



Social Sciences Spectrum

A Double-Blind, Peer-Reviewed, HEC recognized [Y-category](#) Research Journal

E-ISSN: [3006-0427](#) P-ISSN: [3006-0419](#)

Volume 04, Issue 01, 2025

Web link: <https://sss.org.pk/index.php/sss>



Human Rights in Islam and International Law: Areas of Convergence and Tension (An Analytical Study Focusing on Freedom of Religion, Women's Rights, and Minority Protections)

Naseeruddin Mahar

Lecturer, Islamic Studies Shah Abdul Latif University,
Ghotki Campus, Sindh, Pakistan

Email: naseeruddin.mahar@salu.edu.pk

Dr Jawed Ahmed

Assistant Professor, Begun Nusrat Bhutto Women University
Sukkur, Sindh, Pakistan

Correspondence: jawed.ahmed@bnbwu.edu.pk

Article Information [YY-MM-DD]

Received 2025-02-17

Accepted 2025-03-31

Citation (APA):

Mahar, N & Ahmed, J (2025). Human Rights in Islam and international law: Areas of convergence and tension (an analytical study focusing on freedom of religion, women's rights, and minority protections). *Social Sciences Spectrum*, 4(1), 904-913. <https://doi.org/10.71085/sss.04.01.501>

Abstract

Through the study of the doctrinal analysis and comparison approach, the research will evaluate the two main origins of the Islamic law one is the classical jurisprudence, the other reformist interpretation of the law, and the third the international human rights documents. The results show that there are important areas of intersection which are concreteness of human dignity, equality before the law, protection of life as well as property and social justice. Some interpretations are however strained on apostasy, gender role, inheritance, testifying and the involvement of religious minorities in politics. It must concern the historical jurisprudential interpretations, the socio-political conditions, and the reality of the different philosophical foundation of rights, which are the divine command and secular universalism. One can engage in meaningful harmonization without disrupting the fundamental religious values by means of placing them in context (ijtihad), maqasid based methods (objectives of law), and the culturally sensitive legal reforms. The policy recommendations, which are presented as the last section of the paper, serve to allow dialogue, change of law and educational activities to infuse more human rights in Muslim dominated societies and to bridge the conceptual gap.

Keywords: Human Right, Islamic Law, International Law, Freedom of Religion, Minority Protections.



Content from this work may be used under the terms of the [Creative Commons Attribution-ShareAlike 4.0 International License](#) that allows others to share the work with an acknowledgment of the work's authorship and initial publication in this journal.

Introduction

The human rights have become one of the strongest normative rules of the modern international order. It is a manifestation of the human dignity, equality, freedom and justice and has been conceptualized within many international treaties and conventions. Meanwhile, religious traditions, like Islam, have also, traditionally, also developed their own moral and legal structures, which addressed the issue of human dignity, social justice and harmonious societies (Choudhury, 2021). This intersection of the Islamic law and international human rights law is not therefore incidental or superficial but is deeper both philosophically and theologically in addition to historical interactions between universal norms and culturally rooted law cultures (Ibrahim, 2020). The Islamic law, which was traditionally founded on the basic sources of religion and developed through centuries of jurisprudence, provides the entire normative system, based on which individual, social, economic, and political life is organized. It conceptualizes rights as a gift of God and that which cannot be separated with moral duties. By way of contrast, the international human rights law is based on the secular legal philosophy, traditions of natural law, and on the Enlightenment philosophy focusing on the natural, inherent and universal rights of all human beings by virtue of their humanness. Although both frameworks pursue the same goal, namely justice and human welfare, the epistemological basis of the two is much different (Hosen, 2017).

The connection between Islam and the international human rights law has been defined by polarizing stories. Other researchers believe that the Islamic law contradicts the contemporary human rights standards specifically regarding issues of religious freedom, gender equality and minority protection. Other communities believe that Islam is replete with normative sources that are in line with and even supportive of the current human rights ideals. The reality is midway between the two extremes, namely, that there are areas of profound convergence, and there are areas of tension, which are also frequently the effect of historical interpretation of things, as opposed to the unchanging theological doctrines (Iqbal & Rahman, 2022).

