



RELIGION AND HUMAN RIGHTS: CIVILIZATIONAL TENSIONS AND THEOLOGICAL RESOLUTIONS

Dr. Sana Shahbaz

Department of Human Rights Studies, Bahauddin Zakariya University, Multan, Pakistan.

Keywords: Religious Freedom,
Theological Interpretation,
Human Dignity, Civilizational
Conflict.

Abstract: *This paper explores the intricate relationship between religion and human rights, highlighting historical civilizational tensions and presenting potential theological resolutions. While religious traditions have often been accused of undermining universal human rights, many theological frameworks also provide the foundation for human dignity, justice, and compassion. This study examines key areas of conflict and convergence through comparative analysis, historical case studies, and theological reinterpretations. The paper advocates for interfaith dialogue and contextual reinterpretation of sacred texts to build inclusive human rights frameworks that respect religious diversity.*

INTRODUCTION

The tension between religious doctrine and human rights norms is both ancient and evolving [1]. While Western liberal traditions emphasize individual autonomy, many religions stress communal and divine authority [2]. These perspectives often clash on issues like freedom of expression, women's rights, and LGBTQ+ protections [3][4]. However, theological developments within Islam, Christianity, Judaism, and others reveal a growing movement toward reconciling these differences [5][6].

1. Historical Context of Religion and Human Rights

The relationship between religion and human rights has deep historical roots, shaped by evolving theological insights and socio-political developments. Contrary to the perception that modern human rights are exclusively a secular, post-Enlightenment construct, religious traditions have long contributed to articulations of human dignity and justice.

One of the earliest and most prominent examples is the Charter of Medina, drafted under the leadership of Prophet Muhammad (PBUH) in the 7th century. This foundational document for the nascent Muslim

community in Medina was a pioneering model of pluralistic governance. It recognized the rights and responsibilities of diverse religious and tribal groups, including Jews and pagans, under a unified legal and ethical framework. The Charter emphasized the principles of mutual protection, religious freedom, and justice — establishing a proto-human rights contract grounded in Islamic theology [7].

Similarly, the Edicts of Ashoka in ancient India and the Sermon on the Mount in Christian scripture articulated moral responsibilities and ethical guidelines concerning compassion, equity, and the treatment of others. These scriptural references underscore a long-standing religious concern for social welfare and the sanctity of human life.

The formal codification of human rights as universal, inalienable, and individual-centric principles emerged most clearly during the European Enlightenment. Philosophers like John Locke, Immanuel Kant, and Jean-Jacques Rousseau redefined rights based on natural law and reason, detached from religious authority [8]. This shift was both liberating and contentious — it liberated individuals from theocratic rule but often marginalized religious sources of morality.

The Enlightenment's emphasis on rational individualism and secular universalism laid the intellectual groundwork for documents such as the Declaration of the Rights of Man and of the Citizen (1789) and eventually the Universal Declaration of Human Rights (1948). These declarations framed rights in secular terms, often overlooking or sidelining theological narratives.

Despite this dichotomy, contemporary scholarship increasingly recognizes that religious values and human rights discourse can be mutually reinforcing. Religious traditions continue to inspire movements for justice and equality, such as the civil rights movement in the United States, which was deeply rooted in Christian theology, and liberation theology in Latin America.

In essence, the historical trajectory from sacred texts to secular charters reveals not a sharp break but a complex interplay of theology, philosophy, and politics, each shaping the evolving conception of what it means to live a dignified human life.

2. Civilizational Tensions: East vs. West Perspectives

The discourse on religion and human rights is often framed within a broader civilizational debate, particularly between Western secular liberalism and non-Western religious and cultural paradigms. One of the most influential — and controversial — theories in this context is Samuel P. Huntington's "Clash of Civilizations" (1996), which posited that post-Cold War conflicts would be defined more by cultural and religious differences than ideological or economic divides [9]. According to Huntington, the primary sources of global tension would stem from the differing value systems of the West and civilizations such as Islam and Confucianism.

Huntington's theory sparked extensive debate. Critics argue that it overgeneralizes and essentializes civilizations, presenting them as monolithic and in constant conflict. Others note that it ignores the internal plurality within civilizations and the potential for cross-cultural dialogue and value convergence [9]. Nevertheless, the theory continues to influence policy and public discourse, particularly regarding the perceived incompatibility of Islamic traditions with Western notions of individual rights and secular governance.

