

Hate Speech And Ridiculing Islam: An Overview In The Context Of Freedom Of Expression

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Abstract

Muslim societies are facing many social, societal, political, and religious challenges today. The Ridicules of Islam is also one of these challenges which are carried out in different countries for various reasons. Making fun of Islam through various activities using means has become a trivial hobby, the philosophy of freedom of expression defends these activities of ridicules, On the contrary, hate speech is not only disliked all over the world, but it is also legislated and its perpetrators are punished according to the law, but when it comes to making fun of Islam, the right of freedom of expression is presented as basic law. Although there are laws in some countries regarding blasphemy, however its punishment is minor, and it is not enforced. Therefore, the purpose of this research is to analyze this challenge and offer a balanced solution. This research will answer the questions as to what the effects of this act of ridicule of Islam are. This study will also point out the reasons of increasing tendency of the activities of Islamic mockery and draw the conclusion as to what kind of serious efforts are required for the solution of this problem in the present times and what role should the United Nations play in this regard. It will also propose legal and ethical procedures regarding the limits of freedom of expression.

Key Words: Hate Speech, Islamic Mockery, Freedom of Expression

A. Freedom of Expression: Introduction

There are several definitions of freedom of expression. Some of them are as follows:

It is stated in the Legal Dictionary:

“Freedom to communicate ideas without restraint whether orally or in printed form or in any other form of communication” (Dictionary, 2012).

In the view of a Western Scholar David H. Bailly:

“The absence of restraints upon the ability of individuals or groups to communicate their ideas to others, subject to the understanding that do not in turn coerce others into paying attention or that they do not invade other rights essential to the dignity of others” (Bayley, 1964).

B. Freedom of Expression: Islamic Teaching

Islam has never barred the right of freedom of expression however it has identified some certain rules and boundaries for utilizing this basic right. In Islam, the primary sources of the right are the Qur'an and Ahadeeth as Allah and His Prophet (peace be upon him) acknowledged this basic human right. (Saeed, 2016).

In the Qur'an, Allah Almighty said:

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا

“Believers, fear Allah and speak the truth”. (Al Qur'an Chapter 33, Verse 70)

There is a Hadith of the Messenger of Allah (peace be upon him):

“The best type of Jihad is to speak a word of truth in front of an oppressive ruler” (Dawud,4334).

According to Abdul Jabbar Shakir:

“Islam has provided a mechanism of logical freedom of expression to human beings by considering it their fundamental right and necessity as compared to the western world where even fundamental human rights are supposed to be demanded for through efforts and revolutions” (Shakir, 2008).

According to Sheikh Hamid al-Ansari Ghazi, an Indian Muslim scholar:

“The time period of Caliph Umar (may Allah be pleased with him) was considered to be an exemplary era regarding freedom of

expression. It was one of his noble practices that whenever he needed to consult on an important matter, he used to invite people to Masjid-e-Nabwi and discuss that matter with them.” (Ghazi, 1956).

The right of freedom of expression is not ungovernable and infinitive but rather governed by social, legal, and ethical restrictions to make people responsible and peaceful in expressing their views. It comes with a responsibility to be respectful towards others' views and ideologies. (Saeed, 2016).

C. Freedom of Expression: Western Perspective

The origin of the term Freedom of speech was founded in the 1590s when the House of Commons of England reaffirmed their right to freedom of speech in the face of King James I's belief that they had no right to debate foreign policy.

It is mentioned in the Catholic Encyclopedia:

“The right of individual to express or communicate in a more or less public ways his views without interference from other individuals or groups or from social authority” (McGraw-Hill, 1966).

According to Webster's Comprehensive Dictionary, freedom of speech is defined as:

“The legal right to express one's opinions freely” (Webster, 1961).

Freedom of speech explained in the New World Encyclopedia as:

“Freedom of speech is the ability to speak without censorship or limitation. It is also called freedom of expression. It refers not only to verbal speech but any act of communicating information or ideas, including publications, broadcasting, art, advertising, film, and the Internet. Freedom of speech and freedom of expression are closely related to the concepts of freedom of thought and conscience” (New World Encyclopedia, 2022).

