000, p. 46). In addition, Muhammad Reza Shah's attitude towards the Baha'is was ambivalent. Although the Baha'is often enjoyed freedom of religion and were permitted to practice their religion freely, their rights were occasionally violated by the Shah's regime. In 1955, the Shah gave permission to Shaykh Muhammad Taqi Falsafi to propagate anti-Baha'i teachings, which led to their expulsion from schools and work and to the destruction of Bahai properties, including the National Baha'i Centre in Tehran. It was in the same year that Hojatiyya, which was a secretive anti-Baha'i organization, was founded (Cameron and Ghazee 2019, p. 175). Some reports show that during the 1960s and 1970s, Islamic groups continued their harassment of the Baha'is with the cooperation of the regime's secret service agency (MacEoin 2011).

The overall status of freedom of religion and religious minorities significantly decreased after the success of the Iranian revolution and the establishment of the Islamic Republic. This is due to the fact that Islam became the official religion of Iran after the revolution, and Islamic/Shia laws formed the basis of the country's legal system and political legitimacy. According to Article 12 of the Iranian Constitution, "The official religion of Iran is Islam and the Twelve Ja'fari School". That is, the government naturally considered Islam and Shia Muslims superior to other religions and their followers. However, it should be noted that since the 1979 Revolution, the Islamic Republic has altered some of its policies with the aim of bettering the situation of religious minorities. For example, under Iran's original law of retribution, if a Muslim killed another Muslim, execution was employed for the former, while if the victim was a non-Muslim, then the punishment involved a fine and lashes (Sanasarian 2000, p. 25). This law was reconsidered in December 2003, and now recognized religious minorities are considered equal with respect to the payment of blood money (Sanasarian and Davidi 2007, p. 64). In another example, while after the Revolution all shops selling foodstuff prepared by non-Muslims had to display a sign stating this, under Khatami's presidency, this requirement was removed (Barry 2019, p. 120).

Despite these positive developments, various aspects of freedom of religion have been violated even by successive Reformist governments in Iran. For example, in addition to some people being arrested in connection with the charge of converting to other religions (especially Christianity) as well as some scholars (such as Eshkevari and Aqajari) being accused of apostasy due to their unorthodox religious ideas, Baha'is' rights have also been violated. Article 13 of the Iranian Constitution does not categorize Baha'is as part of a recognized religious minority (as it does Jews, Christians, and Zoroastrians) and it does not give them the right to perform their religious rites and ceremonies. Baha'is are banned from attending university, and although they opened their own underground university, security forces often attack the houses where classes are held (Bausani 2000, pp. 406–7). It should also be noted that other religious minorities also face pressures; and although Article 20 of the Constitution states that all Iranian citizens "equally enjoy the protection of the law and enjoy all human, political, economic, social and cultural rights", this is followed by an emphasis that such rights should be "in conformity with Islamic criteria" (see Barry 2019, p. 117). Among the restrictions often imposed on them, one can point to the fact that the recognized religious minorities are not permitted to proselytize and are often prohibited from running schools associated with their places of worship that can accept Muslims (Sanasarian 2000, pp. 74–77). Recognized religious minorities are also prevented from holding official roles such as president, prime minister, or ambassador, as well as high-level military positions and ministerial posts (Barry 2019, p. 117). Recently, Ahmad Shaheed, the United Nations Special Rapporteur on Freedom of Religion, listed

21 countries in the world including Iran as those in which apostasy is criminalized. Shaheed also indicated that “unrecognized religious or belief groups, including the Baha’is, are unable to access employment, housing, university-level education, health care and social services, including pensions” (Lederer 2020). Referring to some countries such as Iran, Tajikistan, Afghanistan, Russia, and Moldova, Shaheed urged them in his report to repeal laws infringing on minorities’ rights to worship and hold beliefs (Lederer 2020).

