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Limits of Freedom of Expression from Islamic Perspective and it's Major Differences from the Western Perspective

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Abstract:

Definitely, freedom of expression is one of the most important issues in the current sociopolitical scenario but due to its sensitivity it is also creating some conflicts and problems for social and ethical norms of the eastern societies especially for the Muslims. It is observed, Islam keeps balance between freedom and ethical norms. Principally this is one of the major differences between Islamic and the western view. In Islam, freedom of expression is not only a right but sometimes it becomes an absolute duty of a Muslim. It is noticed; Islamic teachings grant all kind of fundamental rights and civil liberties, including freedom of expression and speech to everyone but bind it with some moral and social norms and values. These limits and boundaries are necessary to save the society from any kind of controversy and chaos. Mostly it is observed; the advocates of freedom of speech exceed their limits and violate the other's basic rights. This thing makes unbalance the social norms and values as compare to rights and liberties. Keeping in view, if liberties are important then norms and values are also important to society. So there is a dire need to keep balance between socio- religious norms and civil liberties especially in case of freedom of expression. This study elaborates the important limits of freedom of speech from Islamic perspective and its crucial differences from Western perspective.

Key words: Freedom of Expression, Social norms, Islamic teachings.

Introduction:

In Islamic perspective, freedom of expression is a most significant and valuable right and liberty. As well as, it is not only a basic right but in some cases it becomes a necessary duty for a Muslim believer. Keeping in view, in Islamic law the freedom of expression and speech is constituted as a fundamental right and duty for every believer. Therefore, according to Muslim scholars it must be established and maintained by all Muslims- men and women, rulers and public, common and superior to search out the truth and convey the message of Almighty Allah. But it is also noticed,

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where Islam declares it as a fundamental right and civil liberty, it also binds this significant freedom with some limits and boundaries for the sake of public welfare and human dignity; because the Holy Quran considers the Muslim Ummāh as a justly balanced Nation. Therefore justice is necessary in every filed of life including liberties and rights.

It is also observed the power of speaking distinguishes human being from animals and other beings. It is an excellent gift of God for human dignity and respect. He can express his opinion and views in a proper and a clear way instead of other animals and beings. Therefore,

Allah expresses this blessing fact in the Nobel Quran in this way; *“He has created man. He has taught him speech (and intelligence)”*.¹ Therefore, the speech (the art of discussion) is a great blessing and reward from Allah but it is also a dangerous tool for destruction or construction. It can be an instrument of construction and as well as of destruction for society. Consequently, we should remain be careful about our discussion and opinions because we are accountable about our expressions due to our wrong and irresponsible expression. The Nobel Messenger ﷺ said;

“Prophet ﷺ grabbed his tongue. He said 'Restrain this.' I said: 'O Prophet of Allah! Will we be taken to account for what we say?' He said: 'May your mother grieves your loss O Mu'adh! Are the people tossed into the Fire upon their faces, or upon their noses except because of what their tongues have wrought’”.²

Accordingly, Islam gives us some important principles to use the rights and liberties in a more responsible and better way for the sake of society. In other words, Islam describes the limitations of freedom of expression to save the society from any kind of anarchism and disturbance. In this paper, I will try to elaborate some of the most important principles, limits and restrains on freedom of speech from the Islamic perspective and its major differences from the western freedom of expression.

To adopt the Fair & true Speaking:

The foremost principle of Islamic freedom of expression is fair and true speaking. Many of the Qurānic verses and Aḥādīth of the Prophet ﷺ identify it as a permanent feature of the Islamic Society. As well as, fair speaking is the most vital principle of expression and discussion in Islamic teachings. Therefore, the Quran emphasizes on this important rule of expression in different ways. Allah commands to the believers; *“And communicate fairly to the People”*.³ Prof. Hāshim Kamālī elaborates, “This text of the Quran is also self-evident of the point that the gift of speech

and freedom to utilize it must always aim at showing courtesy while dealing with others”.⁴ The Quran takes another bold step and prohibits harsh arguing with other religious communities. Allah commands in His Book;

﴿وَلَا تُجَادِلُوا أَهْلَ الْكِتَابِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ إِلَّا الَّذِينَ ظَلَمُوا مِنْهُمْ﴾

“And argue you not with the People of the Book, except with good way”.⁵

In Islamic perspective, fair speaking is considered as an important feature of ethics and an extra charity in Islam. Therefore, the teachings of Islam consider fair speaking as a free charity. In Islamic teachings the fair expression is recommended otherwise silence is better than speaking. The beloved Prophet ﷺ says, “Whoever believes in Allah and the Dooms Day let him say good words or otherwise keeps silent”.⁶ Consequently, we can easily perceive that the fair speaking is a general principle of speech and expression in the Islamic teachings. Therefore, the Muslims are recommended to adopt this principle in freedom of expression as daily routine.

