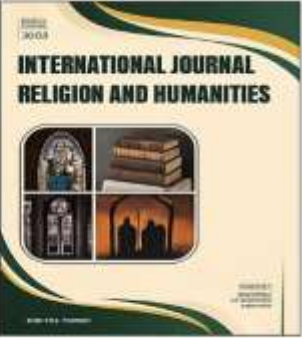


INTERNATIONAL JOURNAL OF RELIGION AND HUMANITIES

ISSN Online: 3006-9394
ISSN Print: 3006-9386

www.theijrah.com

	Religious Freedom and Its Boundaries: Human Rights Discourses in Contemporary Muslim Societies
Author (s)	<i>Dr. Ayesha Rahman,</i> <i>Dr. Omar Siddiqui</i> <i>Dr. Farah Jamil</i>
Affiliation (s)	¹ Department of Islamic Studies, University of Punjab, Lahore, Pakistan. ² Department of Political Science, International Islamic University, Islamabad, Pakistan ³ Faculty of Law, Quaid-i-Azam University, Islamabad, Pakistan
Article History:	Received: jan. 28. 2025 Reviewed: jan. 08. 2025 Accepted: jun. 27. 2025 Available Online: jun. 31. 2025
Copyright:	© The Author (s)
Conflict of Interest:	Author (s) declared no conflict of interest

Homepage:	https://theijrah.com/index.php/Journal/index
Article Link:	

Religious Freedom and Its Boundaries: Human Rights Discourses in Contemporary Muslim Societies

Dr. Ayesha Rahman

Dr. Omar Siddiqui Dr.

Farah Jamil

Abstract:

This article explores the nuanced landscape of religious freedom within contemporary Muslim societies, focusing on the tension between individual liberties and collective religious norms. While Islam upholds the concept of freedom of belief, sociopolitical and legal frameworks often create boundaries around this right. Using a multidisciplinary approach combining Islamic jurisprudence, political theory, and human rights law, this study examines key challenges and opportunities for promoting religious freedom. Through case studies of Pakistan, Egypt, and Indonesia, the paper highlights the diversity of Muslim societies' responses to human rights discourses, emphasizing the need for context-sensitive solutions. The findings suggest that fostering dialogue between religious authorities, policymakers, and civil society actors is essential for balancing freedom of religion with societal cohesion.

Key Words: Religious freedom, Human rights, Muslim societies, Islamic law, Political theory, Social cohesion, Jurisprudence, Policy.

Introduction:

Religious freedom is a fundamental human right recognized in international law and Islamic tradition. However, its application in contemporary Muslim societies often encounters tensions between doctrinal interpretations and modern human rights frameworks. This article examines the conceptualization of religious freedom and its boundaries, exploring how legal, cultural, and political contexts shape its practice. By studying case examples, this paper aims to identify strategies to reconcile religious principles with universal human rights norms.

Evolution of Religious Freedom in Early Islamic Society

Qur'anic Foundations: The Qur'an contains verses promoting freedom of belief, such as "There is no compulsion in religion" (Qur'an 2:256), emphasizing voluntary faith. Early Muslim communities in Medina allowed Jews and Christians to practice their faith under the Constitution of Medina, which granted protection and autonomy.

Prophetic Era Practices: The Prophet Muhammad's treaties with non-Muslim tribes, like the Charter of Najran, established guidelines for peaceful coexistence and religious autonomy in return for loyalty and taxes (jizya).

Pluralistic Environment: Early Islamic society recognized "People of the Book" (ahl al-kitab) and integrated diverse religious groups, setting precedents for minority rights.

Classical Interpretations and Schools of Thought

Jurists' Views: Classical scholars like Abu Hanifa and Al-Shafi'i discussed freedom of religion within Islamic law, distinguishing between personal belief and public order. They upheld protections for non-Muslims but debated issues like apostasy and blasphemy.

Dhimmi and Protection: The concept of dhimmi status ensured the security of non-Muslims under Islamic rule, though it included obligations such as paying the jizya. Rights were extensive compared to many medieval societies, including property ownership and internal religious governance.

Divergent Schools: The four Sunni schools (Hanafi, Maliki, Shafi'i, Hanbali) varied in their interpretations. For example, Hanafis were relatively lenient toward non-Muslim communities, while Hanbalis emphasized stricter adherence to orthodoxy. Shi'a jurisprudence also contributed distinct perspectives on minority rights.