4. The Right to Change One’s Religion: Arguments Based on the Qur’ān

Classical Muslim jurists, be they Sunni or Shia, commonly held that nothing is worse than becoming a disbeliever after being a Muslim (El-Awa 1982, p. 54). According to El-Awa (1982, p. 50), “the common view among Muslim jurists . . . is that apostasy from Islam is a crime for which the death penalty is prescribed”. Iranian reformist scholars have often challenged the application of any punishment for those who convert from Islam to another religion or to disbelief. Relying on several Qur’ānic verses concerning apostasy and individuals’ right to freedom of religion, some reformist Iranian scholars argue that the change of religion should not lead to any punishment. For example, in order to refute the earthly punishment of apostasy, Ahmad Qabel (2013, pp. 77–79) states that whenever the taking of a human life is concerned, caution should be exercised, since the Qur’ān honors the right to life (*haqq-e hayāt*) and warns of killing another person. The Qur’ān (5:32) explicitly indicates that the life of a person can only be taken on two conditions: (1) as retribution for murder and (2) as punishment for spreading corruption on earth. From the Qur’ānic perspective, taking one person’s life is considered tantamount to taking the life of all humans (Qabel 2013, p. 79). Another verse (Q 17:33) reads, “Do not take life, which God has made sacred, except by right: if anyone is killed wrongfully, We have given authority to the defender of his rights, but he should not be excessive in taking life, for he is already aided [by God]”. Qabel (2013, p. 79) interprets this verse in light of Q 5:32, and states that killing is only allowed in the case of *qiṣās*—meaning that “the right” mentioned in this verse is interpreted as *qiṣās*. Despite the significance of human life and the condemnation of killing, *fuqahā* support the killing of apostates—a fact that Qabel criticizes. Analyzing a number of Qur’ānic verses such as 5:54, 2:217, 47:25, 2:108–9, 3:86–90, 16:106, 3:177, 4:137, 3:72, and 5:5, Qabel (2013, pp. 84–90) argues that the Qur’ān only warns apostates to be cautious of their deeds because they are destined for the fire in the afterlife. This means that the Qur’ān does not prescribe any earthly punishment for apostasy.

Qabel presents another argument to refute the punishment of apostasy. According to him, the true meaning of *ertedād* as described in the aforementioned Qur’ānic verses differs from the meaning given to this term by most *fuqahā*. The notion of *ertedād* as defined in classical Islamic texts refers to turning away from Islam to unbelief or to another religion, and this is the interpretation supported by most *fuqahā* today. Qabel, however, argues that the word *rad* (which is the root of *ertedād* in Arabic), and the terms derived from it, refers to the repetition of an act (Qabel 2013, p. 90). For example, words such as *tardid* and *taraddod* connote repetition. The actual meaning of the notion of *ertedād* refers to the repetition of belief and unbelief—the idea which has been stated in a Qur’ānic verse: “Those who have believed then disbelieved, then believed, then disbelieved, and then increased in disbelief—never will Allah forgive them, nor will He guide them to a way” (4:137). Even in this verse, Qabel reasons, no earthly punishment is pointed out. Therefore, for Qabel (2013, pp. 90–91), if someone changes his/her religion, this does not represent apostasy at all. Apostasy means one’s leaving a religion, then returning to it before leaving it again—a circle that may continue several times.

When discussing the concept of freedom of religion, Kadivar, like Qabel, argues that the Qur’ān never asks a Muslim to maintain his religion through the use of force. Kadivar (2009a, p. 122) states that one aspect of the freedom of religion is fulfilled “when one’s religious beliefs do not result in one’s persecution and one’s individual and civil rights are not taken away because of them”. According to Kadivar, this view is endorsed by the Qur’ān. Kadivar (2014a, p. 234) argues that there is no Qur’ānic verse that indicates that the

blood of the person who has become an apostate must be shed. The Qurʾān is silent about any worldly punishment for apostasy and thus the application of any form of punishment for apostates goes against the message of the Qurʾān. The Qurʾān describes apostates as those who have strayed from the right path (Q 2:108) and been enticed by Satan (Q 47:25), proclaiming that they will be cursed by God and the angels (Q 3:87). They will not be guided by God (Q 3:86) and cannot expect God's forgiveness (Q 4:137) (see Kadivar 2009a, pp. 138–39; 2014a, p. 241). From the Qurʾānic perspective, apostates will be punished in the afterlife (Q 2:217, 5:5, 3:88, and 16:106). According to Kadivar (2014a, p. 194), the Qurʾān has prescribed earthly punishment for those who strive to cause corruption on earth (Q 5:33), but it remains silent about those who change their religion. Indeed, much like Qabel, Kadivar argues that the Qurʾān only refers to killing as punishment for spreading corruption (meaning those who use arms to pose a threat to national security, according to Kadivar) or as retaliation, while the concept of apostasy is not mentioned in Q 5:33 at all.

