



Standard of Decency in Artistic Works: An Analytical Study in the Light of Sharī'ah and Pakistani Law

فن پاروں میں شائستگی کا معیار: شریعت اور پاکستانی قانون کا تجزیاتی مطالعہ

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Abstract:

Artistic expression plays a significant role in shaping social values, cultural norms, and public morality. However, the question of decency in artistic works has remained a contentious issue, particularly in societies where freedom of expression intersects with religious, moral, and legal constraints. This research paper critically examines the concept of the standard of decency in artistic works in the light of Sharī'ah and Pakistani law. The study explores the Islamic legal framework governing modesty, morality, and public decorum, drawing upon Qur'anic principles, Prophetic traditions, and classical juristic discourse. It further analyzes the constitutional and statutory provisions of Pakistan related to freedom of expression, obscenity, and public morality, with particular emphasis on the jurisprudence developed by Pakistani apex courts.

Through an analytical and comparative methodology, the paper evaluates how courts in Pakistan have interpreted and applied the standard of decency while balancing artistic freedom with societal and religious values. The research highlights areas of convergence and divergence between Sharī'ah principles and Pakistani legal standards, and assesses whether judicial reasoning adequately reflects Islamic moral norms in a constitutional framework. The study concludes by proposing a principled and coherent framework for assessing decency in artistic works that harmonizes Sharī'ah objectives with constitutional guarantees, ensuring both moral integrity and responsible artistic freedom.

Keywords

Standard of Decency, Artistic Works, Sharī'ah, Pakistani Law, Freedom of Expression, Public Morality, Obscenity, Islamic Jurisprudence, Apex Court Judgments

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Introduction

Artistic expression has remained an integral part of human civilization, serving as a medium for communicating emotions, beliefs, cultural values, and collective experiences. Art not only reflects the inner world of the artist but also shapes social attitudes, moral perceptions, and public consciousness. Across civilizations and religions, artistic creativity has been employed to beautify life, inspire spirituality, and convey ethical ideals. However, due to its powerful influence, art has always been subject to moral, religious, and legal scrutiny, particularly when questions of obscenity, indecency, and public morality arise.²

In contemporary legal discourse, freedom of artistic expression is generally recognized as a fundamental right, yet it is not absolute. Most legal systems impose reasonable restrictions in the interest of morality, decency, and social order. The challenge lies in defining an objective and enforceable standard of decency, as moral sensibilities vary across cultures and societies. In Muslim societies, this challenge is further nuanced by the need to harmonize constitutional freedoms with Islamic moral values derived from the Qur'an and Sunnah.³

From the perspective of Islamic law, the concept of decency is deeply rooted in the moral virtues of *ḥayā'* (modesty) and *'iffah* (chastity), which function as foundational safeguards for individual dignity and collective morality. The Qur'an repeatedly commands believers to lower their gaze, guard their modesty, and refrain from promoting or normalizing obscenity in society.⁴ The Qur'an explicitly condemns those who seek to spread immorality among the believers, warning of severe punishment in both this world and the Hereafter.⁵

The Prophetic traditions further emphasize the centrality of modesty in Islamic ethics. The Prophet Muhammad (PBUH) declared that when modesty disappears, moral restraint collapses, and all forms of wrongdoing become permissible.⁶ In another narration, modesty and faith are described as inseparably linked, indicating that erosion of decency weakens the very foundation of religious commitment.⁷ The Qur'anic account of Adam and Eve also illustrates that the first deception of Satan targeted human modesty, resulting in moral vulnerability and loss of innocence.⁸ This narrative underscores that decency is not a peripheral value but a core element of human dignity and spiritual integrity.

Islam, as a complete and comprehensive code of life, does not negate beauty or artistic creativity. Rather, it actively cultivates aesthetic awareness and appreciation of beauty within divinely prescribed limits. The Qur'an repeatedly draws human attention to the beauty and harmony of the universe as signs of Allah's creative perfection, inviting contemplation and aesthetic reflection.⁹ Islam permits comfortable living, adornment, and enjoyment of lawful pleasures, provided they do not lead to extravagance, immorality, or deviation from ethical

² Martha C. Nussbaum, *Not for Profit: Why Democracy Needs the Humanities* (Princeton: Princeton University Press, 2010), 95–97.

³ John Stuart Mill, *On Liberty* (London: John W. Parker and Son, 1859), 14–16

⁴ The Holy Qur'an, al-Nūr 24:30–31

⁵ The Holy Qur'an, al-Nūr 24:19

⁶ Muḥammad Bin Ismā'īl Al-Bukhārī, Shahīh Al-Bukhārī, Vol 4 (Riyadh: Dār al-Salām, 1997) 690

⁷ Al-Ḥākim al-Nīsābūrī, *Al-Mustadrak 'alā al-Ṣaḥīḥayn*, no. 3200 (Riyadh: Dār al-Salām, 1997).

⁸ The Holy Qur'an, al-A'rāf 7:20–22

⁹ The Holy Qur'an, Sūrah al-Mulk 67:3–4.

boundaries.^{10 11 12} Moderation (wasatiyyah) thus emerges as a governing principle not only in economic matters but also in cultural and artistic expression.¹³

In Islamic jurisprudence, the foundational principle governing worldly matters (mu'āmalāt), including art and artistic expression, is permissibility (ibāḥah) unless there is clear textual evidence to the contrary.¹⁴ The Qur'an explicitly affirms that beauty and lawful enjoyment are divine blessings not to be arbitrarily forbidden.¹⁵ Consequently, art that reflects natural beauty, glorifies the signs of Allah, promotes education, or contributes positively to moral and social development is not only permissible but may even be commendable (mustaḥabb).

Nevertheless, Sharī'ah imposes restrictions when artistic expression contravenes Islamic moral values. Classical jurists, relying on Prophetic traditions, prohibited the creation of statues and detailed images of animate beings, particularly where imitation, glorification, or idolatrous associations are involved.¹⁶ Leading scholars such as Imam al-Nawawi, Ibn Qudamah, and Ibn Taymiyyah articulated this prohibition while recognizing limited exceptions for educational purposes, children's toys, and non-detailed representations devoid of reverence or temptation.¹⁷ As a result, Islamic civilization developed distinctive artistic traditions calligraphy, geometric patterns, arabesque designs, and architecture that celebrate beauty while adhering to Sharī'ah constraints.