In contrast to this binary framing, many scholars have highlighted that non-Western civilizations have their own rich histories of human rights thought, albeit articulated through different philosophical and theological lenses. In Islamic traditions, for example, the *maqāṣid al-sharīʿa* (objectives of Islamic law) emphasize the preservation of essential human interests: life, intellect, religion, property, and lineage — all of which align with core human rights values when interpreted through a progressive hermeneutic [10].

Asian traditions such as Confucianism, Buddhism, and Hinduism stress duties, community cohesion, and ethical behavior as foundational to social harmony. While these may not prioritize individual

autonomy to the same degree as Western liberalism, they provide alternative pathways to human flourishing. For instance, Confucian humanism emphasizes the cultivation of moral character and social responsibility, both of which are essential for sustaining equitable societies [10].

The challenge, therefore, is not that non-Western cultures lack a concept of rights, but that their frameworks often differ in ontology, methodology, and priorities. Western frameworks typically assert rights as entitlements of the individual against the state, while Eastern traditions often situate the individual within relational and communal contexts.

Modern debates must move beyond reductive oppositions and instead foster pluralistic human rights frameworks that accommodate cultural specificity while upholding universal dignity. This requires engaging in cross-civilizational translation — not as an imposition of one model over another, but as a mutually enriching dialogue grounded in both respect and critical introspection.

3. Religious Freedom in International Law

The principle of religious freedom is a cornerstone of international human rights law, enshrined in foundational legal instruments and reaffirmed through numerous conventions and declarations. Among these, Article 18 of the Universal Declaration of Human Rights (UDHR) (1948) is perhaps the most cited and influential. It 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." [11]

This article affirms both the internal freedom (*forum internum*) of belief and the external freedom (*forum externum*) to manifest religion or belief — through worship, education, and observance. Importantly, it includes the right to change one's religion, a clause that has proven controversial in many religious contexts, particularly in Islamic states where apostasy is traditionally criminalized.

While Article 18 is legally non-binding, its principles have been codified in binding treaties such as the International Covenant on Civil and Political Rights (ICCPR), particularly in Article 18 of the ICCPR, which mirrors and expands the UDHR's provisions. Yet, interpretation and implementation vary widely, and tensions often arise between religious freedom and other legal or moral frameworks, such as blasphemy laws, anti-conversion legislation, or restrictions in the name of public order.

One key mechanism for accommodating such tensions within international law is the use of "reservations" — formal declarations made by states when ratifying treaties, indicating that they do not consider themselves bound by certain provisions that may conflict with national law or religious norms [12]. For instance, several Muslim-majority countries have entered reservations to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), citing sharia law as the basis for their legal reservations.

These reservations are often a reflection of deeper theological or cultural worldviews that do not neatly align with secular, liberal interpretations of human rights. Critics argue that such reservations dilute the universality and enforceability of human rights standards. Others contend that pluralism within the international legal system must allow space for diverse religious interpretations, as long as core human dignity is not violated.

A growing trend in international human rights practice is the promotion of contextual engagement — working with local religious leaders, scholars, and communities to develop interpretations of religious law that are harmonious with international standards. This approach recognizes that sustainable human rights protections often require legitimacy within local ethical frameworks, not merely external legal imposition.

While international law provides a normative framework for religious freedom, its realization on the ground demands dialogue, diplomacy, and theological reform — a nuanced process of negotiating universality and cultural particularity in pursuit of shared human dignity.

4. Theological Justifications for Human Rights

While modern human rights discourse is often rooted in secular liberalism, many religious traditions provide deep theological justifications for values such as dignity, justice, equality, and compassion. Two major religious traditions—Islam and Christianity—offer distinct yet overlapping frameworks that support the ethos of human rights when interpreted contextually and progressively.

