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Justice and Rights

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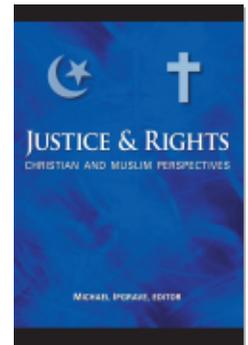
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(d) It is not permitted to arouse nationalistic or doctrinal hatred or to do anything that may be an incitement to any form of racial discrimination.¹²³

Article 23

(a) Authority is a trust; and abuse or malicious exploitation thereof is absolutely prohibited, so that fundamental human rights may be guaranteed.

(b) Everyone shall have the right to participate, directly or indirectly in the administration of his country's public affairs. He shall also have the right to assume public office in accordance with the provisions of Sharī'a.

Article 24

All the rights and freedoms stipulated in this Declaration are subject to the Islamic Sharī'a.

Article 25

The Islamic Sharī'a is the only source of reference for the explanation or clarification to any of the articles of this Declaration.

Notes to Part III

1. Roosevelt enunciated the "four freedoms" in a state of the union address on January 6, 1941. The other three were freedom of expression, freedom from want, and freedom from fear. UDHR was adopted by the UN General Assembly in December 1948.
2. See generally Nazila Ghanea, ed., *The Challenge of Religious Discrimination at the Dawn of the New Millennium* (The Hague: Martinus Nijhoff, 2004). It was the Oslo Coalition, a group established in 1988, that led a campaign to change this focus, resulting in a change in the mandate holder's title to "Special Rapporteur on the Freedom of Religion or Belief," thus highlighting the broader question of freedom of religion and belief and treating it as a primary focus.
3. The locus classicus of this remains the decision of the commission in *Arrowsmith v. UK*, App. 7050/75 (1978), 19 *Decisions and Reports*, 5.
4. *Begum v. Denbigh High School*, [2006], UKHL 16 (March 22, 2006), Lord Hoffman, para. 50 (and see also at para. 54). See also Lord Bingham, paras. 23 and 25, and Lord Scott, para. 89.
5. See, e.g., *Wingrove v. UK*, November 25, 1996, *ECHR* 1996-V, and, for a recent example, *LA v. Turkey*, App. 42571/98, Judgment of September 13, 2005. These are all cases in which freedom of expression has been curbed in order to protect the religious sensibilities of others (thus disproving

- Lady Hale in *Begum v. Denbigh High School*, para. 98, where she said that the European Court of Human Rights “has never accepted that interference with the right of freedom of expression is justified by the fact that the ideas may offend someone”). Cf. *Murphy v. Ireland*, Judgment, July 10, 2003, *ECHR* 2003-IX; 38 *EHRR* (2004), 13, where the freedom of religious expression through the means of radio broadcasting was curbed in order to protect the freedom of religion of others.
6. *Pichon v. France*, App. 49854/99, decision of October 2, 2001, and see [2002] *EHRLR* 408–9.
 7. *Dahlab v. Switzerland*, App. 42393/98, Decision of February 15, 2001, *ECHR* 2001-V; *Leyla Sahin v. Turkey*, App. 44774/98, Judgment of November 10, 2005. For a similar issue before the courts in England and Wales, see *Begum v. Denbigh High School*.
 8. *Kokkinakis v. Greece*, Judgment of May 25, 1993, *ECHR* Ser. A, 260-A, 17 *EHRR* 397 (1994), para. 31.
 9. *Ibid.*, para. 49. This makes it particularly difficult to understand Lord Bingham in the *Begum* case (para. 29) where he argues that “the focus at Strasbourg is not and has never been on whether a challenged decision or action is the product of a defective decision-making process.”
 10. See cases cited in earlier notes and also *Otto-Preminger-Institut v. Austria*, Judgment of October 20, 1994, *ECHR*, Ser. A, 295-A, 19 *EHRR* 34 (1995), para 47: “The respect for the religious feelings of believers as guaranteed in Article 9 can legitimately be thought to have been violated by provocative portrayals of objects of religious veneration; and such portrayals can be regarded as a malicious violation of the spirit of tolerance, which must also be a feature of democratic society.” Cf. also the statements issued in the wake of the “cartoons” issued by the UN Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur for the Promotion and Protection of the Right to Freedom of Expression (February 8, 2006), reprinted in 1 *Religion and Human Rights* (2006). For lack of requiring the state to protect believers in these types of cases, see, e.g., *Choudhury v. UK*, App. 17439/90 (1991), 12 *HRLJ* 172, in which the European Commission on Human Rights concluded that there was no violation of the freedom of religion where the state did not step in to prevent forms of expression that the applicant considered disrespectful to his or her beliefs. In extreme cases, there might be such a need. However, see *Otto-Preminger-Institut v. Austria*, para. 47: “In extreme cases the effect of a particular method of opposing or denying religious beliefs can be such as to inhibit those who hold such beliefs from exercising their freedom to hold and express them.”
 11. See, e.g., *Leyla Sahin v. Turkey*, App. 4474/98, Judgment of November 10, 2005, para. 107, citing a long list of authorities on this, dating back to 1996.