Kadivar argues that many verses of the Qurʾān support freedom of belief. For him, if God had willed people to become faithful under coercion, He would have made everyone a believer, as the Qurʾān confirms (Q 10:99); instead, God has given everyone the freedom to choose his or her own path towards salvation (Kadivar 2010). Other verses of the Qurʾān state that everyone is free to accept Islam or to reject it (Q 18:29, 10:108, 9:41, and 27:91–3). The Qurʾān only shows people the right path, and the choice is theirs whether to accept it or to reject it. From the Qurʾānic perspective, Kadivar (2009a, pp. 135–36) argues, even the prophets did not have the right to force people to accept a religion. The Prophet Muhammad was described in the Qurʾān as a “reminder” and a “warner” whose main duty was to show people the correct path to salvation (Q 88:21–2, 50:45, 25:56–8, 13:40 and 5:99). In these verses, God does not ask the Prophet to infringe upon people's freedom. In another example, when the Prophet Noah declared his prophecy, he was confronted with resistance, but he did not force people to accept his message (Q 11:28) (Kadivar 2014a, pp. 228–29). Based on such an approach, Kadivar argues that in the same way that people should be left free to convert to another religion, people should be left free to remain as unbelievers: “There is no worldly punishment for remaining an unbeliever and refusing to embrace Islam” (Kadivar 2014b). Accordingly, there should be no punishment whatsoever in this world for a person who has a critical approach to religion, meaning that the rights and freedoms of nonbelievers should be guaranteed (Kadivar 2014b).

Therefore, according to Kadivar, the laws of apostasy that are found in the *fiqh* literature are mere deductions (*estenbāt*) of the *fuqahā*; they represent the *fuqahā*'s own ideas and have no Qurʾānic basis. Many *fuqahā* today continue to base their interpretations on those of the previous generation (Kadivar 2014a, p. 116). Indeed, the recommendation that apostasy be punished by death is one aspect of the *fiqh* literature that was simply the product of human interpretation of the Qurʾān and Sunna, and thus it should be abandoned. Kadivar also argues that the socio-legal precepts (*aḥkām*) of Islam should fulfill the benefit (*maṣlaḥat*) of the Muslim community under certain conditions of time and place and are only valid so long as that benefit is being fulfilled. To determine whether a religious precept is still applicable in the present world, an interpreter should decide whether it still fulfills the best interests (*maṣāliḥ*) of people or creates harm for them (Kadivar 2009b, p. 66). Applying the law of *maṣlaḥat*, Kadivar (2014a, p. 115) argues that the enforcement of the laws of apostasy in today's world and the killing of apostates have devastating consequences for the Muslim community and create a negative image of Islam in the global community, even though it was considered an applicable religious precept in the past (see also Kadivar 2008, pp. 145–46, 290–91).

Therefore, what Qabel and Kadivar have attempted to demonstrate through these arguments is that freedom of religion is guaranteed in the Qurʾān and that no one should be forced to maintain his or her religion. They also emphasize that the Qurʾān only warns apostates of punishment in the afterlife. This means that if there is a punishment for apostasy, it should be on the Day of Judgment, and it is God alone who can make that

decision. For Qabel and Kadivar, the Qurʾān does not contradict the UDHR, since it does not prescribe any punishment for apostates in this life.

5. Apostasy: Arguments Based on Historical Sources and Events

To refute further the punishment of apostasy, some reformist Iranian scholars have also relied on historical sources and events that occurred in the course of Islamic history. Qabel (2013, pp. 145–47) argues that the rules related to apostasy were implemented under the Umayyads and Abbasids because they provided Umayyad and Abbasid caliphs with the perfect legal pretext for killing their political opponents. However, the punishment of apostasy was neither implemented during the time of the Prophet nor during the era of the rightly guided caliphs, and while some weak and invalid reports have been narrated during the latter era about the execution of apostates, the number of these reports is too low to be relied upon. For Qabel (2013, p. 146), Shia Imams never endorsed any punishments for apostates. Rather, they were eager to debate patiently with apostates and unbelievers. This shows that the Prophet, rightly guided caliphs, and Shia Imams endorsed freedom of religion and never prescribed any punishment for those who changed their religious beliefs, but later Umayyad and Abbasid caliphs restricted people's freedom of religion.