To avoid telling false:

The second important principle and primary limit of Islamic freedom of expression is to avoid wrong speaking and wrong statement. The Divine Book of Allah in many verses focuses on avoids telling a lie. Almighty Allah commands in the Noble Quran;

﴿وَاجْتَنِبُوا قَوْلَ الزُّورِ﴾

“So avoid the unclean lines of idols and avoid false statement”.⁷ According to Imām Ālūsī views, “The word al-Zūr means absolute lie, al-Zūr is also used in the sense of the deviation from reality, lying and insert unrealistic statements”.⁸ Therefore, in Islamic teachings, Qawl al-Zūr (wrong statement) and Shahādat al-Zūr (to bear wrong witness) is considered a greatest sin and Muslims are taught to condemn it. Allah mentions in the Quran;

﴿وَالَّذِينَ لَا يَشْهَدُونَ الزُّورَ وَإِذَا مَرُّوا بِاللَّغْوِ مَرُّوا كِرَامًا﴾

Those who witness no falsehood, and, if they pass by futility, they pass it with decent”.⁹

The Holy Prophet ﷺ considers it one of the biggest sins. Hadīth of the Prophet ﷺ leads us;

"Shall I not tell you of the biggest of the great sins?" the companions said; "Yes, O Allah's Messenger, the Prophet said; "To join partners

in worship with Allah. The Prophet sat up after he had been reclining and said; ‘and I warn you against giving wrong statement and fake witness, I warn you against giving wrong statement and fake witness, I warn you against giving wrong statement and fake witness’.¹⁰

In another Ḥadīth, to bear a wrong witness is said to be the cause of hell punishment. The beloved Prophet ﷺ warns; “Whoever bears a witness against a Muslim of which he does not deserve, let him prepare for himself a place in the Hell fire”.¹¹ Muslims are also ordaining to avoid unnecessary things, activity etc., which are not beneficial in this world and the hereafter. We are found these teachings often repeated in Islamic sources. The Quran says;

﴿وَالَّذِينَ هُمْ عَنِ اللَّغْوِ مُعْرِضُونَ﴾

“Who (The believers) avoid vain talk”.¹²

Here, Sheikh ‘Abdul ReḥmānSa’dī explains the word *Laghw* means, “It is the word that there is nothing a good nor a religious or worldly benefit. It is like the word of foolish persons”.¹³ Another leading scholar *ImāmBaghawī* interprets the same word as, “*Laghw* means, to avoid all kinds of loose and cheap talks and fun and others expressions which are not permissible to say and act”.¹⁴ The Prophetﷺ is reported to have said, “The goodness of Islam of a believer is to leave which does not concern him”.¹⁵ Islam does not like telling a lie. Islam restrains false and fake speech. In addition, Islam does not allow evil and false speech under the excuse of freedom of speech. Here, Mr. ‘Alī Muhammad rightly argues, “Speech is unsuitable or evil when it is obscene, immoral or hurting. Evil speech limits and hinders the discovery of truth and thus violates human dignity. Therefore, restricting evil speech is justifiable for freedom of speech”.¹⁶ In very simple words, false and fake expression cannot be allowed under the banner of freedom of expression and criticism.

Not to make Fun of others (Mocking):

Not to make fun of others is also a significant restriction and principle of Islamic freedom of expression. The Quran and Ḥadīth also forbid from it and do not allow laughing at others at any coast. Therefore, Allah forbids it in the Quran;

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرُ قَوْمٌ مِّن قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ﴾

“O believers, Let not some men among you laugh at others”.¹⁷

Prof. Dr. NāsirSa’dī interprets the verses likely to say, “Do not make fun of others, it is also an important right of believers, some of them on some

others, verbally or through any act, it is forbidden to contempt a Muslim brother in any way".¹⁸ A renowned Islamic scholar of twentieth century Sayyid Maudūdī comments on this issue in details;

“Mocking does not only imply with the tongue only but it also includes mimicking somebody, making pointed references to him, laughing at his words, actions, or appearance. What is actually forbidden is that one should make fun of another, for under such ridicule there always lie feelings of one's own superiority and the others abasement and contempt, which are morally unworthy of a gentleman”.¹⁹

As well as, the Prophet Muhammad ﷺ considers it as an excessive sin to degrade a Muslim believer. The Prophet ﷺ says; “This evil is an enough for a man that he degrades his Muslim brother”.²⁰ Here, I think anybody have not a right at all to degrade any person without right even he has belong to a non-Muslim community because Islam gives them complete protection. The basic motive of mocking (Making fun to others) is self-admiration. The Quran commands the Prophet ﷺ to avoid these bad manners. Syed Maudūdī comments, “Insulting and pointing at the people and porting suspicions and spying on others are, in fact, the evils that cause mutual enmities and then lead to grave mischief. In this connection, in the light of the guidance of the Quran and Ḥadīth, we can infer the Law for libel. He further says , “The Islamic law, on the contrary, recognizes a basic honor for every person and gives nobody the right to attack it, no matter whether the attack is based on reality or not, and whether the person who has been attacked has a reputation of his own or not”.²¹ Hence Allah commands;

﴿وَلَا تُصَعِّرْ خَدَّكَ لِلنَّاسِ وَلَا تَمْشِ فِي الْأَرْضِ مَرَحًا إِنَّ اللَّهَ لَا يُحِبُّ كُلَّ مُخْتَالٍ فَخُورٍ﴾

"And swell not thy cheek (for pride) at men, nor walk in insolence through the earth, for Allah loveth not any arrogant boaster".²²

Although, in all over the world the Print and Mass media have adopted insult, mocking and defamation of others on the name of freedom of speech and criticism but Islam strictly forbids all kinds of insulting and mocking under the banner of freedom of expression, criticism and even for so-called entertainment and humorous on the price of human dignity.