12. *Refah Partisi and others v. Turkey*, Apps. 41340/98, 41342/98, 4134/98. 4134/98, Judgment of February 13, 2003. The “Constitutional Court” referred to is that of Turkey.
13. See generally the collection of materials available at www.strasbourg.conference.org.
14. *Leyla Sahin v. Turkey*, para. 105.
15. *Kokkinakis v. Greece*, para. 31.
16. *Leyla Sahin v. Turkey*, para. 106.
17. Thus comments such as, “The role of the authorities . . . is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other” (*Serif v. Greece*, ECHR 1999-XI, para. 53) might be acceptable if they are understood in a procedural rather than a substantive sense, though this may not be what the court thinks.
18. Cf. *Begum v. Denbigh High School*, Lady Hale, para. 97, who, when upholding the legitimacy of what she sees as interference with the manifestation of religion in that case, commented that “the school’s task is also to promote the ability of people of diverse races, religions and cultures to live together in harmony. . . . [A] uniform dress code can play its role in smoothing over ethnic, religious and social divisions.”
19. For a radical critique, and a resulting plea for a radical reconceiving of international society, see Philip Allott, *Eunomia: New Order for a New World*, 2nd ed. (Oxford: Oxford University Press, 2001), and *The Health of Nations: Society and Law beyond the State* (Cambridge: Cambridge University Press, 2002).
20. Cf. *Begum v. Denbigh High School*, para. 21: “Any sincere religious belief must command respect, particularly when derived from an ancient and respected religion.” See, generally, Carolyn Evans, *Freedom of Religion under the European Convention on Human Rights* (Oxford: Oxford University Press, 2001), 57–59.
21. English translation from Arthur Cochrane, *The Church’s Confession under Hitler* (Philadelphia: Westminster, 1962), 237–42.
22. Notably the gifted Paul Althaus, whose interest in the idea of “Christianity as community,” arising from his Luther scholarship, led him to become markedly sympathetic to Nazism. See, e.g., Richard Steigmann-Gall, *The Holy Reich: Nazi Conceptions of Christianity, 1919–1945* (Cambridge: Cambridge University Press, 2003), 33.
23. It should also be noted in this regard that part of the declaration in particular places itself in opposition to attempts to impose a new unity on the confessional churches—a reference to the centralizing policies of Bishop Müller’s German Christians.