Similarly, Kadivar argues that the punishment of apostasy was never implemented during the time of the Prophet, and those who were ordered by the Prophet to be killed were accused of other crimes such as theft and robbery. During the era of the first three caliphs, no person was killed because of apostasy (2014a, pp. 142–43). The first Shia imam ordered Muslims to fight the Kharijites not because of the latter's religious beliefs or because they had abandoned religion; rather, he led a battle with the Kharijites only because they launched an attack against his army and posed a serious threat to the security of Muslim community (2014a, p. 195). Similarly, Ali encountered opposition from other forces such as the Muawiya forces during his caliphate, though he never called them apostates and did not fight them because of their religious beliefs (2014a, p. 149). According to Kadivar, in the era of the Umayyad and Abbasid caliphs, no punishment for apostasy was implemented, which was confirmed directly by Shia imams. Indeed, although many people were sentenced to death after being charged with apostasy during the Umayyad and Abbasid caliphates, there are no authentic reports proving that the Shia imams endorsed this. Kadivar (2014b) concludes that killing apostates in the early centuries of Islamic history was closely linked with "political rebellion and partnering with the Muslims' enemies" and was not simply associated with changing one's religion.

Hasan Yousefi Eshkevari has also used historical sources to argue that the punishment for apostasy was never implemented in the early days of Islam. In particular, in his writings, Eshkevari emphasized the events related to *ridda* wars. To explain the *ridda* wars, shortly after Muhammad's death, many tribes terminated their allegiance to the Muslim leadership. They believed that they owed allegiance only to the Prophet, and not to his successor. Therefore, the nascent Muslim community experienced instability and encountered danger from various fronts. Consequently, Abu Bakr, Muhammad's first successor, launched a number of campaigns, known as *ridda* wars or wars of apostasy, against these Arab tribes, and managed to subdue them (Shoufani 1973). The importance of this series of wars is that they have provided many Muslim scholars and jurists with evidence to support the legitimacy of applying the death penalty to Muslims who turn away from Islam (see Saeed and Saeed 2004, p. 65).

Eshkevari (2017) maintains that after the Prophet's death, some people claimed to receive prophecy and declared themselves new prophets. Some also declared themselves and their tribes independent of the new central authority in Medina, or even refused to pay the zakat tax. The wars of apostasy lasted one year and threatened the integrity of Islam and the Muslim community, and if the caliph Abu Bakr did not subdue his opponents, this could have led to the entire destruction of Islam and to the rise of a different Arab Empire. Besides the fact that the Qurʾān does not prescribe any earthly punishment for apostates, Eshkevari (2017) notes, it never considers a person who does not pay zakat an

apostate. Here, Eshkevari criticizes Abu Bakr's decisions to kill those who refused to pay zakat. Although zakat is mentioned alongside prayer (*ṣalāt*) in the Qur'ān, Eshkevari (2017) emphasizes that paying zakat has merits and value only when it is paid without any coercion or pressure. One of the key approaches of Eshkevari to the *ridda* wars is that these wars had a political rather than a religious nature. Indeed, apostasy attained a political dimension during the caliphate of Abu Bakr. For Eshkevari, the alms-tax potentially meant the surrender of tribal autonomy and the subjection of the tribes to a ruler or government—something the tribes sought to resist. Thus, refusing to pay the zakat did not necessarily mean their abandoning of the religion per se. Eshkevari (2017) likens the *ridda* wars to a secessionist movement that is naturally subdued by the government in power. Therefore, the *ridda* wars were fought because Abu Bakr sought to kill those “secessionists” who sought to rise up against the central authority. This means that the aims of both sides in the *ridda* wars—those who refused to pay zakat and Abu Bakr's army—were political in nature. Abu Bakr did not kill tribe members because they abandoned their religion or rejected the message of Islam (Eshkevari 2017). Eshkevari therefore does not consider the *ridda* wars as evidence in support of the idea that apostates must be fought and killed. The *ridda* wars were initiated against those who sought to rebel against an established authority, and not merely against those who changed their religious beliefs.