With the basic concept of freedom of speech, there are no restrictions and limitations, so it can be said that the concept of freedom of speech is not appropriate ethically and socially. As stated by Thomas David Jones,

“Freedom of expression constitutes “an innate and instinctive right of human beings” and “a recognized juridical norm in customary international law” (Jones, 1998).

Such definitions add freedom of expression to basic human rights, which later leads to hate speech and humiliation.

D. Hate Speech

It is an ancient tradition to speak hatefully against someone or to insult them on any ground. But the term hate speech was formally introduced after the Second World War in 1945.

“Different civil rights groups responded to the atrocities of World War II by advocating for restrictions on hateful speech targeting groups on the basis of race and religion” (Samuel, 1994)

Now it is necessary to present the definition of Hate speech from different dictionaries:

Merriam Webster defined hate speech without any elaboration:

“Speech expressing hatred of a particular group of people” (Merriam, 1983).

According to Oxford Dictionary:

“Abusive or threatening speech or writing that expresses prejudice against a particular group, especially on the basis of race, religion, or sexual orientation” (Murray, 1884).

E. Reasons in Tendency towards Hate Speech and Mockery against Islam

1- Propagation of Freedom of Expression in the Name of Basic Human Rights

The western thought and philosophy do not derive from a revealed source rather it is a non-religious thought. The western freedom and other fundamental rights come from manmade laws like Magna Carta (a royal charter of rights by King John of England) in 13th century and through long historical struggles like 17th century struggle by European legislators for freedom of expression. That is the reason, Westerners seek absolute freedom without social, legal, and ethical boundaries; and that’s why, there is a major difference between Islamic perspective of

freedom of expression and western perspective of freedom of expression. (Saeed, 2016)

2- Ineffective Laws

a) Committee on the Elimination of Racial Discrimination (CERD)

CERD is the body of experts who monitor the implementation of Convention on the elimination of all forms of racial discrimination. Its job is to act against the injustice of all sorts of discrimination, racial bias to preserve human rights and to obstruct conflicts and suffering. (Committee on the Elimination of the Racial Discrimination, 2022). The first international agreement regarding hate speech was the International Convention on the elimination of all forms of racial discrimination, adopted by the UN General assembly in 1965, it explains the four different aspects of hate speech including:

- 1- “Dissemination of ideas based on racial superiority.
- 2- Dissemination of ideas based on racial hatred.
- 3- Incitement to racial discrimination.
- 4- Incitement to acts of racially motivated violence” (General Assembly Resolution , December 1965).

b) The UN Stance about Hate Speech:

“The UN’s International Committee on the Elimination of Racial Discrimination understands ‘hate speech’ as “a form of other-directed speech which rejects the core human rights and principles of human dignity and equality; and seeks to degrade the standing of individuals and groups in the estimation of society”

(UN Committee on the Elimination of Racial Discrimination, 26 september 2013).

In the UN statements, hate speech is linked to racial discrimination which proves that hate speech should be banned for preventing racial discrimination only, but when religion and its teachings are mocked, then hate speech is justified in the name of freedom of expression, there aren’t any differences in UN stance in 1965 and 2013.

c) The European Court of Human Rights:

The European Court of Human Rights, in a definition adopted by the Council of Europe’s Committee of Ministers, considers ‘hate speech’ as:

“All forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility towards minorities, migrants and people of immigrant origin” (Europe, 1997).