24. Dietrich Bonhoeffer, *Gesammelte Schriften*, II, 259, writing in 1936, cited in Eberhard Bethge, *Dietrich Bonhoeffer* (London: Collins, 1977), 435.
25. E.g., the language of “confessing church” is also sometimes appropriated by particular groups within the churches’ current debates over human sexuality; yet the issue here is one purely of intraecclesial dispute rather than of state imposition.
26. *Faqīh* (pl. *fuqahā*) meaning “jurisconsult.”
27. Texts extracted from Khomeini’s writings are taken from Hamid Algar, ed. and trans., *Imam Khomeini: Islam and Revolution, Writings and Declarations* (London: KPI, 1985).
28. The revolutionary constitution of 1979, while it clearly embodies the principle of *vilāyat-e-faqīh* (see following discussion), cannot be seen as a simple expression of that theory alone, but rather represents an accommodation between an intended theocracy and the influences of other sources of political legitimation. See, e.g., Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic* (London: I. B. Tauris, 1998).
29. According to Twelver Shī‘ism, the twelfth imam, identified with the eschatological Mahdī, who is expected to appear before the end of the world to fill it with justice and free it from corruption and injustice, had two periods of occultation (*ghayba*): in the Lesser Occultation he appeared to four specific deputies (*novvab*) and gave them guidance on different occasions after his first disappearance; in the Greater Occultation, which began after the Lesser, he completely disappeared, and no one can claim to be his appointed deputy.
30. The doctrine reappears in Articles 107–9, dealing with the Leadership Council and the personal qualities its members should possess. Schirazi, *Constitution of Iran*, 35.
31. Montazeri was careful to present his criticisms as directed, not against Khomeini himself, but against misinterpretations of his teaching.
32. Constitutionally, this is effected through the “Council of Expediency,” which can arbitrate between the Parliament and the Guardians council.
33. Extract from Khomeini, “Islamic Government,” in Algar, *Imam Khomeini*, 40–42.
34. In Shī‘ism, there has always been the need for a divinely guided and infallible spiritual leader after the Prophet; this leader is called an “imam.”
35. Extract from Khomeini, “Islamic Government,” in Algar, *Imam Khomeini*, 59–61.
36. This paragraph from “Interviews,” in Algar, *Imam Khomeini*, 342.
37. English text from the Vatican website, www.vatican.va.
38. Peter Hebblethwaite, *John XXIII: Pope of the Council* (London: Geoffrey Chapman, 1984), 286.

39. The importance of this work to him can be seen in John's deathbed words: "Today more than ever, certainly more than in previous centuries, we are called to serve man as such, and not merely Catholics; to defend above all and everywhere the rights of the human person, and not merely those of the Catholic Church." Cited in Hebblethwaite, *John XXIII*, 498.
40. Hebblethwaite, *John XXIII*, chaps. 14–15.
41. In his opening address to the council, John put it this way: "We feel bound to disagree with these prophets of misfortune who are forever forecasting calamity—as though the end of the world was imminent. And yet today Providence is guiding us towards a new order of human relationships which, thanks to human effort and yet far surpassing its hopes, will bring us to the realisation of still higher and undreamed of expectations; in this way even human oppositions can lead to the good of the Church."
42. Wilton Wynn, *Keepers of the Keys: John XXIII, Paul VI and John Paul II: Three Who Changed the Church* (New York: Random House, 1988) 217–18, although note that the document condemning anti-Semitism was approved overwhelmingly (1,763 votes to 250) in the final session of the council in 1965.
43. Before the council, Pope John met with leaders from various Anglican, Episcopal, Baptist, Evangelical, and Orthodox churches. John maintained a particular interest in the Orthodox churches, probably in part because his time as a Vatican diplomat brought him into contact with such churches. Hebblethwaite, *John XXIII*, 376–85. An attempt to cancel a joint Catholic-Protestant prayer service in Rome had to be overruled by Pope John himself to ensure that it could go ahead as planned.
44. See Jerald C. Brauer, "Religious Freedom as a Human Right," in *Religious Liberty: An End and a Beginning*, ed. John Courtney Murray (New York: Macmillan, 1966), 46. "The hard fact is that countless numbers of people were convinced that the Roman Catholic Church, by definition, could not or would not pass a powerful statement concerning religious liberty. This strong document [*Dignitatis humanae*] is eloquent testimony to the spirit of renewal embodied in Vatican Council II."
45. Universal Declaration of Human Rights, UN Doc. A/811 (1948). The Universal Declaration is a General Assembly resolution rather than a treaty and thus, in international law terms, is not a legally binding document. Its moral and political force, however, and its influence on the development of later human rights treaties make it one of the most important statements of internationally accepted human rights.
46. See generally, Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001).