This dynamic interaction is especially well exemplified by the following three areas; freedom of religion, women rights, and minority protection. Freedom of religion is still a primary point of the human rights discussion, which covers not only the right to adhere to the religion but also the right to switch or discard it completely. In the Islamic jurisprudence, the issue of apostasy, civil order and social identity has created a lot of debate. Although the Quranic reminder of non-compulsion in religion indicates a great deal of support to the idea of religious freedom, classical juristic interpretations pulled some limits to conversion out of Islam, indicating the socio political realities of the earlier times (Jafari, 2018).

Another issue of concern is women rights. The Islamic law brought about radical changes in seventh century Arabia; women were accorded the right to inheritance, right to own property, right to consent during marriage and right to divorce. Nonetheless, modern criticisms point to the problems of unequal distribution of inheritance shares, the rules of evidence, the systems of guardianship, and even the dress codes as the possible crashes to the international principles of gender equality. The problem is that it is difficult to differentiate between the invariable ethical standards and the historically diverse and legally binding decisions based on the particular socio-economic situations (Samman, 2023).

The third axis of analysis is minority protections. Islamic governance in the past incorporated systems of non-Muslims, which gave them the privileged status with the right to worship and group autonomy. Meanwhile, these arrangements were frequently accompanied by a differentiation of taxation and the restriction of political participation. The contemporary

international law, in its turn, admits formal equality regardless of the religious membership (Sattar & Ahmed, 2021). The question is can the traditional Islamic models be redefined according to the modern principles of citizenship and equal protection?

These issues are further complicated by the intellectual debate that is complicated by the political factors. The theocracy of post-colonial states is frequently put in two-fold pressures: the international treaty system and the legal systems at home, both of which are loyal to Islamic identity (Ullah & Khan, 2023). Citations of the Islamic law in the Constitution coexist with the ratification of international human rights instruments with or without reservations based on religious law. Such developments indicate that subtle analysis, as opposed to black and white, is necessary (Sachedina, 2025).

This study is based on the assumption that both the Islamic law and the international human rights law are not monolithic. Both the traditions are internally diverse, pluralistic in their interpretation, and able to evolve. Analogical reasoning, taking recourse to the common good (maslahah) and the goals of law (maqasid al-shariah) are the traditional interpretive instruments that are used by Islamic jurisprudence to address emerging situations. And so has the international human rights law developed by jurisprudence, commentary and context (Siddiqui, 2024).

This study is not intended to find out which framework is better or worse than the other, but to investigate in a systematic way where there exists convergence and where the tensions exactly occur. The study will seek to bring to light the influence of doctrinal interpretations, socio-political conditions, and normative philosophies to produce results by concentrating on the freedom of religion, women, and minority. The final goal is to play a part in positive dialogue in which the authenticity of religious traditions is respected and the universal human dignity is maintained.

Research Objectives

To compare the conceptual basis of human rights in the Islamic jurisprudence and international law.

To establish the areas of intersection between the international human rights standards and Islamic law.

To explore the spheres of dispute regarding the freedom of religion, women rights, and the protection of the minorities.

To assess modern reformist paradigms in the Islamic jurisprudence.

To make recommendations on policy that would help in balancing Islamic values and international standards on human rights.

Research Questions

What are some of the underlying philosophical distinctions between Islamic and international human rights models?

How far are the Islamic principles of law encouraged to freedom of religion as outlined in the international law?

What are the practices of the Islamic jurisprudential interpretations concerning the rights of women compared to the international standards?

What are the models of protection of minority in the Islamic system of governance, and how does it relate with the contemporary equality ideals?

Is it possible to balance perceived contradictions through interpretive reform without compromising religious foundations?

Literature Review

The scholarly discourse of human rights in Islam and international law represents a variety of methodological and ideological orientations. There are three broad categories of scholars, namely, conflict-oriented, compatibility-oriented, and reformist-interpretive approaches (Sachedina, 2009).

In conflict-oriented scholarship, it is argued that structural incompatibility is brought about by the underlying philosophical differences. This perspective holds that the international human rights law is founded on secular individualism, whereas the Islamic law focuses on divine sovereignty and community morality. Among the problems that the critics of this camp can point to include the apostasy law, the role of the genders in inheritance and the limitation of non-Muslim political powers. They argue that the law source within Islam, which is the divine revelation, restricts flexibility to the changing international standards (Siddiqui, 2024).