On music, poetry, and performance, Islamic law adopts a cautious yet nuanced approach. While the Qur'an warns against forms of entertainment that distract from the remembrance of Allah or promote moral corruption,¹⁸ scholars such as Imam al-Ghazali permitted music and poetry that elevate the soul, encourage noble emotions, and reinforce ethical conduct, provided their content remains morally sound.¹⁹ Poetry, in particular, enjoyed recognition in the Prophetic era, as evidenced by the Prophet's encouragement of Hassan ibn Thabit in defense of Islamic values.

Intention (niyyah) plays a decisive role in the Islamic evaluation of art. Based on the Prophetic maxim that actions are judged by intentions,²⁰ artistic works intended to promote truth, virtue, beauty, and social benefit are treated differently from those designed to provoke immorality, disbelief, or social disorder. Furthermore, the doctrine of sadd al-dharā'ī' (blocking the means) allows restrictions on otherwise permissible art if it predictably leads to greater moral harm, such as immodesty or indecency.²¹

¹⁰ The Holy Qur'an, Sūrah al-A'rāf 7:32-

¹¹ The Holy Qur'an, Sūrah al-Mā'idah 5:87-

¹² Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam* (Cairo: Al-Falah Foundation, 2001), 273–276.

¹³ The Holy Qur'an, Sūrah al-Furqān 25:67-

¹⁴ Wahbah al-Zuhayli, *Islamic Jurisprudence and Its Proofs*, vol. 6 (Damascus: Dar al-Fikr, 2001), 45–48.

¹⁵ The Holy Qur'an, Sūrah al-A'rāf 7:32-

¹⁶ Ibn Ḥajar al-'Asqalānī, *Fath al-Bārī bi-Sharḥ Ṣaḥīḥ al-Bukhārī*, vol. 10 (Cairo: Dār al-Ma'rifah), 384.

¹⁷ Ibn Qudamah, *al-Mughnī*, vol. 7 (Beirut: Dar al-Kutub al-'Ilmiyyah, 2004), 7–10.

¹⁸ The Holy Qur'an, Sūrah al-Luqmān 31:6-

¹⁹ Abu Hamid al-Ghazali, *Iḥyā' 'Ulūm al-Dīn*, vol. 2 (Beirut: Dar al-Ma'rifah, 2005), 277–280.

²⁰ Muḥammad b. Ismā'īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, vol. 1 (Riyadh: Dār al-Salām, 1997), 1-

²¹ Ibn al-Qayyim, *I'lām al-Muwaqqi'in*, vol. 3 (Riyadh: Dar Ibn al-Jawzi, 2002), 135–137-

Modern Islamic institutions have reaffirmed this balanced approach. The Islamic Fiqh Academy (OIC) has declared cinematic and artistic works permissible provided they uphold Islamic ethics, avoid vice, respect public decency, and serve educational or da'wah objectives.²² Similarly, Al-Azhar's Fatwa Committees have endorsed regulated artistic activities aligned with Islamic akhlaq.

In Pakistan, an Islamic democratic state, these Shari'ah principles acquire constitutional significance. The Constitution mandates that all laws be brought into conformity with the injunctions of Islam and prohibits legislation repugnant to the Qur'an and Sunnah.²³ Consequently, freedom of expression under Article 19 remains subject to morality, decency, and the glory of Islam. Pakistani courts have operationalized these principles through judicial interpretation. In *The State v. Sadat Hasan Manto*, the Lahore High Court emphasized evaluating artistic expression based on overall intent and social impact rather than isolated elements.²⁴ Similarly, in *The State v. Ziauddin*, public morality was assessed through an Islamic ethical lens.²⁵

In sum, Shari'ah does not treat art as morally neutral nor as inherently suspect. Rather, it esteems artistic expression that beautifies life, strengthens faith, and serves higher ethical objectives, while firmly prohibiting art that promotes obscenity, immorality, idolatry, or social corruption. The Islamic legal tradition thus offers a principled yet flexible framework one that balances creativity with responsibility, freedom with morality, and aesthetic expression with divine guidance.

2. Shari'ah Perspectives on Artistic Expression

Islam, as a complete and comprehensive code of life, provides guidance for all dimensions of human existence, including moral, intellectual, emotional, and aesthetic aspects. The Qur'an and Sunnah do not confine divine guidance to ritual worship alone; rather, they aim to cultivate a balanced human personality characterized by moderation (i'tidāl), contentment (qanā'ah), and moral integrity (akhlāq). Within this holistic worldview, the appreciation of beauty and the cultivation of aesthetic sensibility are not inherently negated; instead, they are encouraged so long as they remain governed by divine guidance and ethical constraints prescribed by Shari'ah.²⁶

The Qur'an consistently draws human attention to the beauty, harmony, and precision embedded in the universe as manifest signs (āyāt) of Allah's perfection and wisdom. This repeated Qur'ānic emphasis nurtures an aesthetic consciousness that transcends mere sensory pleasure and directs the human intellect toward reflection (tafakkur) and recognition of divine creativity. Allah states:

أَفَلَمْ يَنْظُرُوا إِلَى السَّمَاءِ فَوْقَهُمْ كَيْفَ بَنَيْنَاهَا وَرَبَّهَا وَمَا لَهَا مِنْ فُرُوجٍ²⁷

²² Majma' al-Fiqh al-Islami (OIC), Resolution No. 108 (12/2)-

²³ Constitution of the Islamic Republic of Pakistan, 1973, arts. 2A, 227-

²⁴ *The State v. Sadat Hasan Manto*, PLD 1950 Lahore 384-

²⁵ *The State v. Ziauddin*, PLD 1957 SC 19-

²⁶ Yūsuf al-Qaradāwī, *Islamic Awakening: Between Rejection and Extremism*, trans. A. Siddiqi (Herndon, VA: International Institute of Islamic Thought, 1991), 45–47;

Abū Hāmid al-Ghazālī, *Iḥyā' 'Ulūm al-Dīn* (Beirut: Dār al-Ma'rifah, n.d.), 2:87.