Islamic Maqasid al-Shariah and Human Welfare

In Islamic jurisprudence, the concept of *maqāṣid al-sharīʿa* (objectives of Islamic law) is a foundational framework that underscores the purpose-driven nature of divine law. Developed by classical scholars like Al-Ghazali and further expanded by modern thinkers like Al-Shatibi and contemporary reformers such as Jasser Auda, *maqāṣid* theory identifies the core objectives of shariah as the protection and promotion of:

1. Religion (*din*)
2. Life (*nafs*)
3. Intellect (*ʿaql*)
4. Lineage or family (*nasl*)
5. Property (*māl*)
6. (Later additions include) dignity and freedom [13]

This framework directly correlates with many foundational human rights: the right to life, education, family, religious practice, and economic well-being. Importantly, *maqāṣid al-shariah* is teleological rather than rigidly textual, allowing for *ijtihad* (independent reasoning) to reinterpret legal norms in light of contemporary needs and challenges. This adaptability makes it a potent tool for aligning Islamic jurisprudence with modern human rights without abandoning its theological integrity.

For example, the right to life is not merely protected by prohibitions on murder but also by obligations to promote healthcare and social welfare. The right to property is coupled with *zakat* (almsgiving) and prohibitions on exploitation, such as *riba* (usury). Thus, *maqāṣid* offers a values-based bridge between Islamic law and human rights discourse.

Christian Theological Humanism and Social Justice

In Christian thought, particularly within Catholic and Protestant traditions, the inherent dignity of the human person is central to theological anthropology. This notion is grounded in the biblical claim that humans are created *imago Dei*—in the image of God (Genesis 1:27). This theological premise undergirds a vision of universal human worth, irrespective of social, racial, or religious differences.

Christian theological humanism, particularly as articulated by thinkers such as Reinhold Niebuhr, Paul Tillich, and later John Paul II, emphasizes that human rights are not merely legal entitlements but moral imperatives arising from divine justice and love [14]. In Catholic Social Teaching (CST), documents such as *Pacem in Terris* and *Gaudium et Spes* affirm the interdependence of human rights and responsibilities, stressing the need for solidarity, subsidiarity, and preferential care for the poor.

The liberation theology movement in Latin America further advanced this theological foundation by insisting that the gospel demands structural transformation. Here, human rights were not simply about personal freedoms but about economic and political justice for the oppressed. This lens views sin not only as personal wrongdoing but as institutionalized injustice.

Together, Islamic and Christian theological frameworks—when interpreted dynamically—offer profound support for human rights. Rather than being in conflict with secular norms, they can enrich human rights discourse by grounding it in spiritual purpose, ethical depth, and communal responsibility.

5. Contemporary Case Studies

Contemporary debates around religion and human rights often play out through legal controversies that highlight the tension between religious values and secular governance. Two prominent case studies — blasphemy laws in Pakistan and hijab bans in France — illustrate how different legal and cultural contexts navigate the balance between religious freedom and state-enforced norms, raising critical questions about universality, cultural relativism, and the limits of tolerance.

Blasphemy Laws in Pakistan vs. Secular Critiques

Pakistan's blasphemy laws, most notably Sections 295–298 of the Pakistan Penal Code, criminalize speech or actions deemed offensive to Islam, the Prophet Muhammad (PBUH), and religious sentiments more broadly. While initially introduced during British colonial rule, these laws were significantly strengthened in the 1980s under General Zia-ul-Haq's Islamization agenda. The penalties range from fines to life imprisonment and even the death penalty, particularly under Section 295-C [15].

Supporters of these laws argue that they protect religious sanctities in a deeply devout society and deter religious hatred and violence. However, secular critics — both domestic and international — argue that these laws are frequently misused to settle personal scores, persecute religious minorities, and stifle free expression. Numerous cases have involved Ahmadi, Christian, Hindu, and even Sunni Muslim individuals accused on flimsy or fabricated evidence.

Human rights organizations such as Amnesty International and Human Rights Watch have condemned the laws for violating Article 18 of the ICCPR, to which Pakistan is a signatory. The case of Asia Bibi, a Christian woman who spent nearly a decade on death row before being acquitted in 2018, became emblematic of the blasphemy law's dangers [15].

The challenge lies in finding a theological-legal balance that protects both religious sentiment and individual rights. Some Pakistani scholars have called for reform based on Islamic principles of justice and due process, rather than a wholesale rejection of the law.

Hijab Bans in France: Religious Freedom or Secular Fundamentalism?