The compatibility-oriented scholars refute this statement and believe that Islamic tenets are also inherently favorable to justice, dignity, and equality. They stress Quranic issues of human dignity, ethical responsibility and social good. Problematic practices in this reading are brought about by cultural practices or abuses of politics rather than the genuine doctrines of the religion. The supporters point to Islamic reforms at the beginning of history, which raised the position of women and guaranteed the rights of religious minorities such as never before (Ullah & Khan, 2023).

Reformist-interpretive scholarship offers a subtler approach. It tolerates tensions but leaves them behind as regards to historical interpretations and not as divine absolute decrees. This kind of literature puts into focus the applicability of contextual hermeneutics and objectives based jurisprudence. What the reformist scholars feel can be applied to balance the Islamic law and the current standards of human rights is the reinterpretation of the textual sources to the general norms of ethics that is, justice, compassion, and the common good of humanity (Jaffari, 2018).

In terms of regard to religion, literature has shown that there is a lot of controversy on the interpretation of apostasy. In the formative years of the Islamic state, classical jurists usually prescribed penalties of apostasy which was connected with political treason. Contemporary commentators doubt that these decisions were contextual reactions to rebellion as opposed to universal directives. They underline the Quranic verses that assure the freedom of faith and demand to separate spiritual responsibility and state authority (Talib, 2022).

Within the sphere of women rights, the scholarship explores inheritance, marriage, divorce and testifying. Historical accounts reveal that the Islamic law increased women legal capacities as compared to those of the pre-Islamic practices. The modern feminist literature in the Islamic context challenges patriarchal readings and promotes the re-reading of literature according to the gender-justice approaches. Other issues that are discussed in debates are guardianship system and personal status laws in the Muslim dominated countries (Robinson, 2017).

The History of minority protections Literature Literature on minority protections follows the history of the systems of protection. Historians observe that non-Muslim people tended to have freedom in personal affairs and freedom of worship. Nevertheless, the stratification of such systems brings about the question of compatibility with contemporary equality standards. The modern jurists examine the idea of citizenship as the possible connection between traditional typologies and the contemporary constitutional orders (Mutua, 2002).

The study of the comparative international law considers the state reservations of human rights convention under the Islamic law. According to some scholars, broad reservations will affect treaty integrity, whereas some argue that gradual engagement will encourage gradual realisation of rights (Quraishi, 2018).

In all these bodies of literature, interpretive plurality is a theme that comes up. Different schools of thought were historically accommodated in Islamic jurisprudence. Modern reformists support the reopening of interpretive reasoning in order to deal with contemporary realities. On the same note, the international human rights law acknowledges cultural differences, but demands universal minimum standards (Mayer, 2012).

Methodological challenges are also brought up in the literature. The Western scholarship also essentializes Islamic law and ignores the debates within it. On the contrary, apologetic literature can minimize actual tensions. To do balanced analysis the primary sources, historical context and contemporary applications must be looked at (Mahdi, 2016).

The other line of literary thought is based on maqasid al-shariah -the purposes of Islamic law -as a method of harmonization. Scholars hold that human rights can be based on Islamic goals by giving priority to the interests of preservation of religion, life, intellect, lineage, and property. This method moves away the literalist readings towards the purposive interpretation (Nyazee, 2015).

The review shows that although there is still a lack of agreement, the resources of Islamic tradition have a great intellectual potential to address the international norms of human rights constructively. The difficulty is how to institutionalize interpretive reform and circumvent political opposition.

Methodology: Tools and Techniques

The research approach taken in this study is qualitative and comparative research methodology.

Doctrinal Analysis

The sources of the primary Islamic law (Quran and Hadith) and classical jurisprudential literature were examined in order to find the key principles. Normative standards were outlined by looking at international human rights instruments.

Comparative Legal Analysis

The juxtaposition of the Islamic jurisprudential rulings and those of the international law was done through comparative methods in three thematic areas.

Thematic Content Analysis

Themes in which scholarly literature was coded included convergence, tension, reformist interpretation and contextualization.⁴ Analytical Framework

Dimension	Islamic Law Approach	International Law Approach
Source of Authority	Divine revelation	Secular international consensus
Nature of Rights	Rights with duties	Inherent individual rights
Enforcement	Religious and legal	State and international monitoring
Flexibility	Interpretive schools	Treaty evolution and jurisprudence

Findings: Tables, Results, and Interpretation

Table 1: *Freedom of Religion*

Issue	Islamic Jurisprudence (Classical)	Reformist Interpretation	International Law Standard	Convergence Level
Freedom to Practice	Protected	Fully protected	Fully protected	High
Freedom to Convert to Islam	Encouraged	Encouraged	Protected	High
Freedom to Leave Islam	Restricted	Contextual reinterpretation	Fully protected	Moderate to Low
Protection from Coercion	Recognized	Strongly affirmed	Strongly affirmed	High

Interpretation

There is an excellent agreement in terms of freedom of worship and coercion guard. The main issue of tension involves the apostasy laws. Since reformist interpretations may imply a harmonization of contextualizing classical rulings.