To avoid Defaming and Sarcasm:

The fifth vital most principle and limit of the Islamic freedom of speech is to avoid defaming and sarcasm. In simple words, defamation means to insult others in any way. In Islamic point of view, defamation is

a social charge and pollutes personal dignity of a man in a society. Even a parody or humorous which insults a man is forbidden in the Word of God (Allah). According to the Qurānic discourse;

﴿وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْقَابِ بِئْسَ الْأَسْمُ الْمُسْوَقُ بَعْدَ الْإِيمَانِ وَمَنْ لَمْ يَتُبْ فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾

“Nor defame nor be sarcastic to each other, nor call each other by nicknames: Ill-seeming is a name connoting wickedness, after he has believed.”²³

Here, a contemporary Mufassir Sheikh Nāsir al-Sa‘dī says about this verse of the Quran; “Do not blame one another, al-Lumz is insult in saying and al-Humz insult in action: indeed, both are forbidden”.²⁴ According to SayyīdMaudūdī’s interpretations of these verses of the Holy Quran;

“So, it is very shameful act for a Muslim that he should earn a name for using abusive language and for immodest behavior. If a disbeliever earns reputation for himself for mocking people, or taunting them, or for proposing evil and offensive titles for others, it may not be a good reputation from the point of view of humanity, but it at least goes well with his disbelief. But if a person after affirming the Faith earns reputation on account of these kinds of bad and shameless qualities, it is simply regrettable”.²⁵

In fact the defamation contaminates personal dignity of a man while Islam grants and protects the dignity of a man at all. Many verses of the Quran and Ḥadīth of the Prophet ﷺ describe it;

﴿لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ﴾

“We have indeed created man in the best of molds”.²⁶

The Model Prophet ﷺ said on the day of last sermon; “The blood, honor and property of a Muslim are sacred for every Muslim”.²⁷ Therefore, Islamic teachings and law restrict freedom of speech in case of defaming others respect and dignity. This is a notable point that the Islamic teachings restrict the freedom of expression where the dignity and respect of a person under threat. Here, Prof. ‘Alī Muhammad Bhat expressed his views likely to appreciate, “In Islamic legal discourse, freedom of speech and expression is controlled only where the failure to do so would result in harming the cause of truth and defaming other societies and their sentiments”.²⁸ Accordingly, Islamic thought promotes and protects the respect and dignity of every man for the sake of humanity and forbids from insulting.

To evade the Blasphemous Speech:

In the Islamic perspective, Blasphemy is considered a serious contempt. Blasphemy is a wider concept and generally means to insult or defame on religious basis or religious signs through speech and actions. According to the Encyclopedia of Religion and Ethics; “All utterances expressive for contempt of God (Allah) for his names, attributes, laws, commands and prohibitions All scoffing of Muhammad or any Prophet of Allah is also being regarded in Islam as blasphemy”.²⁹ In Islamic teachings, blasphemy is a wider concept; different scholars define it in different way. A renowned Muslim scholar al-Samāraī defines it, “The Blasphemy includes, insult to God (Allah) and the most beloved Prophet Muhammad ﷺ , irreverent contemptuous statements that outrage the sensibilities of the believers, blasphemous acts, giving lies to fundamental laws and religion and so on”.³⁰

Therefore, due to its sensitivity Islam considers it the biggest and capital crime. According to the Quran and Ḥadīth teachings Blasphemy against religious signs, Almighty Allah, the all Prophets, including the last prophet Muhammad ﷺ and the all sacred Books including the last Book Holy Quran , the all sacred places is a great sin and notorious . To avoid blasphemous speech is the most imperative principle and most significant limit of the Islamic freedom of speech. As a result, Islam forbids strictly from this bad activity in any sense. The Holy Quran elaborates it at many places;

﴿لَنْ أَلِيْنَ يُوْذَوْنَ اللهُ وَرَسُوْلُهُ لَعَنَهُمُ اللهُ فِي الدُّنْيَا وَالْآخِرَةِ وَأَعَدَّ لَهُمْ عَذَابًا مُّهِمًّا﴾

“Those who annoy Allah and His Messenger - Allah have cursed them in this World and in the Hereafter, and have prepared for them a humiliating Punishment”.³¹

Islam strictly condemns all mind of the blasphemy of Allah and his Prophet and announces capital punishment; Allah expresses their capital punishment in the Nobel Quran;

﴿مَلْعُوْنِيْنَ اَيُّمَّا ثَمَفُوْا اُخِدُوْا وَفُتِلُوْا تَقْتِيْلًا﴾

“They shall have a curse: whenever they are found, they shall be seized and slain”.³²

There are many examples and statements found from the acts of the most beloved Prophet ﷺ and his companions about condemned of blasphemy. According to the majority of Islamic scholars blasphemy is a greater sin than disbelief (kufr). A leading Classical Islamic scholar, Imam *Ibn Taymīyyāh* argues, “Insult, ridicules and denigration of God or his Prophet ﷺ and enormity of this is greater than any type of disbelief”.³³

This debate clearly shows that in Islamic Sharī'ah (Law) the blasphemy is not only a religious and ethical issue but also a legal one.