In sharp contrast to Pakistan's theocratic model, France's secular legal order (*laïcité*) has enacted strict limitations on the public display of religious symbols, particularly the hijab (Islamic headscarf). The 2004 French law banning conspicuous religious symbols in public schools and the 2010 law prohibiting face coverings in public spaces have been criticized as disproportionately targeting Muslim women [16].

Proponents of these laws argue that they uphold secularism, gender equality, and national cohesion, viewing the hijab as a symbol of patriarchal oppression. The French state asserts its commitment to a neutral public sphere where religion is relegated to private life.

However, critics contend that such bans amount to “secular fundamentalism,” infringing upon the very freedom of religion and expression they claim to protect. From a human rights perspective, forcing individuals to remove religious symbols is as coercive as compelling them to wear them. Muslim women have reported feeling excluded, marginalized, and pressured to choose between their faith and civic participation [16].

International human rights bodies, including the United Nations Human Rights Committee, have raised concerns about the discriminatory impact of these laws. The bans are also seen as fueling Islamophobia and social alienation within marginalized communities.

Both the Pakistani and French cases highlight that violations of religious freedom can occur in both religious and secular states — either through overregulation or oversecularization. True protection of human rights requires navigating a middle path that respects religious diversity without compromising individual liberties.

6. Interfaith Dialogue and Human Rights Discourse

As the relationship between religion and human rights continues to evolve, interfaith dialogue has emerged as a critical avenue for bridging divides, resolving misunderstandings, and fostering collaborative approaches to justice, peace, and human dignity. Rather than treating religious traditions as isolated systems, interfaith dialogue seeks common ground and mutual understanding to advance shared ethical values. This dialogical approach offers not only theological but also pragmatic solutions to civilizational tensions in a pluralistic world.

United Religions Initiative and Global Interreligious Councils

One of the most prominent platforms promoting such cooperation is the United Religions Initiative (URI) — a global grassroots interfaith network that operates in over 100 countries. URI brings together people from diverse spiritual backgrounds to work collaboratively on issues like conflict resolution, education, women's rights, and environmental protection, often integrating faith-based justifications with universal human rights goals [17].

Other global bodies — such as the Parliament of the World's Religions, the World Council of Churches, and the Interfaith Council on Ethics Education for Children — play similar roles in cultivating ethical frameworks that resonate across religions. These councils emphasize that all major religions promote compassion, justice, and human dignity, even if their doctrinal foundations differ.

Such initiatives have been instrumental in countering religious extremism, challenging dogmatic interpretations that fuel human rights violations, and amplifying moderate, reformist voices within communities. For instance, interfaith declarations like the "Charter for Compassion" and the Marrakesh Declaration (2016) explicitly defend the rights of religious minorities, invoking Islamic principles alongside universal legal norms.

Role of Civil Society in Theological Reinterpretation

Beyond formal councils, civil society organizations — including NGOs, academic institutions, and faith-based advocacy groups — have taken a leading role in promoting theological reinterpretation (ijtihad, hermeneutics, and contextual exegesis) as tools for aligning religious discourse with human rights principles [18].

In many Muslim-majority contexts, for example, progressive Islamic scholars and women's rights activists have used *maqasid al-shariah*, *fiqh al-aqalliyat* (jurisprudence for minorities), and gendersensitive *tafsir* (Quranic interpretation) to argue for greater gender equality, freedom of belief, and minority rights. Similarly, Christian liberation theology in Latin America and postcolonial theology in Africa and South Asia have employed scripture as a tool for emancipation, not repression.

Such reinterpretations are not without resistance. Conservative factions often accuse reformers of distorting divine mandates, and political regimes may suppress theological dissent. However, the growing involvement of civil society in these debates has broadened the space for dialogue, making it more inclusive of marginalized voices — particularly women, youth, and religious minorities.

Interfaith collaboration and civil society engagement thus serve as essential counterbalances to both religious absolutism and secular authoritarianism. Together, they create ethical convergence — where religious convictions and human rights commitments mutually reinforce rather than contradict each other.

7. Toward a Green Theology of Human Rights

As the global climate crisis intensifies, the conversation around human rights is increasingly expanding to include environmental rights — the right to clean air, safe water, a stable climate, and sustainable ecosystems. This shift is giving rise to what scholars term “Green Theology” — an evolving body of theological thought that aligns environmental stewardship with the sacred obligations found across religious traditions. In this context, environmental protection is no longer just an ecological imperative, but a moral and spiritual duty rooted in divine law and human dignity [19].