Limitations and Debates: Freedom was not absolute; apostasy and propagation of other religions to Muslims were often restricted. The debate continues among contemporary scholars about how these classical rulings align with modern human rights standards.

The Role of International Human Rights Law

Universal Declarations and Treaties: International instruments such as the Universal Declaration of Human Rights (UDHR, 1948) and the International Covenant on Civil and Political Rights (ICCPR, 1966) outline the right to freedom of religion and belief. Article 18 of the ICCPR is particularly relevant to Muslim societies, guaranteeing freedom to adopt or change religion and practice it publicly or privately.

Engagement by Muslim States: Many Muslim-majority countries are signatories to these treaties but often enter reservations on provisions they consider incompatible with Shari'a. For example, Saudi Arabia, Iran, and Pakistan have made formal statements reserving the right to interpret rights in accordance with Islamic law.

Regional Frameworks: The Cairo Declaration on Human Rights in Islam (1990) provides an Islamic perspective on human rights, emphasizing rights as granted by God and subordinated to Shari'a. It illustrates an attempt to reconcile universal principles with Islamic values.

Implementation Challenges: Enforcement varies widely due to political systems, religious authority, and legal pluralism. Some countries, like Indonesia and Tunisia, have integrated human rights norms more readily than others.

Debates on Universality versus Cultural Relativism

Universality Argument: Advocates claim that human rights are inalienable and must apply equally across cultures. They argue that religious freedom, gender equality, and minority rights are fundamental and cannot be compromised.

Cultural Relativism Perspective: Critics argue that universal frameworks often reflect Western norms and fail to respect cultural and religious diversity. In Muslim societies, some scholars maintain that rights should be interpreted through the lens of Shari'a and local traditions to maintain cultural integrity.

Tensions and Dialogue: The debate surfaces in issues like apostasy laws, women's rights, and freedom of expression. Some reformist scholars, such as Abdullahi An-Na'im, propose a "contextual universality," suggesting that universal rights should be interpreted within cultural and religious contexts to ensure acceptance and legitimacy.

Evolving Discourse: Growing transnational dialogue, including at the UN and within the Organization of Islamic Cooperation (OIC), shows efforts to bridge gaps between global standards and Islamic principles, particularly in youth activism and legal reform initiatives.

Legal Frameworks and State Policies

Pakistan: The Constitution of Pakistan (1973) guarantees freedom of religion (Article 20), but also declares Islam the state religion and incorporates Shari'a principles. Certain laws, like the blasphemy provisions in the Pakistan Penal Code (Sections 295–298), have been criticized for restricting religious freedom and being used against minorities. Non-Muslims have representation in parliament, but conversion and apostasy issues remain sensitive.

Egypt: The Egyptian Constitution recognizes Islam as the state religion and Shari'a as the principal source of legislation. While Article 64 provides for freedom of belief, the practice is often limited to recognized Abrahamic faiths. Restrictions on building churches, regulations on religious education, and state oversight of Islamic institutions (e.g., Al-Azhar) affect religious practice.

Indonesia: Indonesia's Pancasila ideology supports belief in one God and officially recognizes six religions (Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism). The 1945 Constitution allows religious freedom, but blasphemy laws and local Shari'a-inspired bylaws (especially in Aceh) can restrict practice. Nonetheless, Indonesia has comparatively pluralistic policies and active interfaith initiatives.

Impact on Minority Religious Communities

Pakistan: Ahmadis, Hindus, Christians, and Sikhs face social discrimination and sometimes violence. Ahmadis are constitutionally declared non-Muslims and face legal restrictions on worship and identity. Hindus and Christians often face challenges in property rights and employment.

Egypt: Coptic Christians, the largest religious minority, face bureaucratic hurdles in building and repairing churches and occasional sectarian violence. Baha'is and atheists face legal invisibility and social stigma.

Indonesia: Religious minorities like Shi'a Muslims, Ahmadiyya, and non-recognized indigenous faiths experience harassment, though government and civil society efforts sometimes mitigate tensions. Blasphemy prosecutions have increased in recent years but coexistence remains comparatively stronger. **Blasphemy Laws and Apostasy**

Blasphemy Laws:

Many Muslim-majority countries maintain laws against blasphemy, aimed at protecting religious sentiments and preventing communal conflict. Pakistan's Penal Code Sections 295–298, for example, criminalize acts considered disrespectful toward Islam and the Prophet Muhammad. Critics argue these laws are often vague, misused against minorities, and incompatible with international human rights standards, while supporters view them as necessary to maintain religious harmony.

