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Legal Pluralism and Religious Freedom: A Case Study of Faith-Based Legal Challenges

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ABSTRACT

This study aims to explore how individuals experience and navigate faith-based legal challenges within a context of legal pluralism, focusing on the interaction between religious and state legal systems in Tehran. The research employed a qualitative case study design grounded in interpretive methodology. Data were collected through semi-structured interviews with 20 participants in Tehran, including religious leaders, legal practitioners, and individuals directly involved in faith-based legal disputes. Participants were selected using purposive sampling to ensure diverse perspectives across gender, religious background, and legal role. Interviews were conducted in Persian, transcribed verbatim, and analyzed thematically using NVivo software. Theoretical saturation was achieved, and data analysis followed a three-stage coding process—open, axial, and selective—to identify core themes and interrelated categories. Analysis revealed three major thematic categories: (1) Tensions Between State and Religious Legal Orders, including jurisdictional conflict, norm incompatibility, and institutional resistance; (2) Lived Experience of Faith-Based Legal Practitioners, encompassing identity conflicts, professional dilemmas, and legal innovation; and (3) Perceptions of Justice and Fairness, with subthemes such as moral legitimacy, procedural trust, gendered experiences, and outcome satisfaction. Participants often described navigating conflicting authorities through pragmatic strategies, such as forum shopping and seeking dual validation. Religious forums were perceived as more accessible and empathetic, but less enforceable, while state courts were seen as authoritative yet impersonal. The findings highlight the complexity of legal pluralism in Tehran, where religious and civil legal systems coexist in tension. Legal actors and claimants use adaptive strategies to pursue justice within these overlapping frameworks, revealing both the potential and the pitfalls of plural legal orders. Addressing structural inequities and enhancing inter-system coordination are essential to safeguarding meaningful religious freedom.

Keywords: *Legal pluralism; religious freedom; faith-based legal challenges; Iran; qualitative research; legal identity; procedural justice.*

Introduction

The coexistence of multiple legal systems within a single political framework has long posed challenges and opportunities for understanding how justice is negotiated in multicultural societies. Legal pluralism—defined as the simultaneous operation of more than one legal system within a given socio-political space—has become a defining feature of many postcolonial and religiously diverse societies (Merry, 1988). In contexts where religious, customary, and state legal orders intersect, individuals often navigate competing norms and institutional logics in pursuit of



justice. This study explores how legal pluralism shapes and complicates the practice and perception of religious freedom, particularly in cases where faith-based legal systems conflict or overlap with state law.

Religious freedom is not merely the absence of coercion in religious matters, but also the active capacity of individuals and communities to practice their faith traditions in ways that include recourse to religious legal mechanisms (Marshall, 2008). However, such freedom becomes contentious when religious legal authority intersects with state-imposed legal standards, especially in countries where Islamic jurisprudence retains a prominent social and institutional role. In many Muslim-majority contexts, including Iran, the relationship between state law and religious law is not only normative but institutionalized, yet it remains fraught with ambiguity, tension, and negotiation (An-Na'im, 2002; Mir-Hosseini, 2009). These tensions are further magnified in plural legal environments, where multiple sources of legitimacy—divine, communal, and bureaucratic—compete for primacy.

Iran offers a particularly instructive case for examining the dynamics of legal pluralism and religious freedom. As a theocratic republic governed through a hybrid legal system that merges Islamic principles with statutory law, Iran formally recognizes Sharia as a foundational legal source. However, the interpretation, enforcement, and boundaries of religious law vary significantly across institutions and social groups (Arjomand, 1999). In practice, a range of religious actors—clerics, community leaders, and informal tribunals—continue to adjudicate matters such as family disputes, inheritance claims, and contractual disagreements. While these processes are often seen as legitimate by their participants, they may lack recognition or enforcement under the state's formal legal apparatus (Bowen, 2003). This disconnect creates zones of legal uncertainty where individuals must strategically navigate dual or even competing legal systems.

