***FREEDOM OF SPEECH:***

***PHILOSOPHERS POINT OF VIEW:***

Even the philosophers of liberalism had to admit that there exist inherent differences within the concept of freedom and its application at state level. One component of liberal thought argues that freedom of speech should not be limited because once this happens, the society would inevitably move towards tyranny and censorship. The other line of argument states with equal force that a government's involvement with the action of individuals should never be removed because this would eventually lead to chaos and a life that Hobbes described in Leviathan as "solitary, poor, nasty, brutish, and short". Moreover, some feel that the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent 'harm' to others. But there has always been a problem in defining 'harm'. Does prostitution, for instance, fall under this domain? Most liberals would also include 'offense' as a major factor that should legitimize the exercise of power over the actions of the individuals living in a society. Again the issue arises as to which actions are to be considered 'offensive'. Should pornography, for example, come under this category? Some have argued that pornography is not only offensive but is also harmful. Such contradictions lead to a never ending debate as to what does/ does not constitute 'harm' or 'offense'. Thus what we find is that the slogan of freedom of speech is one of the most used slogans in the world, and yet no one is quite sure what it involves or where the boundaries (should) lie.

But for the Muslims, the issue should be quite clear: Islam does not allow the adoption and propagation of 'Freedom of Speech' as propagated by the west since this would include the promotion of such ideas that clearly contradict Islam, such as usury, obscenity under the guise of entertainment and separation of Islam from life's affairs.

***FREEDOM OF OPINION IN ISLAM:***

This is not to say that Islam does not allow the Muslims to express their opinions freely. It is allowed for a Muslim to express his opinion about anything or any issue, but this opinion must be derived from Quran and Sunnah of Prophet Muhammad (ﷺ). Numerous examples can be cited from the Islamic history where freedom to express one's opinion not only existed but was also encouraged.

*The companions of the Prophets (saw) openly disagreed with each other on various aspects of Islamic rules*. The Khaleefah Harun al-Rashid provided financial incentives for anyone who would teach, learn, propagate or debate issues of the deen. Islam has given the Muslims the right to express their opinions, even if they contradict the opinions of the ruler or that of the majority of the Muslims. It has made it obligatory upon the Muslims to express their opinions and criticize the ruler if he abuses his authority by ordering something that displeases Allah (swt).

The Messenger of Allah said, "The master of martyrs is Hamzah bin Abdul Muttalib and a man who stood up to an oppressive ruler, ordered him (to do good) and forbade him (from doing evil) and was killed by him."

***MUSLIMS SERVICES TO THE WORLD:***

Looking at the glorious history of Islam, we find that the Muslims excelled in every sphere of life: science flourished under the Islamic rule. The Muslims were the most advanced in the world in various fields such as mathematics, geometry, medicine, natural sciences, etc. In terms of economics, they were the most prosperous ; Khaleefah Umar bin Abdul Aziz at one stage of his rule could not find **a single poor person to give zakat to during** his rule in 7th Century C.E. The Muslims also excelled in agriculture; in the 8th and 9th century, Iraq under Islam had a population of 30 million, 80% of whom were farmers with modern irrigation systems from the rivers Tigris and Euphrates. The ration of yield of seed for wheat in the Muslim world was 10:1 compared to 2.5:1 in Europe. With regard to showing tolerance towards the Non-Muslims,

Prophet Muhammad (saw) had said "Whoever hurts a Non-Muslim citizen of an Islamic state hurts me, and he who hurts me annoys Allah (swt)." (Bukhari).

With this kind of mentality towards Non-Muslims, it is hardly surprising that the Christians of Ash-sham fought alongside the Muslims against the Christian Crusaders who had attacked the Islamic State.

***SOCIETY AND ISLAM:***

The question that needs to be asked is, 'What was it in the Muslim world that had bring up such tolerance, authenticity, creativity, and human flourishing?' It certainly was not the current notion of freedom that is prevailing in today's world but rather it was the result of the implementation of Islam on society. Unlike man-made systems, Islam is in total harmony with the reality of human nature since it is revealed by the One (swt) who created human beings. Therefore, the aims of Islam conform to the reality of human society. Islam has designated certain aims for society which include protection of mind, belief, private property, security and state. Only when such aims exist in a society can human beings progress in every sphere of life. To safeguard these aims, an Islamic society will restrict freedom of expression as espoused by the west since it acknowledges the fact that society is not just made up of individuals and what an individual does will have an impact on society at large. Islam makes no apology for doing this. In actual fact, liberal societies, despite their claims of being free and tolerant, are also forced to take certain steps to safeguard society. Hence they have laws restricting the 'amount of freedom' that can exist in society. In addition to this, their laws continually twist and change to suit their interests and are often interpreted in a manner that clearly reflects their prejudice and enmity towards Islam as shown in this recent example. The concept of freedom of speech is therefore burdened with ambiguity.