²⁷ The Holy Qur'an, Surah Qaf (50:6)

Have they not looked at the sky above them how We constructed it and adorned it, and how there are no rifts in it? Classical exegetes explain that the reference to adornment (zīnah) in this verse signifies both physical beauty and structural harmony, intended to awaken spiritual awareness and humility before the Creator.²⁸ Thus, beauty in Islam is not an end in itself but a means to deepen faith (īmān) and consciousness of Allah (taqwā).

Simultaneously, the Qur’ān affirms the permissibility of enjoying lawful adornment and material comforts, while firmly warning against excess (isrāf), moral transgression (‘udwān), and ethical deviation. Islam rejects both ascetic self-deprivation and unrestrained indulgence, establishing a balanced normative framework. Allah commands:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تُحَرِّمُوا طَيِّبَاتِ مَا أَحَلَّ اللَّهُ لَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ²⁹

O you who believe! Do not forbid the good things which Allah has made lawful for you, and do not transgress. Indeed, Allah does not love the transgressors.

Likewise, the Qur’ān explicitly recognizes adornment as a legitimate human inclination but subjects it to moral discipline:

يٰۤاَيُّهَا اٰدَمُ خُذُوْا زِيْنَتَكُمْ عِنْدَ كُلِّ مَسْجِدٍ وَكُلُوْا وَاشْرَبُوْا وَلَا تُسْرِفُوْا ۗ اِنَّهٗ لَا يُحِبُّ الْمُسْرِفِيْنَ³⁰

O children of Ādam, take your adornment at every place of worship... but do not be excessive; indeed, He does not love those who are excessive. Jurists infer from these verses that the Sharī‘ah adopts a principle of moderation, wherein aesthetic enjoyment is permissible provided it does not violate moral values, provoke indecency, or undermine societal ethics.³¹ This principle forms the ethical foundation for evaluating cultural and artistic practices within an Islamic framework.

Accordingly, artistic expression in Islam is neither categorically prohibited nor unconditionally permitted. Its legal and moral status is determined through the integrated application of Qur’ānic injunctions, Prophetic traditions (aḥādīth), classical juristic reasoning (ijtihād), and context sensitive contemporary scholarship. Sharī‘ah thus operates as a regulatory moral framework that seeks to harmonize creativity with faith (īmān), moral conduct (akhlāq), modesty (ḥayā’), and collective welfare (maṣlaḥah).³²

From this perspective, artistic expression is assessed not merely on aesthetic merit, but on its objectives (maqāṣid), content, and social impact. Any form of art that reinforces moral consciousness, human dignity, and societal harmony is, in principle, compatible with Sharī‘ah, whereas expressions that promote obscenity, immorality, or ethical erosion fall outside its permissible bounds.

²⁸ Ibn Kathīr, Tafsīr al-Qur’ān al-‘Aẓīm (Riyadh: Dār Ṭayyibah, 1999), 7:375

²⁹ The Holy Qur’an, Surah Al-Ma’idah (5:87)

³⁰ The Holy Qur’an, Sūrah al-A’rāf (7:31)

³¹ Muḥammad al-Ṭāhir Ibn ‘Āshūr, Maqāṣid al-Sharī‘ah al-Islāmiyyah (Amman: Dār al-Nafā’is, 2001), 294–297

³² Muḥammad Hāshim Kamālī, Principles of Islamic Jurisprudence (Cambridge: Islamic Texts Society, 2003), 367–371

Yūsuf al-Qaraḍāwī, al-Ḥalāl wa al-Ḥarām fī al-Islām (Cairo: Maktabat Wahbah, 2001), 273–276.

2.1 Permissibility and Ethical Boundaries

The foundational principle in Islamic law regarding worldly matters (mu'amalat), including art, is permissibility (ibahah), unless there is clear evidence (dalil) from the Qur'an or Sunnah to prohibit it. The Qur'an states:

قُلْ مَنْ حَرَّمَ زِينَةَ اللَّهِ الَّتِي أَخْرَجَ لِعِبَادِهِ وَالطَّيِّبَاتِ مِنَ الرِّزْقِ قُلْ هِيَ لِلَّذِينَ آمَنُوا فِي الْحَيَاةِ الدُّنْيَا خَالِصَةً يَوْمَ الْقِيَامَةِ³³

Say, who is there to forbid the beauty which God has brought forth for His servants, and the good things from among the means of sustenance? Say, they are for those who believe during the worldly life but exclusively for them on the Day of Resurrection. This verse underscores the fundamental permissibility of appreciating and creating beauty within the Islamic framework. Accordingly, artistic works that reflect natural beauty, glorify the signs of Allah, promote education and intellectual awareness, or contribute positively to moral and social development are not only permissible but, in certain contexts, may be regarded as commendable (mustahabb). Islamic ethical teachings, however, emphasize moderation (wasatiyyah) in artistic expression, requiring that all forms of art remain consistent with core moral virtues such as hayā' (modesty) and 'iffah (chastity), and that they contribute constructively to societal welfare. Moreover, intention (niyyah) plays a decisive role in determining the Sharī'ah ruling of artistic activity creative works intended to promote truth, virtue, beauty, and public benefit are deemed permissible, whereas those designed to incite immorality, disbelief, or social harm are considered prohibited within Islamic law.³⁴

2.2 Restrictions and Limitations under Shari'ah

Sharī'ah imposes well-defined restrictions on artistic expression that contradict Islamic moral and ethical principles. These limitations are grounded in the Qur'ān, the Prophetic traditions (ḥadīth), and the consensus of classical jurists, underscoring that all forms of creative expression must respect the boundaries of decency, modesty, and obedience to the guidance of Allah and His Messenger (PBUH). The following subsections examine how these restrictions are applied in various artistic and cultural contexts.