The tension between religious and secular law is not unique to Iran. Globally, legal pluralism has been documented in diverse settings, from Islamic courts in Nigeria and family arbitration in Canada to indigenous customary courts in Latin America and Africa (Griffiths, 1986; Benda-Beckmann, 2002). Yet, the implications for religious freedom vary widely depending on how plural legal orders are structured and mediated. In some cases, legal pluralism is embraced as a mechanism for accommodating cultural and religious diversity within democratic systems (Kymlicka, 1995). In others, it becomes a source of legal fragmentation, reinforcing inequalities and weakening the uniform application of rights (Shachar, 2001). These variations underscore the need to move beyond a binary opposition between religious and secular law, and instead focus on how legal actors and subjects navigate these intersecting spheres in their everyday lives.

Empirical studies of legal pluralism have increasingly highlighted the agency of individuals in negotiating legal authority and constructing hybrid forms of legality (Santos, 2002). Rather than being passive recipients of legal pluralism, individuals often engage in forum shopping, strategic silence, or dual compliance as mechanisms for achieving favorable outcomes (Yilmaz, 2005). In faith-based legal disputes, this often involves seeking validation from both religious and state authorities, balancing moral and procedural concerns, or prioritizing community-based legitimacy over formal legal recognition. These navigations are especially significant in contexts where legal norms are deeply embedded in moral and religious worldviews, shaping not only outcomes but also the very meaning of justice.

Despite the importance of these dynamics, relatively few studies have examined how individuals involved in faith-based legal challenges experience and interpret the tensions between religious and state legal systems, particularly in societies where religion is not relegated to the private sphere but remains a constitutive feature of public law. This study addresses that gap by investigating the experiences of individuals in Tehran who have engaged with

religious and civil legal institutions in pursuit of justice. Drawing on 20 in-depth semi-structured interviews, the research explores the lived experiences, perceived conflicts, and strategic adaptations of those navigating faith-based legal disputes in a plural legal context.

The significance of studying religious freedom within legal pluralism lies in its potential to reframe debates that are often polarized between liberal universalism and cultural relativism. As Mahmood (2015) argues, dominant models of religious freedom tend to privilege certain forms of religiosity—particularly individual, privatized belief—while marginalizing collective and juridical expressions of faith. In legal plural contexts, religious freedom must also encompass the right to seek justice through one's religious legal tradition, provided that this does not undermine fundamental human rights. However, the operationalization of such pluralistic rights remains highly contested, particularly in areas such as gender justice, minority rights, and procedural equality (Choudhury & Husein, 2016).

In the Iranian context, women's rights and minority protections have been flashpoints in the debate over legal pluralism and religious authority. While Iran's civil law is derived largely from Islamic jurisprudence, minority religious communities such as Christians, Jews, and Zoroastrians face distinct legal frameworks, and women often encounter barriers in both religious and state courts (Moghadam, 2004). These dynamics raise critical questions about who gets to define justice, whose legal traditions are recognized, and under what conditions religious freedom can be exercised meaningfully. As such, exploring the subjective experiences of legal actors and claimants provides valuable insights into the functioning of plural legal systems and the lived dimensions of religious freedom.

This study also contributes to broader debates on the sociology of law by emphasizing the relational and situated nature of legal authority. Instead of viewing law as a fixed institution, it is understood here as a social process shaped by interaction, contestation, and interpretation. This perspective aligns with legal anthropological approaches that view law as embedded in everyday social practices, rather than imposed from above (Engel & Munger, 2003). In contexts of legal pluralism, this embeddedness becomes especially salient, as legal meaning is co-produced through the interplay of religious doctrine, state norms, and community expectations.

By focusing on Tehran, the study situates legal pluralism in an urban, politically centralized setting where state surveillance is relatively strong, but informal religious authority remains influential. This allows for an examination of how legal pluralism operates not in peripheral or rural areas, as often studied, but at the heart of the legal and political system. Moreover, the use of qualitative methodology—specifically semi-structured interviews and thematic analysis—enables a rich, grounded understanding of how individuals make sense of and navigate legal complexity in their pursuit of justice and religious expression.