Concealing of Truth and Witness is forbidden:

According to Islamic teachings and ethics of the freedom of speech, an important principle and boundary is that it is forbidden to conceal truth and evidence. Primary Islamic sources as well as secondary ones forbid from concealing the truth and evidence in any case. Almighty Allah ordains in the Holy Quran;

﴿وَلَا تَلْبِسُوا الْحَقَّ بِالْبَاطِلِ وَتَكْتُمُوا الْحَقَّ وَأَنْتُمْ تَعْلَمُونَ﴾

“And cover not Truth with falsehood, nor conceal the Truth when ye know”.³⁴

Dr. *Sayyīd* Muhammad *Ṭanṭāwī* interoperates this verse;

“There are two ways of concealing truth, “Firstly means the mixing of truth with falsehood until he cannot be separated from the actual word which is forbidden, as Allah says in the Quran, and cover not truth with falsehood, Secondly the concealing of truth which means denying the right way and hide it so it may not appear, as Allah says in the Quran; “Do not conceal (hide) the truth”.³⁵

Consequently, Islam strictly forbids it. Teachings of the Holy Quran, Ahādīth of the Prophet ﷺ and Islamic Fiqh provide sufficient details about it. According to the Islamic teachings the concealing of truth is considered as a social crime. Quran tells us the concealing of truth and evidence was a famous feature of the Jews and Christians religious leaders. Historically the Jews leadership adopted these ways to stop the people from Islam and the Prophet's affiliation.

﴿إِنَّ الَّذِينَ يَكْتُمُونَ مَا أَنْزَلَ اللَّهُ مِنَ الْكِتَابِ وَيَشْتَرُونَ بِهِ ثَمَنًا قَلِيلًا أَوْلَانِكَ مَا يَأْكُلُونَ فِي بُطُونِهِمْ إِلَّا النَّارَ﴾

“Those who conceal Allah's revelations in the Book, and purchase for them a miserable profit,- they swallow into themselves naught but Fire”.³⁶

In addition, the Quran and Ḥadīth consistently describe the importance of speaking truth and forbids from concealing the truth and evidence. Allah ordains to adopt the truth in any case.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنْفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ﴾

“O believers, Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor”.³⁷

These evidences strictly prohibition to conceal the truth and evidence. Hence, Islam forbids spreading every kind of fake news and as well as to bear fake witness in any case. Islam forbids from concealing

truth and making fake and fabricated communication. Here, Mr. Baht says, “Freedom of expression means the right of an individual to prefer the stance about certain public or private issues and express them before others avoiding evil when it is obscene, immoral or harmful”.³⁸

To verify News before theirs spread:

To check out the authenticity of news before to communicate it in the society is an important principle of Islamic conversation and freedom of expression. The basic objective of it is to save the society from anarchy, chaos and Fitnah. It is the foremost and the essential principle of Islamic journalism. The Book of Allah instructs as;

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَن تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصْحَبُوا عَلٰى مَا فَعَلْتُمْ نَادِمِينَ﴾

“O believers, if a wicked person comes to you with any news, ascertain the truth, lest ye harm people unwittingly and afterwards become full of repentance”.³⁹

According to Sayyid Maudūdī’s point of view:

“Almighty Allah gives the Muslims a guiding principle regarding authenticity of news, whenever you receive important news bearing upon a very important issue, you should not accept it immediately but should first examine the man who has brought it. If he is a wicked man whose report is not reliable, you should inquire into it carefully to find out the truth instead of accepting and acting upon it”.⁴⁰

To spread the unauthentic news in the society is a manner of a wicked person and may harm the society. So the Prophet ﷺ prohibits spreading of unconfirmed news. He said; “This is sufficient to say the person a liar that he reports everything he hears”.⁴¹ In another Ḥadīth the Prophet ﷺ considered it a great sin. “It is sufficient sin for a person to speak of everything that he listens”.⁴² According to a classical scholar Imam Novawī’s interpretation; “Normally a person hears truth and lies, so if he discusses everything that he hears, he is lying by telling of things that did not occur, and by speaking of something other than he did not confirm about”.⁴³ The Wise Qurān tells the important news should be spread in the society after confirmation.

﴿وَإِذَا جَاءَهُمْ أَمْرٌ مِّنَ الْأَمْنِ أَوْ الْخَوْفِ أَدَّاعُوا بِهِ ۖ وَلَوْ رَدُّوهُ إِلَى الرَّسُولِ وَإِلَى أُولِي الْأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ يَسْتَنبِطُونَهُ مِنْهُمْ﴾

“When there comes to them some matter touching safety or fear, they divulge it. If they had only referred it to the Messenger, or to those charged with authority among them, the proper investigators would have tested it from them”.⁴⁴

According to Islamic principle of the freedom of speech it is not allowed for a Muslim to pursue and communicate any issue without proper knowledge. , Allah commands;

﴿وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُولًا﴾

“And pursue not that of which thou hast no knowledge, for every act of hearing, or of seeing or of (feeling in) the heart will be enquired into”.⁴⁵

Accordingly, one must be careful about his expression because any one can get reward or punishment from Almighty Allah on this issue.

Accordingly, the Messenger of Allah ﷺ said;

“A man utters a word which pleases Allah but he does not give it much importance, but because of that Allah will raise him to degrees; and a man may utter a word which displeases Allah and he does not think of its gravity but because of that he will be thrown into the Hell”.⁴⁶

From the above mentioned verses and Aḥādīth of the Prophet ﷺ , the Muḥaddithīn(Hadith Scholars) derived the principles to check the authenticity of the Hadīth of the Prophet ﷺ . Therefore, everybody should be careful about their speech and expressions of every kind.