(a) Depiction of Animate Beings

One of the most discussed restrictions in Islamic jurisprudence concerning artistic expression relates to the depiction of animate beings. Classical jurists, relying primarily on Prophetic traditions, held that creating statues or detailed images of living beings especially for purposes of imitation of divine creation, glorification, or reverence is prohibited. The Prophet stated:

عَبَدَ اللَّهُ قَالَ سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ إِنَّ أَشَدَّ النَّاسِ عَذَابًا عِنْدَ اللَّهِ يَوْمَ الْقِيَامَةِ الْمُصَوِّرُونَ³⁵

Indeed, the most severely punished people on the Day of Resurrection will be those who make images. Jurists interpreted this prohibition primarily in relation to three elements: (a) full representation of animate beings, (b) the presence of reverence or glorification, and (c) the possibility of resemblance to idolatrous practices. Consequently, statues and highly detailed images were considered unlawful, particularly when displayed prominently or treated with respect. However, many jurists recognized exceptions where no element of reverence exists,

³³ Qur'an, Surah Al-A'raf (7:32)

³⁴ Muḥammad b. Ismā'īl al-Bukhārī, Ṣaḥīḥ al-Bukhārī, vol. 1 (Riyadh: Dār al-Salām, 1997), 1

³⁵ Muslim b. al-Ḥajjāj, Ṣaḥīḥ Muslim, vol. 3 (Riyadh: Dār al-Salām, 2000), 1665

such as children's toys, educational materials, incomplete or non-detailed images, and representations made for necessity or public benefit.³⁶ This demonstrates that the prohibition is not absolute but context sensitive and purpose oriented.

(b) Immoral or Obscene Content

Shari'ah strictly prohibits artistic expressions that promote obscenity, vulgarity, or moral corruption. Any form of art that stimulates sexual immorality, normalizes indecency, or undermines public morals falls within the category of forbidden expression. The Qur'an explicitly condemns the spread of indecency in society:

إِنَّ الَّذِينَ يُحِبُّونَ أَنْ تَشِيعَ الْفَاحِشَةُ فِي الَّذِينَ آمَنُوا لَهُمْ عَذَابٌ أَلِيمٌ فِي الدُّنْيَا وَالْآخِرَةِ ۚ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ³⁷

Indeed, those who love that immorality should spread among those who believe will have a painful punishment in this world and the Hereafter. Islamic jurists argue that art is not morally neutral rather, its ethical value is determined by its impact on individual conduct and social order. Therefore, artistic works that contribute to moral decay or public corruption are prohibited due to their harmful consequences (mafsadah), regardless of their aesthetic merit.³⁸

(c) Idolatry and Religious Transgression

Any form of artistic expression that promotes shirk (associating partners with Allah), idolatry, blasphemy, or religious deviation is categorically prohibited in Islamic law. The Qur'an describes shirk as the gravest injustice:

إِنَّ الشِّرْكَ لَظُلْمٌ عَظِيمٌ³⁹

Indeed, associating partners with Allah is a great injustice. Based on this principle, jurists unanimously agree that artworks encouraging idol worship, deifying human figures, mocking religious symbols, or undermining core Islamic beliefs constitute religious transgression and are therefore unlawful. Such expressions directly contradict the foundational objective of Shari'ah the preservation of faith (ḥifẓ al-dīn).⁴⁰

(d) Shari'ah Compliant Islamic Artistic Traditions

Rather than suppressing aesthetic creativity, Islamic civilization historically responded to these restrictions by developing alternative artistic traditions that complied with Shari'ah. These include Qur'anic calligraphy, geometric and arabesque patterns, and monumental architecture. Calligraphy emerged as a sacred art form dedicated to glorifying the Qur'an and divine names, while geometric and arabesque designs celebrated beauty, order, and infinity without depicting animate beings. Islamic architecture exemplified by structures such as the Masjid al-Haram, the Umayyad Mosque, and the Taj Mahal combined grandeur with spiritual symbolism,

³⁶ Ibn Hajar al-'Asqalanī, *Fath al-Bārī* (Beirut: Dār al-Ma'rifah, 1997), 10:382

³⁷ The Holy Qur'an, Sūrah an-Nūr (24:19)

³⁸ Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatuh* (Damascus: Dār al-Fikr, 1989), 6:4213–4216.

³⁹ The Holy Qur'an, Sūrah Luqmān (31:13)

⁴⁰ Ibn Taymiyyah, *Majmū' al-Fatāwā* (Riyadh: King Fahd Complex, 1995), 28:635.

reflecting devotion rather than material excess.⁴¹ This historical development confirms that Islam regulates art ethically rather than negating it.

(e) Music and Poetry

Music and poetry occupy a nuanced and contested position in Islamic jurisprudence, with classical scholars holding divergent views based on their interpretation of scriptural texts and their assessment of social consequences. A group of jurists adopted a restrictive position, arguing that music falls under the Qur'ānic concept of *lahw al-ḥadīth* (idle or distracting speech). They rely primarily on the verse:

وَمِنَ النَّاسِ مَن يَشْتَرِي لَهْوَ الْحَدِيثِ لِيُضِلَّ عَن سَبِيلِ اللَّهِ بِغَيْرِ عِلْمٍ وَتَتَّخِذَهَا هُزُوًا أُولَٰئِكَ لَهُمْ عَذَابٌ مُّهِينٌ⁴²

And among the people is he who purchases idle talk (*lahw al-ḥadīth*) to mislead others from the path of Allah without knowledge and takes it in ridicule. Early authorities such as 'Abd Allāh ibn Mas'ūd and Ibn 'Abbās reportedly interpreted *lahw al-ḥadīth* as referring to singing and musical entertainment, and based on this interpretation, scholars such as Imām Aḥmad (in one narration), Ibn Taymiyyah, and Ibn al-Qayyim considered music particularly instrumental music to be prohibited when it distracts from religious obligations or leads to moral corruption.⁴³ They further argued that music often serves as a gateway to immorality, heedlessness, and indulgence in desires, thereby justifying its prohibition under the principle of *sadd al-dharā'i'* (blocking the means).⁴⁴

In contrast, many prominent jurists adopted a more contextual and conditional approach, distinguishing between morally corrupting music and ethically sound artistic expression. Scholars such as Imām al-Ghazālī, Ibn Ḥazm, and al-'Izz ibn 'Abd al-Salām argued that the Qur'ān does not explicitly prohibit music as a form in itself, and that *lahw al-ḥadīth* refers broadly to any discourse that distracts from divine guidance, not music per se.⁴⁵ According to this view, the ruling depends on content, purpose, and effect rather than the mere presence of melody or rhythm.