This definition also mentions racial hatred, ethnic hatred, aggression, intolerance, and discrimination against ethnic minorities but there is no mention of religious hatred, intolerance and discrimination which shows that religious hatred is not a big deal.

d) Universal Declaration of Human Rights (UDHR):

The Universal Declaration of Human Rights is a UN resolution endorsed in Paris on December 10, 1948, after World War II. After the widespread loss of human lives in World War II, an international consensus was reached on the protection of human rights, which was drafted, and at the same time urged its Member States to address this issue of human rights. The basic document is required to be promoted in its own countries as much as possible, read in educational institutions, and incorporated in the laws of these countries. With the reference to this resolution, there are 30 clauses in this resolution, of which Articles 18 and 19 refer to freedom of expression. According to the initial point of this Declaration:

"Whereas, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family, is the foundation of freedom, justice and peace in the world, whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.... Now, Therefore the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedom and by progressive measures, national and international, to secure their

universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction" (Universal Declaration of Human Rights, 1948).

This is an initial statement of the Universal Declaration that emphasizes on personal dignity and sanctity of violence, where carelessness and dishonesty of human rights is brutal. On the one hand, Article 18 has offered the freedom of thought and manifesting or changing religion both privately and publicly. On the other hand, Article 19 has offered absolute right of freedom of expression through any means and without restriction or interference, which is neither morally justified nor from the perspective of Sharia. However, the next Bill, which was later adopted by the United Nations, allows for free speech with some restrictions. (Universal Declaration of Human Rights, 1948).

e) **International Convention on Civil and Political Rights (ICCPR)**

The United Nations General Assembly introduced Bill 2200A (XXI) on December 16, 1966, which was subsequently passed on March 23, 1976, and was drafted into an agreement called the International Convention on Civil and Political Rights (ICCPR). The Convention is quite well-known and most of the countries around the world have endorsed it. The nations that have signed but not ratified include China, Comoros, Cuba, Nauru, Palau, Sao Tome, and Saint Lucia. The nations that neither signed nor endorsed were Saudi Arabia, Antigua and Barbuda, Bhutan, Brunei, Myanmar, Fiji, Kiribati, Malaysia, Marshall Islands, Micronesia, Oman, Qatar, Saint Kitts and Nevis, Singapore, Solomon Islands, Tonga, Toledo, United Arab

Emirates, and the Vatican. According to Article 19 of this Convention Bill:

1. "Everyone shall have the right to hold opinions without interference".
2. "Everyone shall have the right to freedom of expression; this right shall include 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 choice".
3. "The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a) For respect of the rights or reputations of others.
 - b) For the protection of national security or of public order, or of public health or morals". (International Covenant on Civil and Political Rights, 1976).

According to the 2nd paragraph of Article 20:

"Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law." (International Covenant on Civil and Political Rights, 1976).

The Declaration of Independence did not provide unrestricted freedom but added some rules and regulations that respected others and protected morality. It prohibits any activity that promotes religious hatred. The United Nations Treaty, signed in 1976 by most of the countries, is proof that they are now obliged to stand by the treaty.

f) European Convention on Human Rights (ECHR):

The European Convention on Human Rights (ECHR) is an international convention to guard human rights and freedoms in Europe which is drafted in 1950 and entered into force on 3 September 1953. It is asserted in Article 10:

1. "Everyone has the right to freedom of expression. This right shall include the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television, or cinema enterprises."

2. "The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions, or penalties as are prescribed by law and are necessary for a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and

impartiality of the judiciary”
(ECHR, 1953).

In short, Freedom of expression may be restricted for maintaining a peaceful democratic society, for preventing the violation of the reputation or rights of others and may be subject to certain penalties, so contempt incidents may not occur if European Union will ensure implementation of Article.

g) American Convention on Human Rights (ACHR)

American Convention on Human Rights (ACHR) was adopted by many countries in the Western Hemisphere in San José, Costa Rica, on 22 November 1969 and entered into force on July 18, 1978, It is also called "**PACT OF SAN JOSE, COSTA RICA**". Paragraph 5 of Article 13 provides the following:

“Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered offenses punishable by law”. (States, 1969).