Environmental Rights and Religious Ethics

Most major world religions view the Earth not as a commodity to be exploited, but as a sacred trust (Latin: sacramentum, Arabic: amanah). In Islamic ethics, the concept of khalīfah (stewardship) places humanity in a divinely appointed role as caretakers of the Earth. The Qur’an repeatedly emphasizes balance (mīzān), forbids corruption (fasād) in nature, and commands believers to act with justice and restraint in consumption (Qur’an 7:31) [19].

In Christian theology, especially within Catholic Social Teaching, care for creation is considered a fundamental social and moral obligation. Pope Francis’ encyclical *Laudato Si’* (2015) frames environmental degradation as both a moral and spiritual crisis, arguing that the poor suffer the most from ecological damage — thereby linking environmental destruction directly to human rights and justice.

Likewise, Hinduism, Buddhism, and Indigenous faiths emphasize non-violence toward all life forms and respect for the interdependence of all beings. These traditions see nature not as separate from humanity, but as part of a cosmic continuum that demands reverence, moderation, and humility.

Integrating Religious Principles with Sustainable Human Development

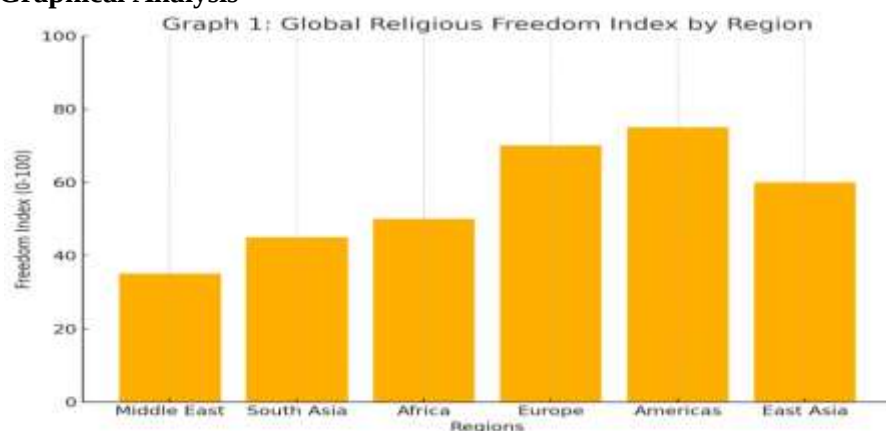
The integration of religious ethics into sustainable development models offers a powerful alternative to purely technocratic or economic solutions. Initiatives like the Faith for Earth Coalition (under UNEP) and the Interfaith Rainforest Initiative demonstrate how religious communities are mobilizing to advocate for climate justice, biodiversity conservation, and renewable energy ethics.

A Green Theology of Human Rights challenges conventional development paradigms by emphasizing long-term ethical responsibility, intergenerational justice, and holistic well-being — concepts that resonate with sacred traditions and human rights alike. It recognizes that environmental destruction not only violates ecological integrity but also undermines the rights to life, health, food, and shelter, particularly among marginalized and indigenous populations.

In Islamic contexts, scholars are using maqāṣid al-sharī‘a to argue that protecting the environment fulfills the objectives of safeguarding life (nafs), property (māl), and future generations (nasl). Similarly, Christian environmental activists frame climate action as part of loving one’s neighbor and protecting God’s creation.