Imām al-Ghazālī maintained that music and poetry are permissible when they contain morally sound meanings, inspire spiritual reflection, strengthen positive emotions, and do not incite sinful behavior. He emphasized that listening becomes prohibited only when it is associated with unlawful elements such as obscenity, intoxication, or neglect of religious duties.⁴⁶ This position is further supported by Prophetic practice: the Prophet (PBUH) explicitly endorsed the poetry of Ḥassān ibn Thābit, who used poetic expression to defend Islam and counter hostile propaganda, and he prayed for divine assistance for him.⁴⁷ Additionally, authenticated reports

⁴¹ Titus Burckhardt, *Art of Islam: Language and Meaning* (London: World of Islam Festival Trust, 1976), 23–45.

⁴² The Holy Qur'an, Sūrah Luqmān (31:6)

⁴³ Ibn Taymiyyah, *Majmū' al-Fatāwā* (Riyadh: King Fahd Complex, 1995), 11:576–578; Ibn al-Qayyim al-Jawziyyah, *Ighāthat al-Lahfān* (Beirut: Dār al-Ma'rifah, 1997), 1:258–262.

⁴⁴ Muḥammad Hāshim Kamālī, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), 396–401.

⁴⁵ Ibn Ḥazm, *al-Muḥallā* (Beirut: Dār al-Fikr, n.d.), 7:567–570.

⁴⁶ Abū Ḥāmid al-Ghazālī, *Iḥyā' 'Ulūm al-Dīn* (Beirut: Dār al-Ma'rifah, n.d.), 2:278–285.

⁴⁷ Ibn Sa'd, *Ṭabaqāt al-Kubrā*, ed. Maktabat al-Rushd (Riyadh: Dār al-Rushd, 1990), vol. 2

establish that singing accompanied by the duff (hand drum) was permitted on occasions of joy, such as weddings and festivals, indicating that not all musical expression was condemned.⁴⁸

Accordingly, the majority of contemporary scholars reconcile these positions by concluding that music and poetry are not intrinsically prohibited but are subject to ethical regulation. Their permissibility is determined not by form alone, but by content, intention (niyyah), and consequence (ma'āl). Where music promotes immorality, heedlessness, or disbelief, it is prohibited and where it serves morally constructive, educational, or spiritually uplifting purposes, it remains permissible within Sharī'ah limits.

(f) Application of the Principle of Sadd al-Dharā'i' (Blocking the Means)

Islamic jurisprudence applies the principle of sadd al-dharā'i' (blocking the means) when a permissible act is likely to lead to prohibited outcomes. Accordingly, even forms of art that are originally lawful may be restricted if they serve as a means to immorality, indecency, or social harm. Jurists emphasize that Sharī'ah does not merely assess actions in isolation but evaluates their foreseeable consequences.⁴⁹ This principle plays a crucial role in regulating modern artistic media with wide social influence.

(g) Contemporary Scholarly and Institutional Positions

Modern Islamic institutions, including the Islamic Fiqh Academy of the OIC and al-Azhar University, affirm that cinematic, literary, and artistic works are permissible in principle, provided they adhere to Islamic ethical standards. These institutions maintain that art is lawful when it upholds moral values, avoids obscenity and vice, respects modesty and public decency, and serves legitimate educational, social, or da'wah purposes.⁵⁰ This contemporary stance reflects a maqāṣid based approach, emphasizing ethical objectives over rigid literalism.

2.3 Principles for Maintaining the Standard of Decency in Artistic Works

Islamic Sharī'ah does not reject artistic expression; rather, it regulates it through a principled ethical framework designed to preserve faith, morality, and social harmony. Based on Qur'ānic guidance, Prophetic teachings, and juristic principles, the following standards govern decency in artistic works.

(a) Alignment with Sharī'ah (Consistency with the Qur'ān and Sunnah)

The foremost requirement for artistic expression is its alignment with the fundamental teachings of the Qur'ān and Sunnah. Any artistic theme that contradicts Islamic beliefs, promotes prohibited conduct, or undermines religious values is impermissible. Allah commands believers to adhere to divine guidance in all matters:

وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا⁵¹

⁴⁸ bn Hajar al-'Asqalānī, *Fatḥ al-Bārī bi-Sharḥ Ṣaḥīḥ al-Bukhārī*, vol. 10 (Cairo: Dār al-Ma'rifah, 1999), 423

⁴⁹ Muḥammad Hāshim Kamālī, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), 396–401

⁵⁰ Islamic Fiqh Academy (OIC), *Resolutions and Recommendations*, Resolution No. 108 (12/2).

⁵¹ The Holy Qur'an, Sūrah al-Hashr (59:7)

And whatever the Messenger gives you, take it; and whatever he forbids you, refrain from it. Jurists infer from this principle that artistic works must not contradict established Shari‘ah norms and objectives, particularly those related to faith, morality, and public order.⁵²

(b) Moral and Social Promotion

Art in Islam is expected to serve a constructive social function by promoting ethical values, virtuous conduct, and positive social relations. The Qur’ān repeatedly emphasizes enjoining good and discouraging evil as a collective responsibility:

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ⁵³

You are the best community brought forth for mankind: you enjoin what is right and forbid what is wrong. Accordingly, artistic works that foster compassion, justice, honesty, family values, and social cohesion are not only permissible but commendable, while art that normalizes vice or antisocial behavior is deemed harmful and therefore prohibited.⁵⁴

(c) Avoidance of Obscenity

Shari‘ah categorically prohibits obscenity in all its forms—visual, verbal, behavioral, or literary. The Qur’ān condemns the spread of indecency within society:

إِنَّ الَّذِينَ يُحِبُّونَ أَنْ تَشِيعَ الْفَاحِشَةُ فِي الَّذِينَ آمَنُوا لَهُمْ عَذَابٌ أَلِيمٌ فِي الدُّنْيَا وَالْآخِرَةِ ۚ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ⁵⁵

Indeed, those who love that immorality should spread among those who believe will have a painful punishment in this world and the Hereafter. Based on this verse, jurists maintain that any artistic expression containing explicit sexual content, vulgar language, or provocative imagery violates the standard of decency mandated by Islamic law, irrespective of artistic intent or form.⁵⁶

(d) Upholding Hijāb and Chastity

Islam places strong emphasis on modesty (ḥayā‘) and chastity (‘iffah), particularly in the portrayal of women and interactions between genders. The Qur’ān commands both men and women to lower their gaze and guard their modesty:

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ⁵⁷

Tell the believing men to lower their gaze and guard their chastity... And tell the believing women to lower their gaze and guard their chastity. Artistic representations that objectify the human body, sexualize women, or encourage uncontrolled desire directly contradict these injunctions and are therefore impermissible.⁵⁸

⁵² Muḥammad Hāshim Kamālī, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), 353–356.

⁵³ The Holy Qur’an, Sūrah Āl ‘Imrān (3:110)

⁵⁴ Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatuh* (Damascus: Dār al-Fikr, 1989), 6:4208–4212.

⁵⁵ The Holy Qur’an, Sūrah an-Nūr (24:19)

⁵⁶ Ibn al-Qayyim al-Jawziyyah, *I‘lām al-Muwaqqi‘īn* (Riyadh: Dār Ibn al-Jawzī, 2002), 3:147–150.

⁵⁷ The Holy Qur’an, Sūrah An-Nūr 24:30–31.

⁵⁸ Al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim* (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 1996), 14:100–103.

(e) Encouraging Taqwā (God-Consciousness)

A key objective of Sharī‘ah is the cultivation of taqwā (God-consciousness). Artistic expression should, at minimum, not obstruct this objective, and ideally should reinforce spiritual awareness and moral reflection. The Qur’ān declares:

إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ⁵⁹

Indeed, the most honorable of you in the sight of Allah is the most God-conscious. Art that promotes heedlessness, moral indifference, or spiritual emptiness is therefore inconsistent with the ethical vision of Islam, whereas art that inspires reflection, gratitude, and moral responsibility aligns with Sharī‘ah values.⁶⁰

(f) Blocking the Means to Evil (Sadd al-Dharā’i‘)

Islamic jurisprudence applies the principle of sadd al-dharā’i‘ to prevent lawful acts from becoming pathways to prohibited outcomes. Thus, even if an artistic form appears permissible in isolation, it may be restricted if it foreseeably leads to immorality, corruption, or social harm. This principle is derived from the Sharī‘ah’s preventive approach to wrongdoing.⁶¹

(g) Consideration of Audience and Social Context

Sharī‘ah places importance on context, audience sensitivity, and social impact. Artistic content must be appropriate for its intended audience and should not offend public decency, religious sentiments, or cultural norms. The Prophet stated:

مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلْيُكَلِّمْ خَيْرًا أَوْ لِيَصْمُتْ⁶²

Whoever believes in Allah and the Last Day should speak good or remain silent. By analogy, jurists argue that artistic expression should be socially responsible, mindful of its influence on vulnerable audiences such as children and youth.⁶³

(h) Truthfulness (Ṣidq)

Truthfulness is a central moral value in Islam, and artistic expression must not be founded upon deception, falsehood, or distortion of reality in a manner that misleads or corrupts moral understanding. The Qur’ān commands:

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَكُونُوا مَعَ الصَّادِقِينَ⁶⁴

⁵⁹ The Holy Qur’an, Sūrah al-Ḥujurāt 49:13.

⁶⁰ Muḥammad al-Ṭāhir Ibn ‘Āshūr, Maqāṣid al-Sharī‘ah al-Islāmiyyah (Amman: Dār al-Nafā’is, 2001), 248–251.

⁶¹ Kamālī, Principles of Islamic Jurisprudence, 396–401.

⁶² Muḥammad b. Ismā‘īl al-Bukhārī, Ṣaḥīḥ al-Bukhārī, vol. 8 (Riyadh: Dār al-Salām, 1997), 601.

⁶³ Yūsuf al-Qaraḍāwī, al-Ḥalāl wa al-Ḥarām fī al-Islām (Cairo: Maktabat Wahbah, 2001), 271–275.

⁶⁴ The Holy Qur’an, Sūrah al-Tawbah 9:119.

O you who believe, fear Allah and be with those who are truthful. While symbolic and fictional expression is not inherently prohibited, deliberate glorification of falsehood, immorality, or injustice undermines the ethical foundation of Sharī'ah.⁶⁵

(i) Intention (Niyyah)

Intention plays a decisive role in determining the Sharī'ah ruling of artistic activity. The Prophet (PBUH) laid down the foundational principle:

Actions are judged by intentions, and each person shall have only what he intended.⁶⁶ Thus, artistic works created with malicious motives such as promoting vice, provoking disbelief, or destabilizing moral values are impermissible, whereas works intended to promote truth, beauty, moral awareness, and public benefit are deemed lawful and, in some cases, commendable.

By adhering to these principles, artistic expression can flourish within the Sharī'ah framework, harmonizing aesthetic excellence with moral discipline and spiritual purpose. Such an approach ensures that art contributes positively to individual character formation and societal well-being, rather than becoming a source of ethical erosion or cultural disorder.

3. Pakistani Law Perspectives on Artistic Expression

In Pakistan, artistic expression operates within the framework of a constitutional democracy that is expressly guided by Islamic principles. While freedom of expression is recognized as a fundamental right, it is not absolute and is subject to moral, religious, and societal constraints. The Constitution of Pakistan 1973 reflects this balance by granting freedom of speech and expression under Article 19, while simultaneously subjecting it to reasonable restrictions grounded in morality, decency, public order, and the glory of Islam:

Every citizen shall have the right to freedom of speech and expression, and freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality.⁶⁷

This constitutional formulation establishes that artistic expression in Pakistan is legally permissible only insofar as it does not contravene public morality, decency, religious values, or societal harmony. Pakistani law thus adopts a qualified freedom model, seeking to balance creative liberty with ethical and religious obligations.