6. Philosophical and Political Arguments in Favor of Freedom of Religion

Freedom of religion is closely associated with freedom in the political arena and freedom of expression. Indeed, it is not possible to speak of freedom of expression while restricting people's religious freedom. As van der Vyver (2004, p. 61), “Freedom of religion or belief cannot prosper on its own; it requires protection of . . . [other] rights such as freedom of expression and of assembly”. To establish a link between the notion of freedom of religion and freedom in the political arena, I begin by elucidating Abdolkarim Soroush's theory of secularism. Soroush distinguishes between two forms of secularism: political secularism and philosophical secularism. Philosophical secularism represents materialism and a lack of belief in religion. It is atheistic in nature and does not conform to the essential features of an Islamic culture. It is formed on the basis of the idea that life and the world can be explained independently of religious viewpoints (Soroush 2010). Soroush rejects philosophical secularism but supports political secularism. For him, “Political secularism means we separate religion, as an institution, from the state” (Soroush 2010). From a political secular point of view, “the state regards all creeds and religions as equals” and recognizes “their plurality and treats them in an impartial way” (Soroush 2010). Therefore, values such as individual rights and the separation of the institutions of state and religion are necessary components of political secularism. While a religious or a theocratic state seeks to provide its citizens both with happiness in this life and salvation in the next, a government based on political secularism is not interested in people's personal religious beliefs and does not seek to guide its citizens towards other-worldly salvation (see Soroush 2018).¹

Soroush's conception of a political state is relevant to the religious freedom of individuals. Freedom of religion is possible only under a government that is established on the principles of political secularism, i.e., a government that remains neutral towards the religious orientations of people and neither promotes nor discriminates against a specific religion—a government, in other words, that is in favor of “political impartiality in the face of a variety of beliefs” (Soroush 2010). Soroush's approach to the concept of freedom of religion is focused on discovering when such freedom can exist. For Soroush (2010), “in order for religion to survive and in order for believers to have faith freely and not by force . . . political secularism is very commendable”. In such a system, Soroush (2010) emphasizes, even “people who are not religious . . . can live freely and enjoy the same rights as everyone else”. Under political secularism, religious people are “free to act and enjoy freedom within it” (Soroush 2010). Although Soroush does not explicitly refer to the followers of other religions, such as Jews, Christians, and Zoroastrians, one can assume

that his theory involves the followers of all religions, not only Muslims, since he had already pointed out that even atheists and nonreligious people must be considered equal to religious people in a given Muslim-majority country.

Soroush's way of understanding freedom of religion from a political perspective has other proponents among Muslim reformist scholars, although they do not explore this notion in the same detail. According to Eshkevari, for example, if we accept many *fuqahā*'s claim that it is obligatory for believers to think about and to investigate the tenets of their faith, we can draw the conclusion that people should accept religion with absolute consciousness and freedom. In this context, governments, including in Muslim-majority countries, should recognize the right of religious minorities to practice and to promote their religious beliefs at the same time as guaranteeing freedom of expression for everyone—a concept which I referred to as “religious freedom for minorities”: “In the same way that belief and choice of belief are free from an Islamic point of view and, as the Qurʾān says, choosing religion under conditions of ignorance or coercion is not acceptable, we should also be free to express our beliefs, and thus followers of every religion should be given the right (in society) to defend and preach their religion. Freedom of religion is closely connected to freedom of expression; it is not possible to say that people who are free in their beliefs and thoughts do not have the right to express their thoughts in the public sphere” (Eshkevari 2013).

The implication of the aforementioned argument is: governments in Muslim-majority countries should not only guarantee freedom of expression and the right of religious minorities to promote their religion, but should also give freedom to scholars, thinkers, and citizens whose religion is in line with the majority of the population, but whose ideas might look unorthodox in a way that they significantly differ from those of the majority of people²—a concept which I referred to as “freedom of interpretation”. Here, the contribution of Soroush's idea is again relevant. Soroush's most important and influential book, entitled *The Expansion and Contraction of Religion*, was originally published as separate articles between 1988 and 1990. This book was his first theoretical attempt to build his larger project about the humanization of Islam. According to Soroush, religious knowledge is a product of the human mind; it is made by people and thus there is no “sacred” element in it. In addition, religious knowledge is changeable and corresponds to other human knowledge (such as science, philosophy, and history), and is influenced by them: “The history of religious knowledge is testimony to the fact that religious knowledge constantly increases. Not all these increases are derived from the Book and Sunna; they are in part based on the discoveries and experiences of believers themselves” (Soroush 2009, p. 109). Nonreligious human knowledge constantly changes, and this affects changes in religious knowledge. Therefore, since religious knowledge is an entirely human product and is not divine, and every type of interpretation of religious texts represents a particular worldview and set of presuppositions, no interpretation reflects the “true essence” (*zāt-e vāqei*) of religion.