To circumvent the spread of Evils: Islamic teachings rigorously forbid dissemination of evil speech, obscenity, and indulgence and hate speech in an Islamic state or society. So, it is an important Islamic principle of freedom of expression that not to promote, publish or express evils. Therefore, Allah warns in the Quran to those persons who spread obscenity;

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

“Those who love scandal published broadcast among the Believers will have a grievous Penalty in this life and in the Hereafter: Allah knows, and ye know not”.⁴⁷

The renowned classical Islamic Mufassir Hāfiz Ibn Kathīr interprets this verse likewise;

“It means those who hear evil talk, believe it to some extent, and start to spread it, they should not spread such talk or pass it on to others. Those who like to see evil talk about the believers they will have a hurting torture in this world and the hereafter”.⁴⁸

In a Ḥadīth of the Prophet ﷺ , we find that to keep safe others from harm lead toward the Haven. The Prophet ﷺ said; “Whoever guarantees me

*between his two jaw-bones and between two legs I can guarantee him the Haven”.*⁴⁹

The Islamic teachings strictly prohibit annoying Muslims and exposing their hidden faults. Islam considers it wicked and includes it in spread of evil speech. The Prophet ﷺ said, “Do not persecute the slaves of Allah, nor abuse them, nor seek their hidden deficiencies, and; Whoever seeks out the faults of his Muslim brother, Allah will expose his faults and humiliate him, even if he is hiding in his house”.⁵⁰ According to Muhammad HāshamKamālī views;

“Al-Jahr (speech) literally broadcasting (through media) or publication whereas al-Su’ (evil) denotes something evil or hurtful. Words uttered in public which hurt another person by violating his honor of causing physical harm and loss of property whether directly or indirectly by abusing to his relatives and homelands are all included in this Āyah of the Quran”.⁵¹

Moreover, Allah commands the good things and stops the evil things. The Quran considers the spread of evils and obscenity the satanic actions. Allah expresses it in his Book as;

﴿إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ﴾

“Allah commands justice, doing of the good and liberality to kith and kin and He forbids all shameful deeds, and injustice and rebellion.”⁵²

In Islamic perspective, the spread of obscenity in Islamic society is considered as a biggest crime and cannot be allowed in any case. Different texts of the Quran and Ḥadīth discuss it as a special subject of negativity. Islam morally and legally condemns and stops the spread of any kind of obscenity and indulgence on any level. Thus, Allah declares it in the Holy Quran;

﴿قُلْ إِنَّمَا حَرَّمَ رَبِّي الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَّنَ ۖ وَالْأَيْمَانَ وَالْبَغْيَ بَعْدَ الْحَقِّ﴾

“Say: the things that my Lord hath indeed forbidden are: shameful deeds, whether open or secret, sins and trespasses against truth or reason”.⁵³

The blessed Prophet ﷺ also condemns it firmly, “Whoever seeks out the faults of his Muslim (al-Fuḥsh) in a thing, but it ruins it, and there is never any modesty (al-Ḥayā) in a thing, but it beautifies it”.⁵⁴ A leading Islamic jurist ImāmGhazālī comments on this Ḥadīth likewise;

“Fuḥsh (Obscenity) in this Ḥadīth is treated as obscene and indecent speech and conduct mostly sexual perversity by those who are morally depraved. The morally corrupt, thus, speak of sex explicitly in a repugnant and abusive language”.⁵⁵

From the above discussion, it can be professed that Islamic freedom of expression does not allow spread of evil speech or harmful expression in any case because it hurts public and also is harmful for social integrity and prosperity. According to our understanding, the spread of evil speech is a wider concept and includes all kinds of obscenity, pornography, social evils, religious blasphemy, political dishonor, media trial and racial insult etc. It means you cannot portrait evils to anyone publically even with evidences and arguments except in special cases.

To evade Exposing personal Weakness and hidden Matters:

Islamic teachings categorically hinder exposing personal and hidden matters of any one. It is an important principle and limit of Islamic freedom of expression. The basic purpose of this law is to protect the human dignity and respect and avoid harm to others. Dr. Muhammad HāshimKamālī argues; “Avoiding harm from others and concealing one’s fellow human being is the prominent theme of the moral teachings of the Quran and Sunnah. The message here is conveyed in the variety of forms, contexts and ideas all of which are indicative of all of the Islamic rights of privacy, which should be away from the encroachment of others”.⁵⁶ The primary Islamic teachings much focus on the right of privacy very deeply. Allah recommends for believers in the Holy Quran;

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا﴾

“O believers, Avoid suspicion as much (as possible): for suspicion in some cases is a sin: And spy not on each other behind their backs”.⁵⁷

A variety of Aḥādīth of the Prophet ﷺ lead us to this important issue, “Be careful of suspicion, suspicion is the worst of the fake conversation, and do not look for the others blunders and do not spy, and do not be invidious of one another, and do not leave one another, and do not hatred one another”.⁵⁸ As well it is a frequent effort to harm the Muslim dignity. Therefore, Ḥadīth of the kind Prophet ﷺ considers it as seriously harm to Muslim’s respect, “Do not harm the Muslims brother, do not attribute evil to them, and do not expose their hidden matters and weaknesses, for behold if anyone try to expose the weaknesses of his Muslim fellow, God will uncover his own weaknesses”.⁵⁹ To cover the weakness of Muslim brother is considered a virtue. The beloved Prophet ﷺ recommends, “Who saves the honor of his brother, God will save his face from the fire in the hereafter”.⁶⁰ Concealing the weakness and privacy of others is the most significant concept and deed in the Islamic teachings.