47. Ibid.
48. Some of them certainly needed reminding. Cardinal Ottaviani, unofficial leader of the traditionalists within the church, made a public speech arguing, "It is the duty of rulers of a Catholic state to defend the religious unity of its people from disturbing elements. . . . Reason revolts at the thought that, in deference to a small minority, the faith of practically all the people should be injured by those who would foster schism." Cited in Wynn, *Keepers of the Keys*, 78.
49. Murray develops the notion in more detail by linking *Dignitatis humanae* with the objective order—"rooted in the given reality of man as man." John Courtney Murray, "The Declaration on Religious Freedom: A Moment in Its Legislative History," in *Religious Liberty: An End and a Beginning*, ed. John Courtney Murray, 40. However, as Canavan notes, the arguments here are unlikely to "commend itself to many minds outside the natural law tradition." J. Canavan, "The Catholic Concept of Religious Freedom as a Human Right," in *Religious Liberty: An End and a Beginning*, ed. John Courtney Murray, 72.
50. Murray, "The Declaration on Religious Freedom," 31–32; Samuel Gregg, "*Dignitatis Humanae* and the Catholic Human Rights Revolution," www.catholicculture.org/culture/library/view.cfm?recnum=2876 (accessed April 4, 2009).
51. Although see Murray, "The Declaration on Religious Freedom," 26–27, for the problems that the idea of freedom of conscience had as the primary basis for the declaration.
52. *Dignitatis humanae*, Art. 1, para. 3.
53. Ibid., Art. 1, para. 4.
54. Although, of course, it caused considerable offense among other religious groups, with one writer saying that the language "puzzles and annoys non-Catholics" even while defending the ideas behind the text. Canavan, "Catholic Concept of Religious Freedom," 68.
55. Murray, "The Declaration on Religious Freedom," 27–29. In discussing this he concludes, "The object of religious freedom as a juridical conception is not the actualization of the positive value inherent in religious beliefs, professions and practice. These values, as values, are juridically irrelevant, however great their religious, moral and social significance. The object of the right is simply the assure absence of constraints and restraints on individuals and groups in their efforts to pursue freely the positive values of religion" (28).
56. *Pacem in terris*, Arts. 67–78.
57. Although even here it could not bring itself to make the position in favor of democracies entirely clear. Canavan, "Catholic Concept of Religious Freedom," 79.

58. *Dignitatis humanae*, Art. 3.
59. For a strong critique of this element of *Dignitatis humanae*, see Philip D. Denenfeld, "The Conciliar Declaration and the American Declaration," in *Religious Liberty: An End and a Beginning*, ed. John Courtney Murray, 120–32.
60. J. V. Langmead Casserley, "The Need to Affirm Religious Freedom," in *Religious Liberty: An End and a Beginning*, ed. John Courtney Murray, 138, says that *Dignitatis humanae* can be described with some (if not complete) accuracy as "a tardy catching up by the conscience of the Church with the more progressive and developed conscience of the world."
61. The Universal Declaration of Human Rights (1948) does state in its preamble that "every individual and every organ of society" has an obligation to promote human rights, but most international treaties are focused on the obligations of states rather than other social groups.
62. *Dignitatis humanae*, Art. 6.
63. Hilary Charlesworth, "The Challenges of Human Rights Law for Religious Traditions" in *Religion and International Law*, ed. Mark Janis and Carolyn Evans (The Hague: Martinus Nijhoff, 1999), 412.
64. John L. McKenzie, "The Freedom of the Christian," in *Religious Liberty: An End and a Beginning*, ed. John Courtney Murray, 105, puts it bluntly: "In evading freedom Catholics evade responsibility. They permit the character of their Christian fulfilment to be determined by another."
65. Cardinal Bea, who was influential on matters of religious freedom and ecumenism, put the matter thus: "The word conscience, properly understood, also includes the moral law that God has placed in the hearts of all men and without which liberty becomes licence." It should be obvious that in speaking of the freedom to follow one's conscience, Cardinal Bea did not propose to undermine God's sovereignty or to assert complete human autonomy. He was not speaking of just any kind of freedom, but of the freedom to follow one's own conscience.
66. *Dignitatis humanae* was promulgated by Pope Paul VI on December 7, 1965.
67. Cf. John XXIII, encyclical, *Pacem in terris*, April 11, 1963, AAS 55 (1963), 279; and *ibid.*, 265; Pius XII, radio message, December 24, 1944, AAS 37 (1945), 14.
68. Cf. John XXIII, *Pacem in terris*, 260–61; Pius XII, radio message, December 24, 1942, 19; Pius XI, encyclical, *Mit brennender sorge*, March 14, 1937, AAS 29 (1937), 160; Leo XIII, encyclical, *Libertas praestantissimum*, June 20, 1888, Acts of Leo XIII 8 (1888), 237–38.
69. Cf. John XXIII, *Pacem in terris*, 270; Paul VI, radio message, December 22, 1964, AAS 57 (1965), 181–82.