The implication of this theory is that in a religious society, a type of interpretation that might seem to be orthodox merely involves a human approach to the text, as is the case with unorthodox interpretations. Indeed, orthodox forms of interpretation have no essential superiority to unorthodox interpretations given that both reflect particular worldviews, prejudices, and assumptions. Accordingly, the government should guarantee the freedom of both types of interpretation and should give the proponents of each of them enough freedom to express their ideas. This is only possible when the government is neutral not only towards different religions, but also towards different types of exegeses that naturally exist among followers of a religion. As Soroush (2018) stated in a public lecture recently, an ideal form of state that can guarantee the freedom of religion for all people, be they believers or nonbelievers, followers of different religions, or followers of various interpretations of a given religion, is the one that is supra-religious (*farā-dīni*), not anti-religious (*zed-e dīni*). Another Iranian scholar Muhammad Mujtahed Shabestari raises similar points, arguing that government should not take the responsibility of promoting a

particular interpretation of religion. The government that promotes a particular religion inevitably seeks to uphold a particular understanding of it. This prohibits the followers of other understandings of that religion from expressing their beliefs, thus restricting the freedom of religion: “If the government takes on responsibility for the task of propagating religion, then it should promote a particular interpretation of religion . . . If the government . . . becomes the interpreter and promoter of religion, then what would happen to the other forms of religious interpretation that exist in society?” In practice, Shabestari states, this results in “the stifling of the development of other interpretations of religion that could even, theoretically, be more valid than the government’s interpretation” (Shabestari 2005, pp. 146–47; see also Shabestari 2012).

In the context of contemporary Iranian society, one issue which has been discussed by some religious scholars concerns the religious freedom of Baha’is. Some of the scholars whose ideas are discussed in this article have made some contributions in defending Baha’is’ rights. For example, in May 2016, five modernist religious scholars, including Eshkevari and Kadivar, published a statement emphasizing the necessity to be tolerant toward Baha’is. Relying on the idea that Islam and the Qur’an support freedom of religion and belief, these scholars stated, “followers of the Baha’i religion have been oppressed because of their religion and beliefs for decades . . . Criticism and rejection of the beliefs of a sect or religion cannot justify violence and tyranny against its followers” (Iran Press Watch 2016). Linking this to the political theory of state neutrality, these scholars stated, “the government and the political regime in power is not in a position to be a religious judge” (Iran Press Watch 2016). On his part, Kadivar himself has written some articles in defense of the religious rights of Baha’is. According to him, everyone, including Baha’is, should be treated in a way that respects their human rights, and people should not be distinguished from each other based on their religious beliefs (Kadivar 2016). Baha’is should be treated equally to the followers of other religions in terms of the right to education and the right to work, since there is no “Qur’anic verse which justifies denying students the right to education [only] because of their religious beliefs” (Kadivar 2016).

7. Faith and Freedom of Religion

Another set of arguments that some Iranian reformist scholars have proposed regarding the importance of freedom of religion involves the idea that holding faith is not obligatory in nature. The faith of the citizens of a state (including in a Muslim-majority country) cannot flourish if the state exercises certain restrictions on the exercise of freedom of religion or enforces the implementation of certain laws in society in such a way that everyone is obliged to follow them. Freedom of religion should be guaranteed by a state that is neutral towards religion. This is important for the community of believers, as it helps their faith to flourish while also contributing to the development of religious sciences in society. In this context, Soroush argues that faith is intimately related to our experience of the divine and is essentially an individual matter: “The faith of each individual is the exclusive experience and the ‘private property’ of that individual. Each of us finds faith as an individual, as we die as an individual” (Vahdat 2003, p. 620). For Soroush, “[When] we accept religion, submissiveness, and obedience, we do so because we have freely chosen them” (Vahdat 2003, p. 620). Therefore, while there could be “collective rituals”, there is no such thing as “collective faith”. Accordingly, the faith of an individual can be possible only if he or she is free to choose: “True faith is based on individuality and freedom Not only can faith not be forced; it cannot be homogenized, either, and to the extent that people have different personalities, faiths are also variegated and nuanced” (Vahdat 2003, p. 620). Soroush uses this idea to argue that salvation takes place only through an individual’s communication with God and outside the confines of the state and trusteeship of others. In other words, the protection of the freedom of faith is necessary, and the government should create the social conditions that are conducive to such freedom.