Islam recommends protecting a Muslim dignity. Thus, the wise Prophet ﷺ teaches this vital theme;

“O people, who have professed belief verbally, but faith has not yet entered your hearts: Do not interfere into the affairs of the believers, for he who will interfere into the affairs of the Muslims, Almighty Allah will interfere into his affairs, and he whom Allah follows curiously, is dishonored by Him in his own house”.⁶¹

Here, Dr. Numan Shad justly argues, “No one has the right to interfere in the private/personal affairs of an individual. Others interfering in matters of his or her concern require reasoning and justification. Matters relating to the individual are only that individual’s prerogative, and any investigation or interference in such matters is not allowed without the individual’s consent. Any inquiry into such matters should be based on legitimate reasoning in accordance with religious law”.⁶² To expose others weakness is an evil thinking. Hence, Islam forbids from it at all. A prominent Islamic scholar Dr. Fathī Othmān rightly comments, “According to Islamic teachings, freedom of speech and information is a fundamental human right. Islam also denounces spreading lies and fake information as well as passiveness and unwillingness when the truth should be expressed”.⁶³ So according to the above study we can easily perceive that to expose the weaknesses of others and the secret of others is a crime, a legal as well as a moral one.

Prohibition of Libel (Qadhaf, Buhtān and Iftirā):

Islam gives special honor and dignity to human beings because it is the special creation of Allah. Accordingly, libel is an important limit of Islamic freedom of expression. For that purpose Islam introduces the law of libel and forbids from any kind of Qadhaf, Buhtān and Iftirā on human honour and dignity. Generally libel is defined as; “The defamation (insult) of a person (or Group) by written or representational means (is called religious, personal or social defamation)”.⁶⁴ In Islamic legal perspective, libel is a vast term and includes any kind of insult or defamation to human respect for example, Qadhaf, Buhtān, Iftirā, blasphemy or insult etc. Here, Maulānā Maudūdī utters about Islamic law of libel;

“In fact, these evils (Qadhaf, Iftirā and Buhtān) cause mutual enmities and then lead to grave mischief in the society. In this connection, in the light of the guidance of Quran and Ḥadīth, the Law of libel can be compiled. The Islamic law, on the contrary, recognizes a basic honor for every person and gives nobody right to attack it, no matter whether the attack is based on reality or not, and whether the person who has been attacked has a reputation of his own or not”.⁶⁵

Al-Qadhaf is also related to a libel action. It is a special Islamic term which means slanderous accusation or allegation on personal honor of a human male or female. Qadhaf is a Qurānic term which literally means “Throwing or Casting”. Islamic scholars define the term Qadhaf; “Literally Qadhaf means throwing the words of abuse at others. In this general sense Qadhaf could comprise all kinds of abusive words including, slender, libel, insult, abusing and cursing etc”.⁶⁶ In Islamic context, the Qadhaf is considered a serious and dangerous most crime against personal dignity and respect of a Muslim believer. This crime also harms the society and social admiration of a person seriously. Sūrah al-Nūrof of the Quran explains this law in detailed and also describes the preventing measures. Majority of the Muslim scholars claim that the foundational sources of the law of Qadhaf in Islam are the following verses of Sūrah al-Nūr. Therefore, Almighty Allah announces the punishment of this capital crime in the Holy Quran;

﴿وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَٰئِكَ هُمُ الْفَاسِقُونَ﴾

“And those who launch a charge against chaste women, and produce not four witnesses flog them with eighty stripes, and reject their evidence ever after: for such men are wicked transgressors”.⁶⁷

This Qurānic text describes the punishment for a Qādhif, the accuser eighteen lashes. The first Qadhaf punishment was implemented in Islamic history during the incident of Ifk after the revelation of these Verses of surah Nūr in the Quran. According to Imām Ibn Kathīr views;

“This verse of Quran states the approved punishment for charging false Qadhaf against innocent women. If the person who is falsely accused is a man, the same punishment of flogging also applies. The Fuqahā’ have no contradiction on it”.⁶⁸

According to Hafiz Ibn Rushd views on Qadhaf, “Anyhow who accused an innocent man or women of fornication or adultery and he did not prove it with four reliable witnesses, he is liable to the punishment of eighty lashes. If the accuser fails to provide evidence then he becomes liable to the punishment of Qadhaf. All other types of allegations such as accusing of bribery and other offences are liable to the discretionary punishment of Ta‘zīr”.⁶⁹ Qadhaf is the most serious charge (Ḥadd⁷⁰) in Islam. Nobody can terminate or prevent it after it is proven. According to Imām Abū Ḥanīfah’s judgment; “Qadhaf is like the other Ḥudūd offences, it is the violation of God’s right that pardon by the victim may not obstruct enforcement of the prescribed punishment”.⁷¹ This also should be

remembered that the Sabb (Abuse) is something different from Qadhaf (casting). Here, Dr. Kāmalī differs from sabb to Qadhaf;

“Sabb (to insult) is different from Qadhaf that the latter does not materialize without attributing a specific charge to another person.