70. Cf. John XXIII, encyclical, *Mater et magistra*, May 15, 1961, AAS 53 (1961), 417; John XXIII, *Pacem in terris*, 273.
71. Cf. John XXIII, *Pacem in terris*, 273–74; Pius XII, radio message, June 1, 1941, AAS 33 (1941), 200.
72. Cf. Leo XIII, encyclical, *Immortale dei*, November 1, 1885, AAS 18 (1885), 161.
73. Cf. CIC, c. 1351; Pius XII, allocution to prelate auditors and other officials and administrators of the tribune of the Holy Roman Rota, October 6, 1946, AAS 38 (1946), 394; Pius XII, encyclical, *Mystici corporis*, June 29, 1943, AAS (1943), 243.
74. Cf. Lactantius, *Divinarum institutionum*, 5.19, CSEL 19, 463–64, 465 (*PL* 6, 614 and 616 [chap. 20]); St. Ambrose, *Epistola ad valentianum imp.*, letter 21 (*PL* 16, 1005); St. Augustine, *Contra litteras petiliani*, 2.83, CSEL 52, 112 (*PL* 43, 315); cf. C. 23, q. 5, c. 33; St. Augustine, letter 23 (*PL* 33, 98); St. Augustine, letter 34 (*PL* 33, 132); St. Augustine, letter 35 (*PL* 33, 135); St. Gregory the Great, *Epistola ad virgilium et theodorum episcopos massiliae galliarum*, Register of Letters 1, 45, MGH ep. 1, 72 (*PL* 77, 510–11 [bk. 1, ep. 47]); St. Gregory the Great, *Epistola ad Johannem episcopum Constantinopolitanum*, Register of Letters 3, 52, MGH letter 1, 210 (*PL* 77, 649 [bk. 3, letter 53]); cf. D. 45, c. 1 (ed. Friedberg, col. 160); Council of Toledo IV, c. 57, Mansi 10, 633; cf. D. 45, c. 5 (ed. Friedberg, col. 161–62); Clement III, X., V, 6, 9 (ed. Friedberg, col. 774); Innocent III, *Epistola ad arelatensem archiepiscopum*, X., III, 42, 3 (ed. Friedberg, col. 646).
75. Cf. Matthew 9:28–29; Mark 9:23–24; 6.5–6; Paul VI, encyclical, *Ecclesiam suam*, August 6, 1964, AAS 56 (1964), 642–43.
76. Cf. Leo XIII, letter, *Officio sanctissimo*, December 22, 1887, AAS 20 (1887), 269; Leo XIII, letter *Ex litteris*, April 7, 1887, AAS 19 (1886), 465.
77. Cf. Mark 16:15; Matthew 28:18–20; Pius XII, encyclical, *Summi pontificatus*, October 20, 1939, AAS 31 (1939), 445–46.
78. Cf. Pius XI, letter, *Firmissimam constantiam*, March 28, 1937, AAS 29 (1937), 196.
79. Cf. Pius XII, allocution, *Ci riesce*, December 6, 1953, AAS 45 (1953), 802.
80. Cf. Pius XII, radio message, March 23, 1952, AAS 44 (1952), 270–78.
81. Cf. John XXIII, *Pacem in terris*, 299–300.
82. Cf. *ibid.*, 295–96.
83. E.g., Heiner Bielefeldt, “Universalism versus Relativism: On the Necessity of Intercultural Dialogue on Human Rights,” in *The Islamic World and the West: An Introduction to Political Cultures and International Relations*, ed. Kai Hafez (Leiden: Brill, 2000), 46–56, and in other publications.
84. UIDHR addresses issues of “freedom of religion” in Articles 12 and 13, the Cairo Declaration in Articles 10 and 22. See further the following detailed