Shabestari’s conception of faith especially his ideas in his *Faith and Freedom* are also relevant here and reflect, in part, Soroush’s ideas. According to Shabestari, faith is “the

experience of divine" (Shabestari 1997, p. 23) and "the enchanted encounter with God" (Shabestari 1997, p. 32) accompanied by "love", "hope", and "the feeling of security" (Shabestari 1997, p. 37). A faithful person is one who is attracted to God in such a way that he loses his finiteness. Faith involves an existential transformation in which one's heart is attached to God. Faith is neither knowledge nor philosophy, but rather "experience" (Shabestari 1997, p. 37). Shabestari (2005, p. 404; 1997, p. 27) views the relation between man and God as an "I–Thou relationship". According to Shabestari (1997, p. 28), central to the philosophy of revelation is the idea that God acknowledges humans as free agents. If God had not recognized human freedom, He would not have spoken to humans but coerced them. Accordingly, faith, for Shabestari (1997, p. 42), is neither "a commodity that can be forced on people by the use of propaganda through mass media", nor does it include a series of laws "that can be implemented by force". Rather, "faith is the freest, most important choice and the most valuable decision that a human makes" (42). For Shabestari, faith and freedom are two sides of the same coin. The main purpose of religion is to promote voluntary faith, which cannot be achieved through state pressure or legal coercion. To impose a religion via the use of force is to betray not only the freedom of speech, but also the nature of faith and religion (see Shabestari 2014).

In this way, Shabestari establishes a connection between faith and autonomy. He argues that faith must be based on autonomy for it to have a sense of authenticity. As such, the relationship between individuals and God is undermined in a society in which the state promotes a religion or a certain interpretation of religion. According to Shabestari (1997, p. 79), in a political system in which there is an institutional guarantee of freedom, distribution of power, and a trustful mechanism of checks and balances and of the peaceful transition of power, believers' freedom of religion and their freedom to express their beliefs are guaranteed. Indeed, freedom of faith is not possible under totalitarianism or despotism, nor in any society in which religious values are enforced upon its citizens (Shabestari 1997, p. 8). That is, even under a political system that is anti-religious (*zed-e din*) in nature, freedom of faith is impossible. For Shabestari (1997, p. 8), the external freedom (*āzādi-e biruni*) of people, i.e., the freedom that should be secured by the state, is a precondition for their internal freedom (*āzādi-e daruni*).

Based on his definition of faith, Shabestari argues that the freedom of religion should be guaranteed for nonbelievers as well, even in a society in which the majority of the population is religious. Shabestari argues that the right to criticize religion should also be maintained for nonbelievers, and this is even useful for faith to flourish. He reasons: "Whatever Feuerbach and Marx have stated in their critique of religion and faith has helped believers to [. . . arrive at] a more accurate definition of faith" (Shabestari 1997, p. 81). For Shabestari (1997, p. 81), "an ideal religious society is not one in which religion and faith are not criticized and in which no book or article is published against religion". In a society in which such books and articles are not published and the critique of religion is not permitted, "faith loses its main characteristics and would no longer involve a conscious act of choosing (*entekhāb-e āgāhāneh*)" (Shabestari 1997, p. 81). That is, in such a society, faith becomes a matter of imitation (*taqlid*), not one of research (*tahqiq*) and choosing (*entekhāb*) (81).