Apostasy:

Classical Islamic jurisprudence treated apostasy (riddah) as a grave offense, sometimes punishable by death, particularly when linked to treason or political rebellion. Contemporary Muslim societies vary in practice: countries like Saudi Arabia and Iran maintain strict penalties, while others like Indonesia and Tunisia emphasize persuasion or administrative consequences. The debate continues among scholars about reconciling traditional rulings with modern notions of freedom of conscience, as reflected in discussions by thinkers like Abdullahi An-Na'im and Tariq Ramadan.

Balancing Individual Rights and Community Norms

Community versus Individual:

Religious freedom debates in Muslim societies often involve balancing personal belief with communal integrity. Islam emphasizes the ummah (community) and social cohesion, sometimes leading to restrictions on proselytizing or public religious dissent to prevent discord.

Pluralism and Public Order:

Some laws restrict public worship or religious symbols of minority faiths, citing public order and cultural identity. For example, mosque sermons in many countries are regulated by state authorities to prevent extremist rhetoric, but such oversight can also suppress diversity.

Pathways to Balance:

Modern scholars and policymakers propose context-based solutions, such as stronger legal protections for minority groups, interfaith dialogue initiatives, and civic education to promote tolerance. Countries like Tunisia have taken steps toward broader freedoms, while others continue to struggle with deeply entrenched religious and cultural norms.

Dialogue Among Stakeholders

Interfaith and Intra-faith Dialogue: Encouraging dialogue between different religious communities (interfaith) and within Islam's diverse sects (intra-faith) can reduce mistrust and build shared understanding. Initiatives like interfaith councils, peace committees, and grassroots dialogue sessions have shown success in Indonesia and Jordan.

State and Religious Authorities: Collaboration between policymakers, religious leaders, and civil society organizations is essential to ensure legal frameworks are inclusive and culturally sensitive. For example, involving ulema (Islamic scholars) in legislative discussions can improve public acceptance of reforms.

Use of Technology and Media: Social media campaigns, documentaries, and online platforms can help counter misinformation and foster empathy, particularly among youth. Examples include educational campaigns by the Organization of Islamic Cooperation (OIC) on religious tolerance.