- notes on those sections. Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: ITS, 271).
85. UIDHR, explanatory note 3.
 86. UDHR Article 29.2 reads: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."
 87. Cairo Declaration, Art. 24; and *ibid.*, Art. 25.
 88. This text of the UIDHR is taken from the website of the Islamic Council, www.alhewar.com. The site provides numerous references to Qur'ānic and traditional sources for each article; these have not been checked in detail but are indicated in the notes that follow.
 89. The UIDHR was released by Salem Azzam on September 19, 1981 (Dhu Qaidah 1401).
 90. UIDHR gives references to al-Mā'ida 5:32; ḥadīth narrated by Muslim, Abū Dā'ūd, Tirmidhī, Nasā'ī; ḥadīth narrated by al-Bukhārī.
 91. UIDHR gives references to ḥadīth narrated by al-Bukhārī, Muslim; the sayings of the caliph 'Umar; al-Shūrā 42:41; al-Ḥajj 22:41.
 92. UIDHR gives references to the address of the Prophet; ḥadīth narrated by al-Bukhārī, Muslim, Abū Dā'ūd, Tirmidhī, Nasā'ī; the address of the Caliph Abū Bakr; the farewell address of the Prophet; al-Aḥqāf 46:19; ḥadīth narrated by Aḥmad; al-Mulk 67:15; al-Zalzala 99:7–8.
 93. UIDHR gives references to al-Nisā' 4:59; al-Mā'ida 5:49; al-Nisā' 4:148; ḥadīth narrated by al-Bukhārī, Muslim, Tirmidhī; ḥadīth narrated by al-Bukhārī, Muslim; ḥadīth narrated by Muslim, Abū Dā'ūd, Tirmidhī, Nasā'ī; ḥadīth narrated by al-Bukhārī, Muslim, Abū Dā'ūd, Tirmidhī, Nasā'ī; ḥadīth narrated by Abū Dā'ūd, Tirmidhī; ḥadīth narrated by al-Bukhārī, Muslim, Abū Dā'ūd, Tirmidhī, Nasā'ī; ḥadīth narrated by al-Bukhārī.
 94. UIDHR gives references to ḥadīth narrated by al-Bukhārī, Muslim; al-Isrā' 17:15; al-Aḥzāb 33:5; al-Ḥujurāt 49:6; al-Najm 53:28; al-Baqara 2:229; ḥadīth narrated by al-Baihaki, Ḥākim; al-Isrā' 17:15; al-Ṭūr 52:21; Yūsuf 12:79.
 95. UIDHR gives references to al-Aḥzāb 33:58.
 96. UIDHR gives references to ḥadīth narrated by al-Bukhārī, Muslim, Abū Dā'ūd, Tirmidhī, Nasā'ī; ḥadīth narrated by ibn Māja.
 97. UIDHR gives references to the Prophet's farewell address; al-Ḥujurāt 49:12; al-Ḥujurāt 49:11.
 98. UIDHR gives references to al-Tawba 9:6; Āl 'Imrān 3:97; al-Baqara 2:125; al-Ḥajj 22:25.