Whereas a Sabb can be a general attribution which humiliates the person to whom it is addressed”.⁷²

Iftirā and Buhtān are also serious charges and forbidden in Islam but do not reach to the seriousness of Qadhaf. Qadhaf is a Hadd (capital punishment) and could not be changed by any authority. It is noticed from the above discussion, to insult any one or to make charge of Qadhaf or Iftirā is not allowed in Islam. So Islamic freedom of expression does not allow anyone to insult or pollute someone’s respect under umbrella of free speech. Islam protects and prefers the personal dignity and respect of human being in any case and in any circumstances. It means the ultimate goal to grant freedom of speech and thought in Islam is the safety human dignity and to the spread of truth. Professor Baht maintains it likewise; “The definitive objective of the Qurānic expression of all speech is to promote veracity, the discovery of the truth (al-Ḥaq) and to uphold human respect honor and dignity”.⁷³

According to our study and research these are some most important moral, social and legal principles and limits of freedom of expression from the Islamic perspective. The above discussion more explains if Islam provides the right to free expression and speech to everyone in human dignity and search of the truth then it also prescribes its principles and limitations to save the society from any kind of anarchism and chaos. Therefore it can be said; doubtlessly these principles of Islamic freedom of expression and speech lead the society towards universal peace, prosperity and humbleness, if anybody carefully and spitefully tries to follow it.

Major Differences between Islamic & Western Freedom of Expression:

It is straight forwardly observed, the Islamic and western thoughts represent different worldviews thus; they adopt different approaches to solve every socio-political and ethical issue. Accordingly, the solution and result of both thoughts differ to each other and most of time contradicts to each other. Unremarkably, there are many reasonable distinctions locate in the Islamic thought which differs it from the western concept of thinking and practicing. One of the most vital themes is freedom of expression and speech.

The first most important difference of the Islamic freedom from the western freedom is that, it is responsible and limited one. Of course, it

is a big quest of the modern day, especially in western perspective; either freedom of expression can be restricted through law or moral values to prevent sedition and conflict with other socio-religious values or it should leave free for everyone at all. Here, in some extent, the Islamic freedom of speech is very sensitive and demands responsibility because it is granted by Almighty Allah instead of any court, parliament or constitution. Hence, Islam does not allow hurting anyone under the shadow of freedom of expression and speech. Although, Islam accepts free speech as a fundamental right of people but does not allow anyone to spread mischief under the cover of freedom of speech and expression. So for that purpose Islam puts some legal and ethical restraints and limits up on it for the sake of societal peace and prosperity. According to a leading Islamic scholar Dr. FathīOsmānviews;

“Any speech and expression cannot by any way persuade a digression from Islamic values or a perpetration of what is forbidden. A discussion which may happen about the faiths and the laws of Islam must observe neutrality and avoid illegal offense, confrontation and provocation”.⁷⁴

The second most vital difference of Islamic freedom of expression is that it keeps balance between liberties and responsibilities, while the western freedom of speech mostly leave balance between freedoms and responsibilities. As well as, it is a notable point that Islam does not totally ban freedom of expression but sometimes limits it for some important socio-political objectives and benefits. Here, Dr. ‘Abdul Ḥakīm Hassan comments, “Islam does not want to put complete restriction on freedom of expression any time, even in e sedition and anarchy, but Islam has given some principles and limits for the freedom of expression”.⁷⁵Therefore, Islamic approach to freedom of expression differit from western approach of freedom due to its responsibility and objectivity. Hence a renowned scholar Dr. Afzalur-Reḥmān rightly observes;

“The western trend of freedom is a license to like and dislike without any moral restrictions but in Islam there is another concept of freedom and west is not aware of this. It is an objective right from Allah with some restrictions and responsibilities”.⁷⁶

The third most significant difference fromthe Islamic perspectives on freedom of expression is that Islam focuses on morality, divinity and spirituality but the western approach focuses on secularism, liberalism and humanism. In other words the western laws do not care the moral and spiritual side of human being but they protect and safe the secular side of

human being because divine ethics are not much concern of the western thought including freedom of expression. Western liberties are human centered while Islamic liberties are moral centered.

“(In the West) if freedom threatens the life, health and properties of human beings, the law will put a restraint on it (Otherwise not).....(But in Islam) The lawmakers have to observe the spiritual and divine interests while the Islamic government has to prevent that which is harmful to the spiritualities of human beings both”.⁷⁷

Obviously, this most substantial difference of opinion fundamentally differentiates the Islamic concept of freedom of expression from the western concept of freedom of expression.