In summary, this study examines how legal pluralism affects religious freedom in practice, focusing on faith-based legal challenges in Tehran. It seeks to uncover the subjective meanings of justice, authority, and legitimacy in a context where state and religious legal systems coexist and compete. By foregrounding the voices and strategies of legal actors and claimants, the research provides empirical grounding for theoretical debates on legal pluralism, religious freedom, and the pluralization of authority in contemporary legal orders.

Methods and Materials

This study adopted a qualitative research design grounded in interpretivist epistemology, aimed at exploring the lived experiences and perspectives of individuals engaged with faith-based legal challenges in a context of legal pluralism. A case study approach was employed to capture in-depth insights into the complex interaction between

religious freedom and state legal systems. The study focused on participants residing in Tehran, a city marked by both legal centralism and the enduring relevance of religious legal norms.

A total of 20 participants were selected using purposive sampling. Participants included religious leaders, legal practitioners, community advocates, and individuals directly involved in religious legal disputes. Selection criteria ensured variation in religious affiliation, legal experience, and the nature of their involvement in faith-based legal matters. Sampling continued until theoretical saturation was reached, ensuring that no new themes or categories emerged from additional interviews.

Data were collected through semi-structured interviews, allowing for both consistency in key thematic coverage and flexibility to explore participants' unique narratives. An interview guide was developed to explore themes such as perceptions of religious legal authority, conflicts between state and religious law, procedural experiences in religious courts, and perceptions of justice. Interviews were conducted in Persian, each lasting between 45 to 90 minutes, and were audio-recorded with participant consent. Interviews were transcribed verbatim and anonymized to ensure confidentiality and ethical integrity.

Data analysis followed a thematic approach using NVivo qualitative analysis software (version 12). Initial coding was carried out inductively, with codes emerging from the raw data. Open coding was followed by axial coding to identify relationships between categories, and then selective coding to refine core themes. The constant comparative method was employed throughout the analysis to identify recurring patterns, contradictions, and thematic saturation across interviews. Research rigor was ensured through triangulation of researcher interpretations, member checking with selected participants, and reflective memo-writing during the coding process.

Findings and Results

1. Tensions Between State and Religious Legal Orders

Legal Jurisdiction Overlap. Participants frequently described confusion stemming from overlapping authorities between religious and state legal systems. Some reported instances where the same case was addressed in both systems with conflicting outcomes, leading to uncertainty. One participant stated, "I went to the religious tribunal first, but the state court overruled their decision. I didn't know which one had the final say." Such jurisdictional conflicts created strategic behavior among litigants who sought the most favorable venue.

Incompatibility of Legal Norms. Many interviewees highlighted a deep incongruity between religious and secular legal frameworks. This mismatch was especially evident in cases involving family law or inheritance, where values clashed. As one respondent explained, "The state expects everything to be 'equal,' but our faith has a very different way of assigning roles and shares. It's not unjust—just different." These differences often placed individuals in legal and ethical dilemmas.

Recognition of Religious Rulings. Several participants expressed frustration over the limited formal acknowledgment of religious court decisions by state institutions. While some religious rulings held symbolic weight, they lacked enforceability in civil courts. "The cleric gave a ruling, but the state said it's not valid unless it goes through their process," noted one interviewee, underscoring the marginal status of faith-based adjudications.

Institutional Resistance. Accounts of passive or active resistance by state legal institutions were common. Participants described bureaucratic hurdles and avoidance tactics used to delay or undermine religious claims. "You feel like the cleric's letter is just a piece of paper to them. They don't even look at it," one participant observed, pointing to systemic dismissal.

Perceived Legal Hierarchy. A dominant theme was the perception of a legal hierarchy where state law overshadowed religious principles. Several participants noted that while both systems exist, the state always asserts primacy. “It’s clear that if there’s a conflict, the government’s law wins. That’s the rule of the land,” one respondent remarked. This perception often led to resignation or strategic compromise.

2. Lived Experience of Faith-Based Legal Practitioners

Identity Conflicts. Legal professionals operating at the intersection of faith and civil law reported significant internal conflict. Some described feeling torn between their spiritual convictions and legal obligations. “Sometimes, I have to defend a position that contradicts what I believe in deeply,” said one lawyer, highlighting the emotional toll of dual allegiances.