99. UIDHR gives references to al-Baqara 2:256; al-Mā'ida 5:42; al-Mā'ida 5:43; al-Mā'ida 5:47.
100. UIDHR gives references to al-Shūrā 42:38; ḥadīth narrated by Aḥmad; the address of the caliph Abū Bakr.
101. UIDHR gives references to al-Aḥzāb 33:60–61; Sabā' 34:46; ḥadīth narrated by Tirmidhī, Nasā'ī; al-Nisā' 4:83; al-An'ām 6:108.
102. As is made clear in the explanatory note appended to the text of UIDHR, the “Law” referred to here is the Islamic Sharī'a. It is an open question as to who will determine what the law prescribes—scholars, contemporary or past authorities, the state, or whomever.
103. The operational consequences of this provision are absent: Who is obliged to provide conditions for the pursuit of knowledge?
104. This is similar to the right to resistance against an oppressive regime recognized in Western culture. It is qualified by the “limits set out by the Law.”
105. Note that protection against contempt is provided for “religious belief,” while respect is due for the “religious feelings of others.” It appears that nonreligious beliefs are not covered by either.
106. UIDHR gives references to al-Kāfirūn 109:6.
107. UIDHR gives references to Yūsuf 12:108; Āl 'Imrān 3:104; al-Mā'ida 5:2; ḥadīth narrated by Abū Dā'ūd, Tirmidhī, Nasā'ī, ibn Māja.
108. UIDHR gives references to al-Mā'ida 5:120; al-Jāthiyya 45:13; al-Shu'arā' 26:183; al-Isrā' 17:20; Hūd 11:6; al-Mulk 67:15; al-Najm 53:48; al-Ḥashr 59:9; al-Ma'ārij 70:24–25; the sayings of the caliph Abū Bakr; ḥadīth narrated by al-Bukhārī, Muslim; ḥadīth narrated by Muslim; ḥadīth narrated by Muslim, Abū Dā'ūd, Tirmidhī, Nasā'ī; ḥadīth narrated by al-Bukhārī, Muslim, Abū Dā'ūd, Tirmidhī, Nasā'ī; al-Muṭaffifīn 83:1–3; ḥadīth narrated by Muslim; al-Baqara 2:275; ḥadīth narrated by al-Bukhārī, Muslim, Abū Dā'ūd, Tirmidhī, Nasā'ī.
109. UIDHR gives references to al-Baqara 2:188; ḥadīth narrated by al-Bukhārī; ḥadīth narrated by Muslim; ḥadīth narrated by Muslim, Tirmidhī.
110. UIDHR gives references to al-Tawba 9:105; ḥadīth narrated by Abū Yala (*Majma al-Zawaid*); ḥadīth narrated by ibn Māja; al-Aḥqāf 46:19; al-Tawba 9:105; ḥadīth narrated by Tabaranī (*Majma al-Zawaid*); ḥadīth narrated by al-Bukhārī.
111. UIDHR gives references to al-Aḥzāb 33:6.
112. UIDHR gives references to al-Nisā' 4:1; al-Baqara 2:228; ḥadīth narrated by al-Bukhārī, Muslim, Abū Dā'ūd, Tirmidhī, Nasā'ī; al-Rūm 30:21; al-Ṭalāq 65:7; al-Isrā' 17:24; ḥadīth narrated by al-Bukhārī, Muslim, Abū Dā'ūd, Tirmidhī; ḥadīth narrated by Abū Dā'ūd; ḥadīth narrated by al-Bukhārī, Muslim; ḥadīth narrated by Abū Dā'ūd, Tirmidhī; ḥadīth narrated by Aḥmad, Abū Dā'ūd.

113. UIDHR gives references to al-Ṭalāq 65:6; al-Nisā' 4:34; al-Ṭalāq 65:6; al-Baqara 2:229; al-Nisā' 4:12; al-Baqara 2:237.
114. UIDHR gives references to al-Isrā' 17:23?24; ḥadīth narrated by ibn Māja; Āl 'Imrān 3:187; the Prophet's farewell address; ḥadīth narrated by al-Bukhārī, Muslim; ḥadīth narrated by al-Bukhārī, Muslim, Abū Dā'ūd, Tirmidhī.
115. UIDHR gives references to ḥadīth narrated by Muslim; al-Ḥujurat 49:12; ḥadīth narrated by Abū Dā'ūd, Tirmidhī.
116. UIDHR gives references to al-Mulk 67:15; al-An'ām 6:11; al-Nisā' 4:97; al-Baqara 2:21; al-Ḥashr 59:9.
117. The text is taken from the version provided by the International Document Database on Religion and Law, www.religlaw.org/interdocs/docs/cairo/hrislam1990.htm.
118. The Cairo Declaration was adopted and issued at the Nineteenth Islamic Conference of Foreign Ministers in Cairo on August 5, 1990.
119. The wording is not clear here. Does it mean that conversion without compulsion or exploitation of poverty and ignorance is acceptable? Is this applicable only to conversions from Islam?
120. Note that the qualification of the use of this right is specified as being in accordance to the "principles of Sharī'a." This is not the Sharī'a in its totality, but its principles, its most fundamental and general norms (*al-mabādī*).
121. This clause enunciates legal protection for the principle of *al-amr bi al-ma'rūf wa al-nahy min al-munkar*, as in Āl 'Imrān 3:110; this should be "in accordance to the norms of Islamic Sharī'a." This leaves open questions as to whether the principle expresses an individual or a collective right and whether it is possible to institutionalize it.
122. The text insists that freedom of expression does not legalize the violation of sanctities (i.e., the basic tenets of religion) or prophets, or of the values of society—which is here understood as a believing society. Reminiscences of the Rushdie affair may be detected here.
123. This clause contains a prohibition of anti-Islamic ideologies such as nationalism and racism. The exclusion of "doctrinal hatred" refers to sectarian animosities, such as between different *madhāhib*.

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