3.1 Permissibility and Ethical Boundaries under Pakistani Law

Pakistani law recognizes artistic and cultural expression as an essential component of social development, intellectual discourse, and cultural identity. However, this recognition is conditioned upon compliance with ethical and legal boundaries designed to safeguard public morals and religious sensibilities. Artistic works are generally permissible when they:

Do not contain obscene, vulgar, or indecent material;

Promote education, culture, social welfare, or ethical awareness;

⁶⁵ Ibn Taymiyyah, *Majmū' al-Fatāwā* (Riyadh: King Fahd Complex, 1995), 28:603–607.

⁶⁶ Muḥammad b. Ismā'īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, no. 1 (Riyadh: Dār al-Salām, 1997).

⁶⁷ Constitution of the Islamic Republic of Pakistan, 1973, art. 19

Respect religious sentiments and avoid content offensive to Islamic beliefs or deeply rooted social norms.

These boundaries are reinforced through statutory law, particularly the Pakistan Penal Code (PPC) and media regulations. Section 292 of the PPC criminalizes the sale, distribution, or public exhibition of obscene material in written, visual, or digital form.⁶⁸ Similarly, Sections 295 and 298 PPC protect religious sentiments, thereby directly influencing the scope of permissible artistic expression.⁶⁹ Pakistani courts consistently apply a reasonableness and proportionality test, assessing whether restrictions on artistic freedom are justified in light of constitutional values, Islamic ethics, and the anticipated impact of the content on society.⁷⁰

3.2 Restrictions and Limitations under Pakistani Law

Legal restrictions are imposed on artistic expression primarily in the following areas:

(a) Obscenity and Public Decency

Artistic expression that violates accepted standards of decency or promotes obscenity is prohibited under Pakistani law. Courts assess obscenity not in isolation, but in relation to prevailing social norms, Islamic moral values, and the potential effect on public morals. The judiciary has emphasized that obscenity must be evaluated contextually, considering the overall purpose and impact of the work rather than isolated scenes or expressions.⁷¹

(b) Religious Sensitivity

Pakistani law places particular emphasis on the protection of religious beliefs and sentiments. Artistic works that insult, ridicule, or misrepresent Islamic teachings, prophets, or sacred symbols may attract criminal liability under Sections 295 and 298 of the PPC. The courts have consistently held that freedom of expression cannot be exercised in a manner that undermines religious harmony or provokes sectarian discord.⁷²

(c) Moral and Social Harm

Content that promotes immorality, vulgarity, violence, or social disruption may be restricted under the constitutional limitations relating to public order and morality. Pakistani courts have recognized that the state has a legitimate interest in preventing moral degradation and social instability, especially where artistic works exert wide public influence through print, broadcast, or digital media.⁷³

(d) Judicial Interpretation and Case Law

Pakistani jurisprudence has developed important principles governing artistic expression through judicial interpretation.

The State v. Saadat Hasan Manto (Lahore High Court)

⁶⁸ Pakistan Penal Code, 1860, Section 292.

⁶⁹ Pakistan Penal Code, 1860, Section 295–298.

⁷⁰ Benazir Bhutto v. Federation of Pakistan, PLD 1988 SC 416.

⁷¹ Muhammad Ismail Qureshi v. Pakistan, PLD 1981 SC 377.

⁷² Zaheeruddin v. The State, PLD 1993 SC 473.

⁷³ Watan Party v. Federation of Pakistan, PLD 2011 SC 997.

In this landmark case, the Lahore High Court emphasized that literary works must be assessed as a whole, taking into account their dominant theme, intention, and social purpose. The court recognized that although Manto's writings contained bold and controversial elements, their objective was social critique rather than the promotion of obscenity. This case established a critical precedent that literary and artistic merit, social commentary, and authorial intent are relevant factors in determining obscenity.⁷⁴

The State v. Ziauddin

In this case, the court evaluated public morality through an Islamic ethical lens, emphasizing that artistic freedom must operate within religious and moral boundaries. The judgment underscored that constitutional rights are not absolute and must be harmonized with societal values, Islamic norms, and collective moral responsibility.⁷⁵

Federal Shariat Court Jurisprudence

The Federal Shariat Court (FSC) has repeatedly affirmed that all laws, including those regulating media and artistic expression, must conform to the injunctions of Islam as mandated by Articles 227–231 of the Constitution. The FSC has reinforced that artistic freedom cannot be exercised in a manner that undermines Islamic morality, modesty, or religious values.⁷⁶

3.3 Principles for Maintaining the Standard of Decency under Pakistani Law

Drawing upon constitutional provisions, statutory law, and judicial precedent, the following principles guide the standard of decency in artistic expression in Pakistan:

(a) Compliance with Constitutional Limits

Artistic works must conform to the restrictions outlined in Article 19, particularly those relating to morality, decency, and the glory of Islam.

(b) Avoidance of Obscenity

Content containing vulgar, indecent, or obscene material is prohibited under Sections 292–295 PPC.

(c) Respect for Religious and Cultural Values

Artistic expression must avoid offending Islamic teachings, religious sentiments, and deeply held cultural norms.

(d) Promotion of Social Welfare

Art should contribute positively to education, cultural development, ethical awareness, and societal well-being.

(e) Consideration of Audience and Impact

⁷⁴ The State v. Saadat Hasan Manto, PLD 1953 Lah 459

⁷⁵ The State v. Ziauddin, PLD 1973 Kar 49.

⁷⁶ Federal Shariat Court, Muhammad Aslam Khaki v. Federation of Pakistan, PLD 2013 FSC 1.

Courts consider the nature of the audience, the medium used, and the likely social consequences of the artistic work.