Professional Dilemmas. Participants discussed ethical ambiguities and institutional challenges, particularly when faith-based logic did not align with procedural norms. One respondent mentioned, “There are times I know what’s right religiously, but I can’t argue it in court without risking my license.” Such dilemmas often created professional isolation.

Legal Innovation Within Constraints. In response to systemic limitations, several practitioners described creative ways to integrate religious perspectives into formal proceedings. This included referencing compatible secular laws or drafting hybrid contracts. “You have to be clever. Sometimes you dress a religious point in secular language,” explained a legal consultant.

Community Expectations. Practitioners felt significant pressure from their religious communities to deliver not only legal but also spiritual justice. Failing to meet those expectations could lead to reputational damage. “They expect me to defend their faith, not just their case,” said one participant, revealing the blurred line between legal and religious duty.

Strategies for Legal Navigation. Participants reported relying on informal networks and dual legal strategies to navigate legal pluralism. Some sought rulings from both courts and then chose the more favorable one. “We always try both paths, just in case,” one respondent admitted, demonstrating pragmatic adaptation to complex legal realities.

Role of Mediation and Informality. Many participants showed a clear preference for informal dispute resolution rooted in religious norms. These processes were described as more empathetic and less adversarial. “I prefer going to our elder or cleric. They know us and care about peace,” noted a female interviewee, emphasizing the relational aspect of religious mediation.

3. Perceptions of Justice and Fairness

Moral Legitimacy. Justice was not defined solely by outcomes but also by perceived alignment with divine principles. Many participants equated fairness with adherence to sacred texts. “If the decision follows God’s law, then it is fair—even if I lose,” said one interviewee, demonstrating how moral legitimacy transcended legal formality.

Procedural Trust. Trust in the fairness of legal proceedings varied. State courts were often seen as rigid and impersonal, while religious venues were valued for their perceived integrity. “In religious courts, you can talk. They listen. In state courts, it’s all paperwork,” said a participant who had experience in both systems.

Gender and Justice. A notable theme involved perceptions of gender-based inequities. Some women reported feeling silenced or marginalized in religious adjudications. “I had to bring a male relative to speak for me. Otherwise, no one took me seriously,” one woman shared. Others felt the state system offered more balanced protections.

Accessibility and Inclusion. Barriers to legal access—both financial and procedural—were mentioned frequently. Participants noted that religious venues were often more approachable. “You don’t need a lawyer or lots of money to talk to a cleric,” said a respondent. In contrast, state courts were seen as alienating, especially to marginalized populations.

Outcome Satisfaction. Satisfaction with legal outcomes was tied not only to winning or losing but to how the process aligned with expectations. Some accepted adverse outcomes if they felt the process was respectful and morally grounded. “I didn’t get what I wanted, but I felt heard. That was enough,” reflected one interviewee.

Discussion and Conclusion

The findings of this study offer critical insights into how individuals navigate the complex intersection of religious and state legal systems in a legally pluralistic environment. The analysis revealed three major thematic domains: tensions between state and religious legal orders, lived experience of faith-based legal practitioners, and perceptions of justice and fairness. These themes reflect not only the structural challenges of legal pluralism but also the deeply personal and communal strategies employed by individuals seeking justice through faith-based mechanisms.

One of the most prominent findings was the pervasive legal jurisdiction overlap experienced by participants, who often encountered conflicting rulings from religious and state courts. This ambiguity created confusion, encouraged forum shopping, and generated mistrust toward both systems. These findings resonate with Griffiths’ (1986) assertion that legal pluralism often produces legal fragmentation, where no single system has uncontested authority. Similarly, Yilmaz (2005) described how individuals in Turkey engaged in tactical legal pluralism to exploit the system most favorable to their interests, reinforcing our observations in the Tehran context.

