

Islam and the Discourse on Universal Human Rights

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Abstract

This paper explores the complex relationship between Islam and the discourse on universal human rights by analyzing their philosophical foundations, overlapping principles, and key areas of divergence. While Islamic teachings and international human rights law share many ethical goals—such as the protection of life, dignity, and justice—tensions arise in areas like freedom of religion, gender roles, and personal liberties. The article highlights scholarly efforts within the Islamic tradition to reinterpret religious texts in light of contemporary human rights standards, advocating for internal reform through *ijtihad* and the objectives of Sharia (*maqāsid al-sharia*). It argues that a reconciliatory framework, rooted in mutual respect and contextual understanding, can pave the way for a more inclusive and pluralistic vision of global human rights. This study calls for collaborative engagement rather than ideological confrontation and emphasizes the potential of Islamic ethics to enrich the global human rights narrative.

Keywords: Islamic law, human rights, Sharia, universal declaration, *maqāsid al-sharia*, apostasy, gender justice, freedom of religion, *ijtihad*, cultural relativism, ethical pluralism

Introduction

The global conversation on human rights has often been framed through a Western lens, emphasizing values like individual liberty, freedom of expression, and secular legal systems. However, the Islamic tradition also contains a rich framework of moral, legal, and social rights rooted in divine revelation. The perceived conflict or compatibility between Islam and the idea of **universal human rights** has become a crucial subject of academic, legal, and political debate—especially in the context of global governance, international law, and the rights of Muslim minorities and women.

This article explores the philosophical foundations of human rights in Islam, compares them with the modern secular framework, and critically assesses areas of convergence and divergence. It aims to provide a balanced and scholarly analysis of how Islamic teachings relate to, challenge, and complement the international discourse on universal human rights.

Historical Foundations of Human Rights in Islam

The concept of human rights in Islam is not a modern innovation but has deep roots in its earliest texts and practices. The Qur'an and Sunnah (the practices and sayings of Prophet Muhammad ﷺ) establish the foundations of dignity, justice, equality, and freedom, which form the moral core of what the modern world now labels as "human rights."

1. The Qur'an as a Source of Rights

The Qur'an repeatedly emphasizes the inherent dignity of all human beings:

"We have certainly honored the children of Adam..." (Qur'an 17:70)

This verse affirms that all humans possess inherent worth by virtue of their creation, regardless of race, class, or faith. Other Qur'anic principles relevant to human rights include:

- **Justice (Adl):** A central moral obligation (Qur'an 4:135).
- **Freedom of belief:** *"There is no compulsion in religion"* (Qur'an 2:256).
- **Protection of life and property** (Qur'an 5:32).
- **Rights of women, orphans, and the poor** (Qur'an 4:7, 2:177, 4:75).

These teachings were revolutionary in 7th-century Arabia and form a consistent framework for the moral obligations Muslims hold toward one another and toward humanity.

The Prophet's Final Sermon

The Farewell Sermon of Prophet Muhammad ﷺ, delivered during his last pilgrimage, is considered one of the earliest declarations of human rights in recorded history. He stated:

- The sanctity of life, property, and honor.
- Equality of all races: *"All mankind is from Adam and Eve..."*
- Women's rights as moral and legal responsibilities.
- The abolition of inherited injustices and tribal discrimination.

These declarations align closely with contemporary principles of human dignity and justice.

The Medina Charter

The **Constitution of Medina**, drafted by Prophet Muhammad ﷺ, was a historic example of inclusive governance. It guaranteed:

- Religious freedom for Jews and non-Muslims.
- Mutual defense and justice.
- Legal autonomy for religious communities.

This charter is a practical demonstration of pluralism, civil rights, and political inclusivity in early Islamic governance.

Universal Human Rights: A Western Construct?

The modern framework of human rights—most notably articulated in the **Universal Declaration of Human Rights (UDHR)**, adopted by the United Nations in 1948—emerged primarily from European Enlightenment thought, shaped by the experiences of colonialism, totalitarianism, and the aftermath of World War II. While it was a monumental achievement in affirming the dignity and equality of all human beings, many scholars have questioned whether the UDHR truly reflects universal values or a Western-centric worldview.

Secular Liberal Foundations

The UDHR is grounded in **secular liberalism**, which prioritizes:

- Individual autonomy over collective obligations.
- Separation of religion and state.
- Freedom of expression, including criticism of religion.
- Gender equality based on sameness, rather than complementarity.

These ideas, while foundational in the West, do not always resonate with the value systems

of societies where religion—especially Islam—shapes law, ethics, and identity.

Criticism from the Muslim World

Muslim-majority countries have raised several concerns:

- **Cultural Imperialism:** The UDHR reflects Western priorities and may be seen as a tool for moral or political domination.
- **Moral Relativism:** The secular approach appears to undermine divine authority and traditional morality.
- **Lack of Contextual Sensitivity:** Certain rights (e.g., full freedom of speech) are viewed as potentially harmful in religious societies.