According to this article, a hateful attitude by words or by actions towards any race or religion will result in punishment. Although 25 out of 35 Organization of American States OAS's Member States have ratified the said Convention but, it is not applicable on the ground.

h) African Charter on Human and Peoples' Rights (ACHPR)

African Charter on Human and Peoples' Rights which is also called Banjul Charter adopted 27 June 1981 and entered into force 21 October 1986. It is asserted in Article 9:

1. “Every individual shall have the right to receive information.”
2. “Every individual shall have the right to express and disseminate his opinions within the law”. (African charter on human and peoples' rights , 1981)

Interesting thing is that all these regional charters have similar wordings about hate speech and almost similar restrictions yet with no effective implementation when it comes to religious hatred and ridiculing Islam.

“Hate speech that is, a speech designed to promote hatred based on race, religion, ethnicity, or national origin poses troublesome and complex problems for contemporary constitutional rights to freedom of expression. The constitutional treatment of these problems, moreover, has been far from uniformity as the boundaries between impermissible propagation of hatred and protected speech vary from one setting to the next. There is, however, a big division between the United States and the other Western democracies. In the United States, hate speech is given wide constitutional protection, while under international human rights

covenants and in other Western democracies, such as Canada, Germany, and the United Kingdom, it is largely prohibited and subjected to criminal sanctions” (Rosenfeld, 2001).

Hate speech is banned in most European countries, but the law does not come into force in cases of religious hatred and mockery of Islam practically. This is evident through the shameful incidents occurring in Europe that are not followed by any action against them, but on the contrary, are silently supported.

Muslim countries like Pakistan have laws against blasphemy, according to which, damaging or defiling any place of worship, disrespecting the Qur’an, dishonoring the names of the Prophet Muhammad (peace be upon him), his family members and Sahabah, causing disturbance to any lawful religious assembly and peaceful religious ceremony, giving insolent remarks or indulging in malicious acts with the intention of hurting the religious feelings of a person or a class either by words spoken or written or by visible representations all are liable to short-term or long-term imprisonment, life-imprisonment, fine or even death sentence according to the respective case. (PPC XLV, 1860). However, legislation and enforcement of this type of serious penalties is extremely necessary in non-Muslim countries especially where blasphemy activities mostly took place.

F. Ridiculing Islam in European Countries

a) Italy:

"A minister of the Italian Government put on a tea-shirt portraying those offensive cartoons and said publicly to

promote it as a fashion-wear" (BBC, 2006).

Italian newspapers “Corriere della Sera and La Stampa” reprinted the offensive cartoons of the Prophet Muhammad (peace be upon him) on 30th January 2006 and 1st February 2006 respectively which were earlier printed by Jyllands-Posten, depicting to know the controversial issue. Article 724 of the Criminal Code of Italy is Blasphemy and Insulting the Dead says:

“Anyone who blasphemes against the Divinity in public, by means of criticism or insults, shall be subject to an administrative fine of 100,000 to 600,000 Lira. The same penalty shall be applied to anyone who publicly insults the dead” (Kestenbaum, 2017).

Despite this Blasphemy Law present in the Criminal Code of Italy, no person guilty of blasphemy is charged with fine ever. As suggested by the Unione Forense per la Tutela dei Diritti Umani, an Italian association of lawyers:

“It calls for a new model of tighter cooperation between social networks and institutions in order to effectively draft rules for preventing discrimination online.” (Umami, 2012).

According to this Italian association of lawyers, an effective law is inevitable to have a hold on social media platforms, conditionalize their projects to obstruct offensive and prejudiced activities.

b) Denmark:

Danish journalist, author and Senior Fellow at the Cato Institute Flemming Rose published

disrespectful cartoons of the Prophet Muhammad (peace be upon him) in *Jyllands-Posten* on 30th September 2005. After the publishing of this cartoon, protest started all over the world, when asked to Flemming he claimed:

“I do not regret having commissioned these cartoons” (Buchanan, 2006)

“The ambassadors sent a protest letter to Rasmussen, but the Danish Prime Minister, stressing that Denmark recognized the freedom of expression, refused to discuss the matter”. (Belien, 2005)

i. Denmark Criminal Code:

It is affirmed in Denmark Criminal Code 40:

“Any person who, in public, ridicules or insults the dogmas or worship of any lawfully existing religious community in this country, shall be liable to imprisonment for any term not exceeding four months or, in mitigating circumstances, to a fine” (Kestenbaum, 2017).