The fourth most imperative difference of Islamic freedom of speech from the western freedom of expression is that Islam protects the religious values and charges it as crime to defame the religions and blasphemy of all Prophets including Muhammad ﷺ but western thought focuses on individual interests and have soft corner to religious defamation and blasphemy cases. As a result, the limitless freedom of expression is creating Islamophobia and blasphemy of the beloved and kind Prophet Hazrat Muhammad ﷺ. Currently, this thing has become a basic hurdle to maintain the peaceful relations with West from Islamic side. With the passage of time, this conflict has shaped an arranged attempt of blasphemy and hate speech campaign against Muslims and Islam in all over the world and especially in so called civilized and multicultural West and America. At that point, Prof. Khurshīd Aḥmad rightly argues;

“The global scenario tells us that the present blasphemous cartoons form Denmark is not an unintentional activity from a newspaper but it is part of the global blasphemy movement against Muslims and the Prophet of Islam ﷺ . The ultimate target of this movement has to show the Muslims and the beloved personality of Islam as terrorist (and this situation is increasing day by day)”.⁷⁸

The fifth fundamental difference between Islamic and Western concept of freedom of speech is that Islam relates freedom with social justice and exploring of truth even some times considers them same. Many verses of the Holy Quran and wise full sayings of the Prophet ﷺ guide us towards this important aspect. Therefore, most of the Islamic concepts of liberty and rights revolve around this fundamental issue. Here, Dr. ‘Abdul Ḥaiy Madnī rightly comments;

“In Islam there is no freedom (including freedom of expression) without justice and these two values freedom and justice have been

the inspiration and motivator of the great revolutions in the world, be they political, economic or social”.⁷⁹

As well as, the objectives of the Islamic freedom of expression and speech are different one from the western objectives. One of them have to construct the society not destruct it or for not just the sake of human entertainment and liberty. According to Dr. Muhammad Ismā‘īl comments, “According to Islamic teachings, freedom of expression is an important duty as well as a fundamental human right for construction of the society not for the destruction and human entertainment only”.⁸⁰ While contrary to this, the western thought consider philosophy of civil liberties and rights as human entertainment and abstract right, the majority of western scholars allow everything to express and illustrate in the name of freedom of expression and speech. Even most of them advocate the freedom of pornography and obscenity and demand its rights openly as human entertainment. Most interesting thing is that according to Islamic scholars it is craziness, radicalism and abuse to humanity in the name of freedom of expression but the western thought considers it as a right of entertainment for human being. Here, Mubashir Naẓīr argues rightly, “Islam grants the right to free speech for transmission of goodness not for evil and this concept of freedom of expression is better than that of the west(as well differ one)”.⁸¹

At the end we can say the Islamic principles provide boundaries and limitations of freedom of expression but the west wants to keep it an absolute right and liberty which is not bearable. Moreover, Islamic freedom of speech and expression are responsible but the western freedom of speech is freelance and sometime it becomes a right to abuse. Here, Dr. ‘Abdul Ḥāī Madnī rightly commented, “The freedom in Islam is like allowance of movement to a horse tied with a rope. It is like an authority which implies responsibility and accountability and provides the justification for the Day of Judgment (but the west is empty from this feature)”.⁸² Keeping in view, although the words and terms look like same in Islamic and western concept of freedom of expression but actually the Islamic freedom of speech is ultimately different from the western notion of freedom of speech. A renowned western scholar Eric Kolig precisely stated;

“Freedom of speech is considered in the West a high public good and an important social value, underpinned by legislative and ethical norms. Its importance is not shared to the same extent by conservative and devoted Muslims, who read Islamic doctrines in ways seemingly incompatible with western notions of freedom”.⁸³

Therefore, it is noticed, the western concept of freedom of expression is basically a right to defame other's values, religions and ethics and that kind of freedom is not compatible with Islamic divine teachings. In famous word we can say it is right to abuse rather than freedom of expression and speech. Therefore, if we wish for a peaceful, harmonized, modest and humble society then it is necessary to adopt the universal principles of the Holy Quran and Nobel Seerah of the Prophet ﷺ during conversation, writings and communication.

Keeping in view, Islam cares the individual rights and liberties but it is most careful about the collective norms and values of the society and tries to keep a balance between liberties and responsibilities. On the behalf of this study I would like to say, it is not more than a leashed propaganda against Islam that it banes the rights and liberties and it opposes dignity and freedom of a person. While the fact is that Islam does not bane the freedoms and rights but make balance between rights and duties, liberties and responsibilities As well as, at the same time, Islam cannot overlook a fact accepted by modern legislation, namely in some cases freedom of expression may be limited provisionally or partially to retain other human rights, public goods and national interests. Therefore, in most of the Islamic countries legislations, even in this modern era, freedom of speech is bounded with social and moral values and public interests.

Conclusion:

Categorically, Islam grants all kind of fundamental rights and civil liberties to human being but limit them for the sake of human interests. As well as, it is a special feature of Islamic human rights and freedoms that they are not uncontrolled because they are limited, so, they does notto opposite the objectives of Islamic law and also they are not opposite to the social values and norms of the society which a man is a part of it. This is also a noteworthy point that in Islamic perspective the philosophy of rights and duties has reciprocal relationship to each other, because according to Islamic teachings everyone is responsible for his or her actions and words in this world and the world hereafter as well.

It is intensively observed, Islamic concept of freedom has some major differences from the western concept of freedom of expression. Some of them are; it is a responsible one, divine one, limitedone and correlated with moral and social values. It is also a notable point that western rights and liberties protect only personal and materialistic interests of a man but Islamic philosophy of rights protects spiritual and collective interests of the man and society as well. In addition, Islam does not allow freedom of expression and speech on the price of religious defamation and

blasphemy of the sacred and spiritual things as sacred Books, Prophets and religious rituals of any community and faith. Categorically, Islam cares the individual rights and liberties but it is most careful about the collective norms and values of the society and tries to keep a balance between liberties and responsibilities.

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