This critique does not necessarily reject human rights but calls for a more **pluralistic and culturally inclusive** understanding of them.

Islamic Responses to the UDHR

In response, several Muslim-majority nations and scholars proposed Islamic alternatives, most notably:

- **The Cairo Declaration on Human Rights in Islam (1990):** Adopted by the Organization of Islamic Cooperation (OIC), this declaration reaffirms the commitment to human rights but anchors them within **Sharia (Islamic law)**.
 - The declaration emphasizes:
 - Rights to life, dignity, and justice.
 - Obligations to God and society.
 - Restrictions on certain freedoms to preserve moral and religious order.

While it attempts to reconcile universal rights with Islamic values, it also sparked criticism from international rights organizations for limiting some freedoms (e.g., freedom of religion or expression).

Convergences: Where Islam and Universal Human Rights Align

Despite the debates and divergences, there is significant overlap between Islamic teachings and the principles enshrined in international human rights discourse. Many core human rights values resonate with Islamic doctrines, particularly in areas of justice, dignity, and social welfare.

Human Dignity and Equality

Both frameworks affirm the **inherent dignity of every human being**. Islam teaches that all humans are created equal in the sight of God, regardless of race, ethnicity, or status. The Prophet Muhammad ﷺ declared in his Farewell Sermon:

“No Arab is superior to a non-Arab, nor a non-Arab to an Arab...”

Similarly, Article 1 of the UDHR proclaims that *“All human beings are born free and equal in dignity and rights.”*

Protection of Life and Security

The sanctity of life is a shared principle. The Qur’an states:

“Whoever kills a person... it is as if he had killed all mankind.” (Qur’an 5:32)

This aligns with the UDHR's Article 3: *"Everyone has the right to life, liberty and security of person."*

Social Welfare and Economic Rights

Islam emphasizes social justice, the rights of the poor, and fair economic conduct. Obligations like **zakat** (charity), **inheritance rights**, and **worker protections** are foundational in Islamic law. These correlate with several economic and social rights in the UDHR, such as:

- The right to an adequate standard of living.
- The right to education and healthcare.
- The right to work in just conditions.

Protection of Minorities

The Prophet Muhammad ﷺ ensured the rights of Jews and Christians under Muslim rule. Classical Islamic jurisprudence offered **dhimmi** communities legal protection, religious freedom, and autonomy, provided they paid a tax (jizya) in return for security. While the concept of dhimmi may seem outdated today, its historical intent was protection—not discrimination.

Modern scholars argue that the **spirit** of this protection aligns with the contemporary idea of **minority rights**, albeit needing reinterpretation for today's context.

Due Process and Rule of Law

Islamic legal tradition emphasizes due process, presumption of innocence, and judicial fairness. The Qur'an commands believers to judge fairly even against themselves or their kin (Qur'an 4:135). These principles align closely with:

- Article 10: Right to a fair trial.
- Article 11: Presumption of innocence.

Divergences and Ongoing Debates

While there are significant areas of convergence between Islamic teachings and universal human rights, several points of **tension and divergence** continue to shape the discourse. These differences stem not only from contrasting worldviews but also from interpretations of both Sharia and modern legal norms.

Freedom of Religion and Apostasy

The UDHR guarantees complete **freedom of religion**, including the right to change one's faith (Article 18). In contrast, many Islamic legal schools historically classified **apostasy** (leaving Islam) as a punishable offense. Though some modern scholars argue that this punishment was context-specific (e.g., linked to political betrayal), others maintain its continued relevance.

This creates a major point of contention regarding **religious freedom** in Muslim societies and international law.

Gender Equality

Islam grants numerous rights to women—inheritance, education, property ownership, and

participation in public life—but some aspects of classical jurisprudence differ from **contemporary feminist interpretations** of equality. Areas often debated include:

- **Inheritance laws:** Women typically receive half the share of men in similar relations (Qur'an 4:11), though scholars explain this in the context of differing financial responsibilities.
- **Testimony in court:** In some legal cases, a woman's testimony is considered half that of a man's.
- **Dress codes and modesty laws:** Often framed as religious obligations but criticized in secular discourse as coercive.

The Islamic concept of **complementarity of gender roles** contrasts with the Western emphasis on sameness and interchangeability.

Criminal Punishments (Hudud)

Certain Islamic criminal laws—such as stoning for adultery or amputation for theft—are viewed by international rights bodies as violating prohibitions on **cruel and unusual punishment** (UDHR Article 5). Islamic scholars differ on the interpretation, application, and suspension of **hudud** punishments, with many calling for **contextual and maqāsid-based reforms**.