(f) Judicial Oversight and Proportionality

The judiciary retains ultimate authority to balance freedom of expression with public interest, applying tests of reasonableness and proportionality. Through constitutional safeguards, statutory regulation, and judicial interpretation, Pakistani law establishes a framework that neither suppresses artistic creativity nor allows unrestrained expression. Instead, it seeks to harmonize artistic freedom with morality, public decency, religious values, and Sharī'ah principles, creating a legal environment that is simultaneously enabling and protective.

4. Comparative Analysis: Sharī'ah and Pakistani Law

Both Sharī'ah and Pakistani law recognize artistic expression as a legitimate human activity but regulate it through moral and social constraints however, a central difficulty acknowledged by constitutional jurisprudence is the absence of any fixed or universally defined standard of obscenity, morality, or decency. These concepts are inherently vague, elastic, and evolutionary, varying over time, place, culture, and social context, such that what is morally acceptable to one segment of society may be regarded as offensive or outrageous by another. This complexity is particularly pronounced in Pakistan, a culturally and socially diverse country, where standards of moral acceptability differ not only between provinces but also between urban centers such as Karachi or Islamabad and rural or tribal areas, despite all falling within the same constitutional framework. As a result, Pakistani law categorically prohibits obscene and immoral expression yet refrains from providing a definitive statutory definition, creating interpretive ambiguity that can be exploited by regulators or interest groups, often to the detriment of social harmony and legal certainty. It is precisely for this reason that the Supreme Court, in *PEMRA v. ARY Digital*, clarified that obscenity, vulgarity, and offensiveness to decency cannot be determined by the personal, religious, or subjective preferences of regulators, but must be assessed against the “commonly accepted standards of decency” prevailing in society at the relevant time. The Court held that this standard is one of tolerance rather than taste and emphasized that it is not what individuals themselves prefer to watch, but what society would reasonably object to as harmful to public morality. By mandating a two-tier regulatory process involving the Council of Complaints representing collective societal judgment the Court affirmed that society, not unilateral executive authority, is the ultimate arbiter of what constitutes obscenity. While this approach aligns procedurally with Sharī'ah principles of communal accountability, consultation (*shūrā*), and contextual *ijtihād*, it simultaneously raises substantive concerns from a Sharī'ah perspective, as the judgment prioritizes pluralism and evolving social tolerance without anchoring moral limits explicitly in Qur'ānic injunctions or Prophetic guidance, thereby leaving open the risk that socially accepted norms shaped by secular or liberal influences may gradually diverge from Islamic moral standards.

5. Conclusion

Artistic expression in Sharī'ah and Pakistan operates within a framework that balances creativity with moral and social responsibility. Both Sharī'ah and Pakistani law recognize art as a legitimate human activity, yet its permissibility depends on content, intention, consequences, and societal impact. Under Sharī'ah, art is fundamentally permissible (*ibāhah*) when it fosters ethical objectives, moral reflection, and societal benefit, while prohibiting

obscurity, immorality, idolatry, and acts undermining faith or public ethics. Pakistani law similarly affirms artistic freedom through constitutional provisions, statutory regulations, and judicial interpretation, but within boundaries that safeguard morality, decency, public order, and the glory of Islam.

A notable challenge is the inherently fluid and culturally relative nature of concepts such as obscenity, morality, and decency. Pakistani law does not provide a fixed statutory definition of obscenity, leaving its determination to judicial interpretation and societal standards of tolerance, as highlighted in *PEMRA v. ARY Digital*.

In sum, artistic expression flourishes when responsibly practiced within ethical, legal, and spiritual boundaries. Freedom of expression in Pakistan is therefore not absolute but must harmonize with Islamic moral principles and constitutional safeguards, ensuring creativity contributes to intellectual, aesthetic, and ethical development while protecting individuals and society.

Findings

Shared Objectives:

Both Shari'ah and Pakistani law aim to protect societal morality, public welfare, and human dignity, while permitting artistic creativity within ethical and legal limits.

Conditional Permissibility:

Freedom of artistic expression is not absolute in either framework. Permissibility depends on content, intention, audience, and impact.

Obscenity and Decency:

Defining obscenity, morality, and decency is inherently challenging due to cultural diversity, temporal change, and subjective norms. Pakistan's pluralistic society exemplifies these difficulties, making judicial discretion essential.

Context Sensitive Regulation:

Both Shari'ah and Pakistani law recognize the need for contextual assessment. Shari'ah employs maqāṣid based reasoning and principles like *sadd al-dharā'i'*, while Pakistani courts evaluate societal standards and proportionality.

Judicial Precedents:

Cases such as *PEMRA v. ARY Digital* demonstrate that Pakistani law relies on society's standard of tolerance, ensuring that regulatory action considers public norms rather than individual taste.

Potential Conflicts:

Divergences emerge when secular or pluralistic standards conflict with strict Shari'ah interpretations. For instance, Pakistani law allows pluralism, tolerance, and evolving standards, which may permit content viewed as morally questionable under classical Shari'ah.

Recommendations

Harmonization of Standards:

Develop clear guidelines combining Shari'ah principles and constitutional law for media and artistic content to reduce ambiguity about morality, decency, and obscenity.

Public Participation:

Institutionalize public oversight mechanisms (e.g., councils of complaints) while ensuring Islamic ethical consultation in regulatory decisions to maintain Shari'ah compliance alongside democratic norms.

Content Evaluation Framework:

Apply a multi-dimensional assessment for artistic works:

Alignment with Shari'ah (ethical and religious principles)

Social and moral impact

Audience sensitivity and cultural diversity

Artistic merit and educational value

Education and Awareness:

Promote media literacy and moral education among the public to enable critical consumption of art, reducing conflicts over controversial content.

Flexible yet Principled Regulation: Legal and regulatory frameworks should adapt to evolving societal norms without compromising core moral and Shari'ah values.

Clear Definitions:

Establish practical and precise definitions for obscenity, indecency, and immorality, contextualized for Pakistan's diverse culture and fully aligned with Shari'ah principles. This will reduce legal ambiguity and arbitrary interpretation, ensuring transparency in the moral evaluation of artistic content.

Encouraging Ethical Art:

Incentivize Shari'ah-compliant, socially constructive, and educational artistic content through grants, awards, or recognition programs.

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