***FREEDOM OF EXPRESSION***

Islam is a religion that originates the concept of freedom in the world. Before long long time ago people are unaware about knowledge of the living style. They don’t know what to do and what to not. Along with a lot of bad habits like illiteracy, murders, racism there is also a problem of freedom among them. There is no concept of freedom. The rights of poor people are taken away by the awful people. Islam spreads the light on them as a blessing of Allah Almighty. Islam grants everyone the right to have his own opinion within the boundaries of morality.

***Freedom of Opinion, Expression and Information:***

Everyone has the right to hold opinions without interference. (b) Everyone has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his or her choice.

The Holy Prophet(S.A.W) always give consideration to the opinion of his(S.A.W) companies. Just like occasions of battle of uhud Holy Prophet(S.A.W) listen the opinions of all companies.

***Ethical Limitation of Free Speech & Use of Free Speech with Responsibility:***

Islam has gifted us with the hikmaa which means wisdom and being human one can understand that how the free speech is actually free. It is free when it does not harm the public and also does not violate the rights of others. There is a border line from which free speech converts into the crime such as blasphemy.Communal expression of hurtful speech is prohibited by virtue of the following Quranic verse.“Allah does not like anyone‟s foul words being voiced loud publicly except by one who has been a victim of oppression”(Al-Qur‟an 4:148)Public expression of hurtful speech is not liked by Prophet(S.A.W). This commandment contains the ethical advice but no penalty is commanded. Sharia limits freedom of speech when it causes harm to others. The legal maxim of Islam proclaims that “Harm must be eliminated,”everyone is protected against harm. The pluralism and freedoms of expression are the most important human rights. The Jewish law contains many expressions which supports the pluralism and multiplicity of views. Law is made to explain ones right of free speech. As right of free speech is given to the Jews there are some limitations imposed on it."Do not take advantage of each other, but fear your God. I am the LORD your God.”

Therefore, restricting evil speech is justifiable on freedom of expression. How-ever, even the most insulting type of speech, namely, blasphemy, is not criminally sanctioned in the Quran and thus not punished under Qur’anic Hadd. Allah likes not the uttering of unseemly speech in public, except on the part of one who is being wronged...(Ch.4:V.49)

Freedom of Expression based on Islamic Perspective Islam gives broad freedom to every human being. This freedom includes the freedom itself, freedom of religion, freedom of thought, freedom of speech and so on (Yaacob, 1986). In Islam, the right to freedom of expression had been justified and has been recognized to all human beings irrespective of the religion they profess.

***FREEDOM AND ITS LIMITATIONS***

First of all, there should be a differentiation between Islam which is based on the principles of the Qur’an and the authentic tradition of the prophet and the sharia-oriented Islam. In the first, the freedom of speech and religion has been recognised. In the second, such freedom is faced with numerous limitations.

**I. The restrictions of freedom of speech in sharia**

In sharia-oriented Islam, an apostate will be executed. The insult and mockery of religious beliefs is punishable by death. Some jurists place the responsibility upon the masses to recognise and execute the two. In this version, punishments such as [Ta’zir](http://law.jrank.org/pages/666/Comparative-Criminal-Law-Enforcement-Islam-D) and forceful imposition of adherence to religious obligations and abstinence from religious prohibitions are permissible. Publicising any other kinds of religions and thought, even other Islamic sects and some philosophical and spiritual thoughts of Muslim thinkers, are considered harmful and therefore prohibited. The same is true of publicising books and other cultural products, which are in any way considered publicising of this sort.

On the contrary, Islam that is based on the principles of the Qur’an and the authentic tradition of the prophet and his family adheres to the following principles:

a) Though Islam considers itself the rightful divine religion, it has accepted the diversity and plurality of religions and thoughts, regardless of truth or false, even blasphemy, polytheism and atheism as a reality in this world. It has therefore left the qualification of their truthiness to be determined on the Day of Judgment.

b) People are free to choose their beliefs and their religion and no one can be forced to accept or deny any faith.

c) No one is to be punished in this life for believing in any given religion. A crime is associated with an action and a not a particular faith or belief.

d) No one is to be punished for changing religions or leaving a faith such as Islam. Placing any sort of worldly punishments, such as execution, for apostasy is against Islamic principles.

e) No one can be forced to observe Islamic obligations and abstain from the prohibited.

f) Criticising religious beliefs is inherent within a free Islam and holds no punishments, neither in the worldly life nor in the afterlife.

g) Insulting, ridiculing and scorning religious beliefs, including Islam, is unrighteous and a violation of the integrity and dignity of its believers. According to the Qur’an, insulting atheistic beliefs is also prohibited.