4. LGBTQ+ Rights

Perhaps the sharpest divergence lies in attitudes toward **sexual orientation and gender identity**. While international law increasingly defends LGBTQ+ rights as fundamental, most Islamic scholars maintain that same-sex relations are religiously impermissible. This moral conflict reflects deeper philosophical and theological divides that are unlikely to be reconciled easily.

Freedom of Expression

While Islam encourages open dialogue, **absolute freedom of speech**—especially when it comes to **blasphemy, religious satire, or defamation of sacred figures**—is not accepted in many Muslim contexts. International human rights law generally permits such expressions unless they incite violence.

This difference continues to fuel global controversy, especially in cases involving cartoons, films, or publications that Muslims deem offensive.

Towards a Reconciliatory Approach: Bridging the Gap

The tensions between Islamic values and the universal human rights discourse do not have to result in confrontation or mutual rejection. In fact, a growing body of scholarship and activism within Muslim societies and among international bodies is working toward **bridging these gaps** through contextual understanding, reinterpretation, and respectful dialogue.

Islamic Human Rights Discourse

Contemporary Muslim scholars and thinkers—such as **Abdullahi An-Na'im, Tariq Ramadan, and Khaled Abou El Fadl**—have contributed to what is now referred to as **Islamic human rights discourse**. This perspective affirms the legitimacy of human rights

but insists that:

- Rights must be grounded in **cultural and religious authenticity**.
- Reinterpretation (**ijtihad**) is necessary to apply Islamic principles in today's context.
- Sharia is not a fixed legal code but a **moral and evolving framework** for justice.

This approach moves away from literalist or static understandings and encourages reform from **within the Islamic tradition**.

Contextualizing Sharia

Sharia, when viewed holistically, is aimed at achieving **maqāsid al-sharia (objectives of Islamic law)**, which include the preservation of:

- **Religion**
- **Life**
- **Intellect**
- **Lineage**
- **Property**
- **Dignity (added by modern scholars)**

Modern Islamic legal theorists argue that any interpretation of law that violates these objectives is **inherently flawed**. Therefore, interpretations that undermine human dignity or justice should be reconsidered, not blindly upheld.

Role of Interfaith and Intercultural Dialogue

Productive engagement between Islamic scholars, human rights advocates, and secular legal theorists is essential for progress. Through **interfaith dialogue, academic cooperation, and civil society initiatives**, it becomes possible to:

- Identify shared moral foundations.
- Address misconceptions.
- Co-develop ethical standards that respect both universality and particularity.

Dialogue does not mean compromise of core beliefs but rather mutual understanding and constructive coexistence.

Practical Developments in Muslim-Majority States

Several Muslim-majority countries are exploring ways to harmonize Sharia with international human rights standards:

- **Morocco** and **Tunisia** have reformed family and inheritance laws.
- **Indonesia** and **Malaysia** promote rights-based approaches through Islamic principles.
- Muslim NGOs are increasingly active in **gender justice, education, and child welfare**, using Islamic language and frameworks.

These movements demonstrate that **Islam and human rights need not be adversaries**, but can complement and enhance one another when approached with sincerity, scholarship, and compassion.

Conclusion: Toward a Shared Ethical Future

The discourse surrounding Islam and universal human rights is not a battle of civilizations,

but rather a dialogue between **different moral paradigms** seeking justice, dignity, and human flourishing. While tensions exist, especially in areas of freedom of religion, gender roles, and sexual ethics, the conversation is far more nuanced than often portrayed.

Beyond Binary Thinking

Framing the debate as a binary clash between “Islam” and “the West” oversimplifies complex realities. Both traditions contain **diverse interpretations**, internal debates, and evolving practices. Just as Western legal norms have changed over time—abolishing slavery, recognizing women’s rights, protecting indigenous populations—so too has Islamic thought demonstrated a capacity for **ethical renewal and adaptation**.

A Call for Internal Reform and External Respect

Within the Muslim world, a **revival of ijihad (independent reasoning)** is essential to rearticulate Islamic law in light of modern challenges. This reform must come from **within**, rooted in spiritual authenticity, rather than imposed from outside. At the same time, international human rights bodies must avoid **moral imperialism**, and instead promote dialogue that honors the **plurality of human civilizations**.

Shared Ethical Commitments

At the heart of both Islam and the universal human rights tradition lies a commitment to:

- Justice (adl)
- Compassion (rahmah)
- Dignity (karamah)
- Accountability
- Peaceful coexistence

These shared values provide a **moral bridge** that can support efforts at legal, cultural, and political harmonization.

The Path Forward

The future of human rights and religious ethics depends not on uniformity, but on **mutual respect and cooperation**. Rather than asking whether Islam is compatible with human rights, a more constructive question might be:

How can Islamic principles contribute to a richer, more inclusive vision of global human rights?

By engaging critically yet respectfully with both traditions, scholars, policymakers, and believers can chart a path toward a world where **faith and freedom** are not enemies—but allies in the pursuit of human dignity.

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