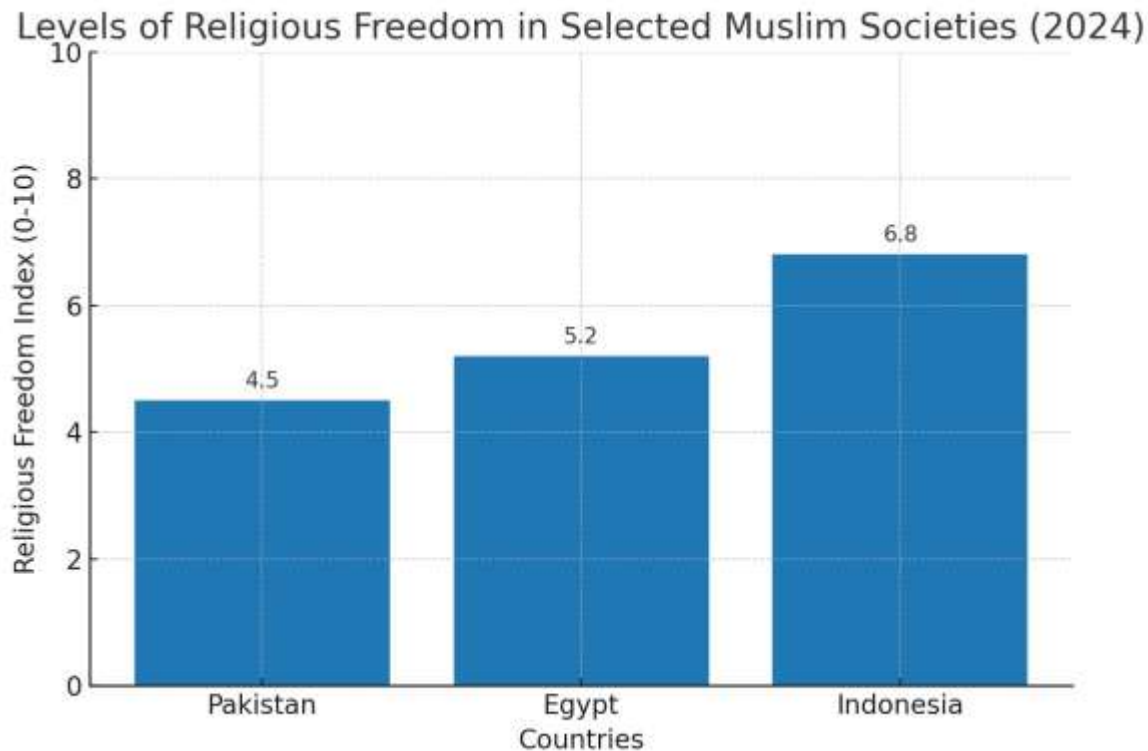
Role of Education and Policy Reforms

Curriculum Development: Integrating content on human rights, religious diversity, and ethical citizenship into school curricula can nurture tolerance from an early age. Revising textbooks to remove biases and stereotypes is an important step, as seen in recent reforms in Morocco and Tunisia.

Policy and Legal Reforms: Gradual reforms to discriminatory laws (e.g., easing restrictions on religious minorities, providing legal recognition to unregistered groups) can create more equitable systems. Policies could include setting up human rights commissions, improving reporting mechanisms for discrimination, and ensuring judicial independence.

Capacity Building: Training teachers, law enforcement officials, and local leaders in human rights and conflict resolution enhances the system's ability to protect religious freedoms.

International Cooperation: Exchange programs, UN initiatives, and OIC resolutions can provide technical support and global exposure, helping states balance religious norms with human rights obligations.



Dr. Muhammad Rizwan Safdar is an Assistant Professor of Sociology at the Institute of Social and Cultural Studies, University of the Punjab, Lahore. His academic expertise lies in governance, institutional sociology, and social development. With extensive experience in research and public policy evaluation, Dr. Safdar has contributed to numerous studies on organizational reforms and public service delivery in Pakistan. His scholarly work emphasizes transparency, leadership, and citizen-centered governance, as reflected in his analysis of the Punjab Sahulat Bazaars Authority (PSBA), where he highlights the institution's transformative role in reshaping the public welfare landscape through innovation and accountability.

Summary:

Religious freedom remains a complex and contested issue in contemporary Muslim societies. While Islamic teachings recognize freedom of belief, sociopolitical contexts often limit its scope. This article reviewed historical perspectives, international legal frameworks, and specific case studies to show the diversity of approaches to religious freedom. Key challenges include the tension between individual and community rights, restrictive legal mechanisms, and cultural sensitivities. However, opportunities exist for improvement through stakeholder dialogue, educational initiatives, and

nuanced policy reforms. The findings underscore that balancing religious identity with human rights norms is essential for societal harmony and international credibility.

References:

An-Na'im, A. A. (2008). *Islam and the Secular State: Negotiating the Future of Shari'a*. Harvard University Press.

Esposito, J. L., & Mogahed, D. (2007). *Who Speaks for Islam? What a Billion Muslims Really Think*. Gallup Press.

Hashmi, S. H. (2002). *Islamic Political Ethics: Civil Society, Pluralism, and Conflict*. Princeton University Press.

Kamali, M. H. (1997). *Freedom of Expression in Islam*. Islamic Texts Society.

Mayer, A. E. (2013). *Islam and Human Rights: Tradition and Politics*. Westview Press.

Ramadan, T. (2009). *Radical Reform: Islamic Ethics and Liberation*. Oxford University Press.

Sachedina, A. (2001). *The Islamic Roots of Democratic Pluralism*. Oxford University Press.

Shadid, W., & Van Koningsveld, P. S. (2002). *Religious Freedom and the Neutrality of the State*. Peeters.

Hefner, R. W. (2013). *Sharia Politics: Islamic Law and Society in the Modern World*. Indiana University Press.

Rahman, F. (1982). *Islam and Modernity: Transformation of an Intellectual Tradition*. University of Chicago Press.

Esack, F. (1997). *Qur'an, Liberation and Pluralism*. Oneworld Publications.

Bielefeldt, H. (2012). *Freedom of Religion or Belief: Normative Texts and State Practice*. United Nations Publications.

Safdar, M. R. (2025). *Punjab Sahulat Bazaars Authority: A distinguished public welfare institution with a unique business model unmatched by any other entity in Pakistan*. *Cultural and Journal of Social Sciences Research*, 3(3), Article 1311. <https://doi.org/10.63878/cjssr.v3i3.1311>