**III. Insult of religion as a hate speech**

Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law” and insulting religious beliefs is a case of “hate speech” that disparages believers, and should be considered as a crime. Those who have committed such criminal offences shall be prosecuted in a civil court of law and in the presence of a jury. Undoubtedly, the punishment for these crimes is not execution.

***Hate Speech***

There is an international consensus that “hate speech” needs to be prohibited by law, and that such prohibitions override or are irrelevant to guarantees of freedom of expression. The US is unique among developed countries in that under law, hate speech regulation is [incompatible](http://www.nytimes.com/2008/06/11/world/americas/11iht-hate.4.13645369.html?pagewanted=all) with free speech. In the UK, for example, several statutes protect several categories of persons from hate speech. The [statutes](http://www.legislation.gov.uk/sld/2236942) [f](http://www.legislation.gov.uk/ukpga/2006/1/contents)orbid communication, which is hateful, threatening, abusive, or insulting and which targets a person on account of religion. The penalties for hate speech include fines, imprisonment, or both.

***Criticism And The Insult***

The lack of boundaries between criticism on one side and the insult, mockery and scorning of religious beliefs on the other side on the part of aggressive atheists has resulted, and will continue to result, in radical violent clashes on the part of the conservative believers.

The requirement of a sane world is mutual respect among humans. It is not possible to insult and ridicule the beliefs i.e. the holy book and the prophet, of one-fourth of the world population without having to bear the consequences of the violent and extremist reactions of some conservative adherents to that faith.

In order to sanitise the rivalry between faith and apostasy, lines need to be drawn between criticism and insult. These boundaries depend on the location and the degree of cultural maturity. In underdeveloped countries, many criticisms are seen as insults and in developed countries many insults are seen as criticisms. Therefore the settings of these boundaries demand serious fieldwork and theoretical research. However, a dynamic and matured world can only be achieved with respect to both religious beliefs and free speech.

If a traditional believer does not have the right to impose his religious views on others, then an atheist also does not have the right to impose his specific beliefs as universal norms. Along with the Universal Declaration of Human Rights, we are also in need of a Universal Declaration of Duties and Responsibilities to Religious Beliefs and Irreligiousness, such as convention on the elimination of all forms of violence, insult and hate speech.

Just as the execution and punishment of an apostate should be annulled, the insult and mockery of religion by atheists and non-believers should be officially recognised as a crime. Believers and atheists should recognize freedom of criticism, which benefits them both. A healthy competition based on mutual respect is the only defensible conduct between Muslims and followers of other religions and thoughts.

Looking at the glorious history of Islam, we find that the Muslims excelled in every sphere of life: science flourished under the Islamic rule. The Muslims were the most advanced in the world in various fields such as mathematics, geometry, medicine, natural sciences, etc. In terms of economics, they were the most prosperous ; Khaleefah Umar bin Abdul Aziz at one stage of his rule could not find a single poor person to give zakat to during his rule in 7th Century C.E. The Muslims also excelled in agriculture; in the 8th and 9th century, Iraq under Islam had a population of 30 million, 80% of whom were farmers with modern irrigation systems from the rivers Tigris and Euphrates. The ration of yield of seed for wheat in the Muslim world was 10:1 compared to 2.5:1 in Europe. With regard to showing tolerance towards the Non-Muslims, Prophet Muhammad (saw) had said "Whoever hurts a Non-Muslim citizen of an Islamic state hurts me, and he who hurts me annoys Allah (swt)." (Bukhri). With this kind of mentality towards Non-Muslims, it is hardly surprising that the Christians of Ash-sham fought alongside the Muslims against the Christian Crusaders who had attacked the Islamic State

A society, by its very nature, demands the existence of certain rules and regulations as to what is and what is not acceptable in speech as well as in other spheres of life. But the fundamental question is where these limitations should be set. We either base our society on philosophical principles that tend to rotate in a vicious circle, or alternatively, as those who believe in Allah (swt)'s supremacy, we turn to the Guidance sent by Him (swt). For us the choice has already been made. *Allhamdulliah!*