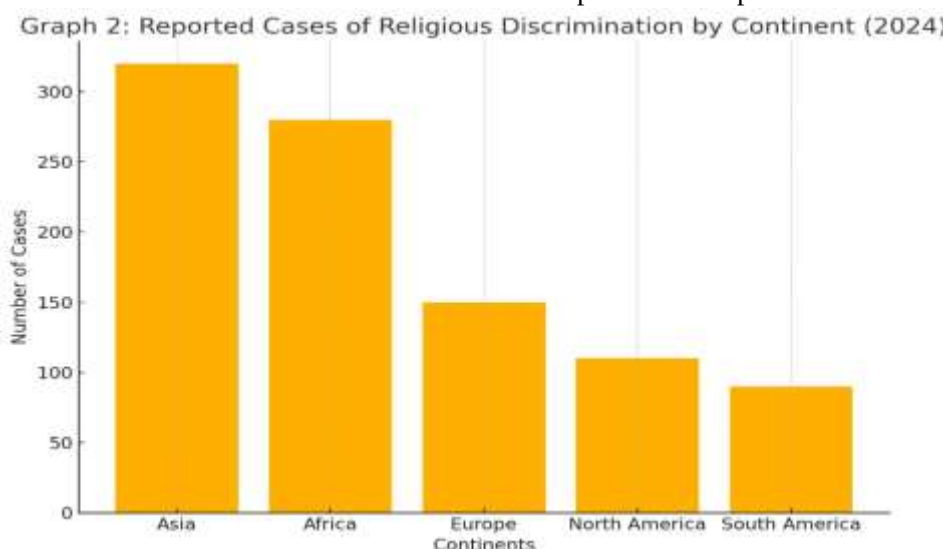
This theological-environmental nexus ultimately reinforces the idea that sustainable development is not just a policy goal, but a moral covenant — one that must be upheld by governments, corporations, communities, and faith traditions alike [20].

Graphical Analysis



Graph 1: Global Religious Freedom Index by Region

This bar chart illustrates significant disparities in religious freedom across different regions, with lower scores in the Middle East and South Asia compared to Europe and the Americas.



Graph 2: Reported Cases of Religious Discrimination by Continent (2024)

This graph shows that Asia and Africa report the highest number of religious discrimination incidents, highlighting the need for stronger policy and theological interventions.

Summary

The debate between religion and human rights is not a zero-sum conflict. Rather, it reveals the necessity of mutual understanding, contextual reinterpretation, and pluralistic engagement. Through theological tools like *ijtihad*, hermeneutics, and interfaith collaboration, it is possible to transform perceived tensions into pathways for a more just and inclusive global society.

Dr. Irfan Rashid, holding a Ph.D. in Business Administration from Lincoln University College, Malaysia, is a researcher focused on the intersection of data security, national policy, and digital governance. His scholarly work highlights the critical implications of big data privacy lapses in ICT environments, especially within developing nations like Pakistan. Dr. Rashid's research provides a strategic lens on how unprotected data flows can jeopardize national integrity and advocates for adaptive cybersecurity frameworks, real-time surveillance mechanisms, and policy innovation tailored to evolving digital infrastructures.

References

- Donnelly, J. (2003). Universal Human Rights in Theory and Practice.
- An-Na'im, A.A. (1990). Toward an Islamic Reformation.
- Bielefeldt, H. (2012). Freedom of Religion and Belief.
- Mayer, A.E. (1999). Islam and Human Rights: Tradition and Politics.
- Rahman, F. (1982). Islam and Modernity.
- Küng, H. (1991). Global Responsibility: In Search of a New World Ethic.
- Esposito, J. (2001). Islam and Secularism in the Middle East.
- Taylor, C. (1994). Multiculturalism and "The Politics of Recognition".
- Huntington, S. (1996). The Clash of Civilizations.
- Sen, A. (2004). Elements of a Theory of Human Rights.
- UN General Assembly. (1948). Universal Declaration of Human Rights.
- Shah, T. (2006). "Religion and the Global Politics of Human Rights."
- Kamali, M.H. (2008). Shariah Law: An Introduction.
- Hollenbach, D. (2002). The Common Good and Christian Ethics.
- Rehman, J. (2007). Islamic State Practices, International Law and the Threat from Terrorism.
- Bowen, J.R. (2007). Why the French Don't Like Headscarves.
- Patel, E. (2012). Sacred Ground: Pluralism, Prejudice, and the Promise of America.
- Marshall, K. (2008). Religion and International Development.
- Gottlieb, R.S. (2006). A Greener Faith: Religious Environmentalism and Our Planet's Future.
- Nasr, S.H. (1996). Religion and the Order of Nature.
- Rashid, I. (2021). *National security challenges arising from big data privacy gaps in ICT environments. American Journal of Big Data*, 2(1). Retrieved from <https://australiansciencejournals.com/bigdata>