Furthermore, the incompatibility of legal norms emerged as a consistent source of tension, particularly in cases involving family law and inheritance. While religious rulings were often perceived as morally legitimate, they were not always enforceable within the formal judicial system. This aligns with Mir-Hosseini’s (2009) findings on Islamic family law in Iran, which revealed that divergences between *fiqh* and civil law can result in both legal ambiguity and moral distress. The symbolic but non-binding nature of religious rulings, frequently mentioned by participants, also reflects findings by Bowen (2003), who noted similar patterns in Indonesia where religious court decisions are respected socially but lack formal legal authority.

Participants reported facing institutional resistance from state bodies, including bureaucratic obstruction and outright dismissal of religious rulings. This aligns with observations made by Benda-Beckmann (2002), who described how state institutions often marginalize non-state legal orders despite formal recognition. In this study, such resistance was perceived as a manifestation of a legal hierarchy, where religious law was tolerated but subordinated to state law. This confirms Mahmood’s (2015) critique that secular legal regimes often mask power asymmetries under the guise of neutrality, thereby reinforcing the dominance of state-sanctioned legal norms.

The second thematic domain revealed the lived experiences of faith-based legal practitioners, many of whom described experiencing deep identity conflicts. Practitioners, particularly those who straddled both legal systems, often felt torn between professional obligations and religious commitments. These accounts echo Engel and Munger’s (2003) argument that legal actors are not neutral conduits of law but are shaped by moral identities, social affiliations, and competing normative orders. The professional dilemmas described by participants—especially the

fear of professional sanction when invoking religious arguments in state courts—suggest the limited discursive space available for faith-based reasoning in formal legal contexts.

Yet, despite these constraints, several practitioners engaged in legal innovation, developing hybrid strategies to embed religious principles within civil proceedings. This creativity reflects what Santos (2002) described as “interlegality,” where legal actors produce new legal forms by navigating across multiple systems. Participants described rephrasing religious principles in secular language, highlighting the performative and strategic aspects of legal pluralism. This is consistent with findings by Choudhury and Husein (2016), who documented how Muslim legal actors in Western contexts adapt their discourse to align with dominant legal norms without entirely abandoning their religious convictions.

The role of community expectations was also significant. Practitioners described the pressure to meet not only legal but also spiritual obligations, reinforcing the idea that legal authority in religious communities is as much social as it is procedural. This confirms the findings of Merry (1988), who emphasized that in pluralistic contexts, legitimacy often derives from community recognition rather than legal formalism. In this light, strategies for legal navigation—such as seeking rulings from both courts or relying on social networks—illustrate a form of “pragmatic pluralism” that mirrors Marshall’s (2008) observations in other religiously diverse societies.

The third major theme, perceptions of justice and fairness, illustrated that participants did not evaluate justice solely based on legal outcomes but also on moral legitimacy and procedural trust. Many participants expressed greater satisfaction with religious procedures because they felt “heard” and “respected,” even if they did not win the case. This reinforces Shachar’s (2001) contention that legal systems must be evaluated not only for their substantive outcomes but also for their alignment with the participants’ values. The findings also align with Mahmood’s (2015) critique of secularism’s blind spots in capturing the full range of religious life, particularly its juridical dimensions.

Importantly, the study revealed that gender and justice remain contested in plural legal systems. Female participants reported feeling excluded or marginalized in religious forums, particularly when required to be represented by male relatives. These experiences mirror the concerns raised by Moghadam (2004), who highlighted the gendered implications of religious adjudication in Iran. While some women viewed state courts as more equitable, others preferred the empathetic engagement of religious mediators, indicating the complex trade-offs women face in plural legal settings.

Issues of accessibility and inclusion further emphasized the divide between state and religious systems. Religious forums were perceived as more approachable, affordable, and less intimidating, consistent with the findings of An-Na’im (2002), who argued for recognizing informal religious adjudication as a legitimate form of legal access. Finally, satisfaction with outcomes was closely tied to participants’ expectations and perceptions of moral congruence. Those who felt their religious identity was affirmed—even in unfavorable rulings—reported higher levels of procedural satisfaction, supporting Kymlicka’s (1995) view that minority rights should include access to culturally relevant legal pathways.

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Authors’ Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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