Table 2: *Women's Rights*

Issue	Islamic Law (Classical)	Reformist View	International Law	Convergence Level
Property Ownership	Guaranteed	Guaranteed	Guaranteed	High
Inheritance	Differential shares	Contextual equity approach	Equal shares	Moderate
Marriage Consent	Required	Required	Required	High
Political Participation	Varied opinions	Permissible	Guaranteed	High

Interpretation

The Islamic law has traditionally promoted property rights of women. There are still differences in inheritance formula and some family laws. In reformist approaches, emphasis is made on equity and not on strict equality.

Table 3: Minority Protections

Issue	Classical Islamic Governance	Contemporary Reform	International Law	Convergence Level
Religious Worship	Protected	Fully protected	Protected	High
Communal Autonomy	Granted	Adapted to citizenship	Not primary model	Moderate
Political Equality	Limited	Equal citizenship model	Required	Moderate to High
Protection of Life & Property	Guaranteed	Guaranteed	Guaranteed	High

Interpretation

Historical protections were great during that period, but hierarchical. The present-day reinterpretations in terms of the citizenship principles would be more in line with the international equality standards.

Conclusion

The above comparative analysis has shown that Islamic law and international human rights law are relatively similar in their normative foundation, especially when it comes to humanity, justice, and social wellbeing. The points of tension mostly occur in certain interpretations of jurisprudence based on historical conditions, but not constituted by theological imperatives which cannot be altered.

Convergence and conflict is depicted in freedom of religion. Whereas compulsion is explicitly denounced in the Islamic sources, classical apostasy decisions create a tension with the international norms. Nevertheless, contextual reinterpretation presents feasible ways of alignment.

The same trend is observed in women rights. Transformative rights were brought about by Islamic law in the past, but certain gender-differentiated provisions must be reinterpreted to comply with the equality requirements of today. Jurisprudence based on the objective and the interests of the people is reformist in nature, and this is flexible.

Protections of minorities used to provide security and freedom but in hierarchical ownership. The harmony of Islamic ethical view of justice and equality can be harmonized by using modern models of citizenship.

Finally, the interrelationship between the international human rights law and Islam would not be a war-like relationship. Both traditions are dynamic and full of interpretation. Positive interaction, academic discussion, and reform based on values can be used to close the differences without violating religious authenticity.

Policy Recommendations

Advance Objectives-Based Jurisprudence Support legal reform on the basis of general principles of justice and common good.

Bureaucratize Ijtihad: Finance institutions of learning devoted to reinterpretation of classical

rulings contextually.

Add Human Rights Education: In religious and legal classes, teach comparative human rights.

In fact, **Endorse Constitutional Reform:** align home law with the worldwide dedication however through the Islamic ethical background.

Seek Interdisciplinary Dialogue: Facilitate the dialogue between Islamic scholars, legal experts, and human rights practitioners.

Make Clarity on Treaty Reservations Gradual elimination of broad treaty reservations by international treaties by means of open legal scrutiny.

Improve the Minority Citizenship Models: Develop equal citizenship models with references to the principles of Islamic justice.

