

Democracy in Afghanistan?

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A Cautionary Tale of Conflicting Interests

by Charles Strohmer

So this is what the democracy experiment in Afghanistan comes down to. You may be executed for converting from Islam to Christianity. Well, maybe not. But then again.... This stunning juridical ambivalence in Kabul the past two weeks, in the story of Abdul Rahman, has clarified like nothing else for Americans what their tax dollars and their soldiers lives may be paying for in the "new" Afghanistan.

Abdul Rahman, 41, the former Afghan Muslim who was arrested in February and had been facing trial and the death penalty for converting to Christianity, has been released from jail and "acquitted," according to Sarwar Danish, the justice minister. But Rahman is not out of the woods yet. Conflicting stories continue to circulate: He is seeking asylum. He is undergoing psychiatric evaluation. He may be hospitalized for treatment. Extremist protestors still demand his death.

It's a cautionary tale. During his one day in court, Rahman admitted to judge Ansarullah Mawlavizada that he became a Christian 16 years ago while working as a medical aid worker among Afghan refugees in the Pakistani city of Peshawar. Four years later, according to his father, Rahman moved to Germany. He returned to Afghanistan in 2002, where he has been trying to gain custody of his two daughters, who live with their grandparents. The police were then brought in and the former Muslim was arrested for being a Christian. We are Muslims and becoming a Christian is against our laws. He must get the death penalty

Last week the prosecutor, Abdul Wasi, who was seeking the death penalty, said that Rahman would be forgiven if he returned to Islam. But Rahman, according to Wasi, "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." But under intense international pressure from Condoleezza Rice to Pope Benedict, Afghanistan President Hamid Karzai, working with the UN, delicately intervened in the legal process to finesse an outcome that would both spare Rahman's life and avert a severe rift between Afghanistan and its American and Western backers.

Although we rejoice at Rahman's release from jail, it will not have been the result of any fundamental change in Afghan jurisprudence. That is the obscured and disturbing problem now clarified by Rahman's poignant story. It represents but one strong, historic thread in the Gordian Knot of shari'ah laws, tied so tightly and intricately that no one seems capable of undoing. Rahman's release does nothing to resolve our legitimate concerns about just what American blood and treasure may be paying for in Afghanistan, and by implication Iraq.

In its constitution, adopted January 4, 2004 and much touted by Washington, Afghanistan became an "Islamic Republic" in which "no law can be contrary to the beliefs and provisions of the sacred religion of Islam." At heart in Rahman's case is what Islam actually says about apostasy, and that is found in the large body shari'ah laws, which in part deal with religious and political issues and questions of justice, equality, law, and rights such as Rahman's case necessitated. Shari'ah laws, however, derive from the Qur'an and two other sources, the hadiths and the sunnah, which comprise writings from very early sources about the life and actions of Muhammad not found in the Qur'an.

Interestingly, it is the Qur'an itself that may offer the best solution to the apostasy question. Although it acknowledges that apostasy will happen, the Qur'an extracts no earthly penalty for it. It seems to imply that apostates will be dealt with in the next life. Instead, the fundamentalist jurists who are seeking the death penalty for Rahman take their cues from the hadiths, in which apostasy was punishable by death sanctioned by law. A democratic Afghanistan will serve the interests of all the Afghan people

In January, 2004, President Bush said, "A democratic Afghanistan will serve the interests of all the Afghan people," their "new constitution marks an historic step forward," one that will help the nation "build a free and prosperous future." Since then Americans have come to understand from Afghanistan and Iraq that democracy building in Muslim lands is going to give rise not to Western-style liberal democracies but to Islamic democracies. Rahman's heightened story has revealed what that might entail.

As tough as it has been for President Karzai to try to harmonize the conflicting interests of the reformed and fundamentalist clerics over the past 3 years, the crime and penalty for which Abdul Rahman stood accused has nothing to do with the progress of the Muslim population in Afghanistan toward freedom, democracy, or human rights. An equitable way ahead for all the clerics and jurists would see them taking their cues about apostasy from Islam's highest authority, the Qur'an, instead of from the hadiths. This would also give the government a means to uphold another principle written into its constitution, that of "respecting the Universal Declaration of Human Rights." Such a move won't cut the Gordian Knot, but it would pull a dangling thread of injustice from its democracy experiment.

(This article was first published in Sojourners Online, 3-29-06, the day that Abdul Rahman received asylum from Italy. Since then, the Supreme Court of Afghanistan, which dealt with Rahman's controversial case, remains at the heart of contentious issues that must be resolved if the country's experiment with Western-style democratic institutions is to succeed in the long run.)

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