To sum up, Shabestari's argument in favor of the freedom of religion is based on three premises that are emphasized in his writings. First, believers should be aware of the criticisms posed by nonbelievers; it is only in this way that their choice of religious beliefs makes sense. In other words, in a Muslim-majority society in which there is only one official reading of Islam and no other readings that Muslims are unfamiliar with are allowed to be disseminated, the Muslim residents have not really chosen their faith freely, since they have not been given various options to choose from. Second, publishing anti-religious books and articles is beneficial for faith to flourish since it leads to the emergence of new contributions in the fields of theology and religious studies. It also helps the faithful to refine their conception of faith and to achieve even better or purer forms of religiosity. Nonbelievers should be given freedom to criticize religion, as this prevents religion from stagnating; it helps believers to maintain new forms of relationship with God in every historical era.

For Shabestari, “criticism of religious thought is advantageous to faith and religion, and we should open the atmosphere to such criticism” (cited in Akbar and Saeed 2020, p. 81). Third, promoting a particular understanding of religion stands in sharp opposition to the nature of *ijtihad*; it leads to the closing of the door of *ijtihad* and prohibits the development of religious sciences (see Shabestari 2005, p. 147). Shabestari (2005, p. 78) concludes that even if the majority of people in a religious society follow a particular understanding or reading of religious texts, the rights of other people to give alternative approaches should remain protected.

8. Conclusions

The Iranian scholars whose ideas have been explored in this paper put forward various arguments highlighting the importance of freedom of religion. While they share the idea that people should enjoy their rights to practice and promote their religion freely without the threat or fear of discrimination, their methodologies differ from each other. While some scholars such as Qabel, Eshkevari, and Kadivar relied more on their reinterpretations of the Qurʾān and Islamic sources to defend freedom of religion, Soroush and Shabestari based their arguments more on philosophical sciences such as epistemology and hermeneutics or on their understanding of the notion of faith. Indeed, while Qabel, Eshkevari, and Kadivar present arguments in defense of freedom from within religious sources, Shabestari and Soroush put forward arguments from outside of religion. This difference is evident, for example, in Soroush’s and Kadivar’s approaches to freedom of religion. Unlike Kadivar who refers to various Qurʾānic verses to argue in favor of freedom of religion from an Islamic perspective, Soroush’s approach to freedom of religion is rooted in his theory of religious pluralism, which, following John Hick, maintains that the plurality of religions is the manifestation and embodiment of different responses to the Divine, experienced in humans’ different historical and cultural contexts (see Akbar 2017, p. 324). Additionally, unlike scholars such as Qabel, Soroush and by extension Shabestari link their ideas about freedom of religion to their political ideas, arguing that religious freedom can be guaranteed in a condition where the state takes a neutral position towards the religious orientation of its citizens (for another aspect of Soroush’s and Shabestari’s political ideas see Akbar 2020).

Not surprisingly, reformist Iranian scholars whose ideas are discussed in this article have been subject to strong criticism from many other scholars, especially those with a traditionalist mindset. For example, the ideas of Soroush and Shabestari have been described by some critics as leading to “relativism” (Khosrowpanah 2010). The ideas of scholars such as Qabel and Kadivar about rulings of apostasy have also been challenged in Iran. In particular, Kadivar had a series of debates with Grand Ayatollah Fadil Lankarani, in which the latter argued that the application of capital punishment for apostasy is obligatory in Islam. Lankarani argued that the vast majority of *fuqahā* endorse the necessity of killing an apostate (see Mehrnews 2011).

Despite the opposition reformist Iranian scholars have encountered, it can be stated that they have made significant contributions to the development of the discourse of religious freedom (both within the context of the Islamic Republic of Iran and more broadly within the context of contemporary Islamic thought) through elaborating religious, political, and philosophical arguments that reflect their deep concern both with Islamic history and with modern reform agendas. It is hoped that by casting a light on these arguments, the present study will contribute both to the understanding and the advance of religious freedom in contemporary Islamic/Iranian scholarship as well as suggesting possible avenues for future research in these areas.

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Notes

- ¹ Soroush's thesis does not resemble "privatization of religious beliefs" as some authors (for example Soltani 2018, pp. 207–8) have claimed. In a recent lecture delivered in 2018, Soroush highlights again that religion is not a private matter and should not be privatized in society; religion is a social institution (*nahad-e ejtemayee*).
- ² One example is the freedom of religion of Sunnis living in a Shia-majority country, or of Shias in a Sunni majority country. Here, it is possible to approach the notion of freedom of religion from pluralism.

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