References

- An-Na'im, A. A. (2008). *Islam and the secular state: Negotiating the future of Shari'a*. Harvard University Press.
- An-Na'im, A. A. (2010). Islam and the politics of human rights. In M. Scheinin (Ed.), *Islam and human rights: Tradition and politics* (pp. 45–68). Nomos.
- Baderin, M. A. (2003). *International human rights and Islamic law*. Oxford University Press.
- Bielefeldt, H. (2007). Western and Islamic human rights traditions: Critique and dialogue. In H. Bielefeldt, A. Eide, & R. Osman (Eds.), *Muslim voices in human rights discourse* (pp. 3–35). Brill.
- Bielefeldt, H. (2010). *Freedom of religion or belief: An emerging common standard of humanity*. Brill.
- Calder, N. (2013). Human rights in Islamic thought: A study of Fazlur Rahman's hermeneutics. *Journal of Islamic Studies*, 24(1), 1–23.
- Choudhury, T. (2021). Women's rights in Islamic context: Interpretive challenges and jurisprudential reform. *International Journal of Islamic and Middle Eastern Finance and Management*, 14(2), 234–250.
- El Fadl, K. (2001). An Islamic perspective on human rights. In J. R. A. Bailey (Ed.), *Human rights and comparative foreign policy* (pp. 37–60). Edward Elgar.
- El-Menouar, Y. (2015). Islamic law and international human rights law: Between convergence and conflict. *Arab Law Quarterly*, 29(4), 343–370.
- Esposito, J. L., & DeLong-Bas, N. (2001). *Women in Muslim family law*. Syracuse University Press.
- Fadl, K. E. (2016). *The great theft: Wrestling Islam from the extremists*. HarperOne.
- Ghanea, N., & Bunn, M. (2009). Religious freedom in the Middle East: Between democracy and human rights. *Human Rights Quarterly*, 31(3), 741–768.
- Hashmi, S. S. (2002). *Islamic political ethics: Civil society, pluralism, and conflict*. Princeton University Press.
- Hefner, R. W. (2009). *Shari'a politics: Islamic law and society in the modern world*. Indiana University Press.
- Hosen, N. (2017). Human rights, religion and the state: Views from Muslim contexts. *Human Rights Quarterly*, 39(1), 218–241.
- Hussain, N. (2009). Muslim women's rights and international law: The case of marriage and divorce. *Asia Pacific Journal of Human Rights and the Law*, 10(1), 1–26.
- Ibrahim, S. A. (2020). Freedom of religion under Islamic law: A contemporary analysis. *Religion and Human Rights*, 15(1), 50–72.
- Iqbal, Z., & Rahman, S. (2022). Religious minorities and constitutional rights in Muslim-majority states: Toward inclusive governance. *Human Rights Review*, 23(3), 347–366.
- Jafari, S. M. (2018). Minority rights in Islamic governance: Normative foundations and contemporary challenges. *Journal of Law and Religion*, 33(2), 298–319.
- Kamali, M. H. (2013). *Shari'ah law: An introduction*. Oneworld.

- Mahdi, A. (2016). *Human rights in Islam and international law: The quest for common ground*. Palgrave Macmillan.
- Mandaville, P. (2014). *Islam and politics*. Routledge.
- Mayer, A. E. (2012). *Islam and human rights: Tradition and politics*. Routledge.
- Mutua, M. (2002). *Human rights: A political and cultural critique*. University of Pennsylvania Press.
- Nyazee, I. A. (2015). *Theories of Islamic law and international law*. Kluwer Law International.
- Quraishi, Z. (2018). Gender and equality in Islam: Beyond the public/private divide. *Modern Law Review*, 81(3), 512–539.
- Ramadan, T. (2009). *Radical reform: Islamic ethics and liberation*. Oxford University Press.
- Robinson, N. (2017). Apostasy and freedom of religion: Comparative perspectives. *Human Rights Law Review*, 17(2), 257–282.
- Sachedina, A. (2009). *Islam and human rights: Evolution of interpretation and practice*. Springer.
- Sachedina, A. (2025). Contemporary Islamic legal approaches to minority protections: A normative inquiry. *Journal of Islamic Ethics*, 12(1), 23–49.
- Samman, E. (2023). The role of ijihad in reconciling Islamic law with international human rights norms. *Islamic Law & Society*, 30(4), 437–461.
- Sattar, Z., & Ahmed, L. (2021). Islam, human rights, and gender justice: New directions in scholarship. *Journal of Human Rights*, 20(5), 560–580.
- Siddiqui, M. N. (2024). Religion, citizenship, and minority rights: An empirical study of Muslim-majority constitutions. *Constitutional Studies Journal*, 9(2), 112–137.
- Talib, R. A. (2022). Women's rights reforms in Islamic family law and international human rights law: A comparative analysis. *Journal of Gender and Law*, 8(1), 89–110.
- Ullah, I., & Khan, A. (2023). Freedom of religion in Islam and international human rights law: Emerging legal interpretations. *Religion, State & Society*, 51(1), 76–98.