According to this Criminal Code, Flemming must have been punished on breaking this law and he must have been imprisoned or charged with fine but on the contrary, he had been protected by Danish Government due to the phenomenon of freedom of speech, not only that but one step further the Danish Parliament canceled its Blasphemy Law in June 2017. According to Professor Khurshid Ahmad, a Pakistani economist and Islamic activist:

“The global scenario tells us that the present blasphemous cartoons from Denmark is not an unintentional activity from a newspaper, but it is part of the global blasphemy movement against Muslims and the Islamic Prophet (peace be upon him). The ultimate target of this movement is to show the Muslims and the beloved personality of Islam as terrorist” (Ahmad, 2006).

Muslim worlds see this behavior as Islamophobia and an organized propaganda and enmity against Islam instead of freedom of expression.

c) Sweden:

“The Lars Vilks’s drawings of Prophet Muhammad (peace be upon him) controversy began in July 2007 with a series of drawings by Swedish artist Lars Vilks that depicted the Islamic Prophet Muhammad (peace be upon him) as a roundabout dog” (Lars Vilks Muhammad drawings controversy, 2007)

There isn’t any specific law regarding blasphemous actions in Sweden, in this situation UN should have acted against Lars Vilks but they didn’t.

d) United States:

“Several U.S. broadcast outlets showed full or partial images of some of the offensive cartoons. The New York Daily Sun published

two of the cartoons. Several conservative bloggers and Web sites also posted the drawings. The Philadelphia Inquirer's Web site included a link to the cartoons posted on a European site, and one cartoon appeared on page A6" (Muslims Voice Anger Over Muhammad Cartoons, 2005)

America does not have any blasphemy law and hate speech law however, according to American Convention on Human Rights (ACHR), every promotion of hatred and violence based on race, color, religion, language, or national origin is punishable by law. Therefore, this blasphemous act should also have been liable to some penalty but that was not the case.

i. The Innocence of Muslim:

Mockers of Islam use every media and source for ridiculing Islamic teachings and Prophet Muhammad (peace be upon him), consequently, electronic media also is an effective tool for this purpose, Various movies, short films, and TV shows have been made in this regard one of which is the Innocence of Muslim.

"Innocence of Muslim is an anti-Islamic short film that was written and produced by Nakoula Basseley Nakoula. Two versions of the 14-minute video were uploaded to YouTube in July 2012, under the title "The Real Life of Muhammad". The project was promoted by Morris Sadek by email and on the blog of the National American Coptic Assembly. Nakoula was regarded as guilty to four of the charges

against him on November 7, 2012. He was sentenced to one year in federal prison and four years of supervised release". (Innocence of Muslims, n.d.)

A minor punishment like only one year's imprisonment for making a stupid, insolent, and hateful film against Islam and its Prophet encourages such people.

ii. Qur'an Burning Issue:

Gainesville, Florida:

"A controversial US evangelical preacher on Sunday oversaw the burning of a copy of the Quran in a small Florida church after finding the Muslim Holy Book "guilty" of crimes". (Quran burnt in Florida church, 2011).

Not only government officials, journalists, filmmakers, and newspapers are indulging in blasphemous and hateful activities but the religious personalities like above-mentioned US evangelical preacher are also participating in such shameful ventures just to show their prejudice against Islam.

e) Norway:

"A fight broke out after the leader of the "Stop Islamization of Norway" (SIAN) rally, Lars Thorsen, tried to burn a copy of the Holy Book in the city of Kristians and despite warnings from local police officials" (Tanveer, 2019).

i. Penal Code of Norway:

It is declared in Section 142:

“Any person who, by word or deed, publicly insults or in an offensive or injurious manner shows contempt for any creed whose practice is permitted in the realm or for the doctrines or worship of any religious community lawfully existing here, or who aids and abets thereto, shall be liable to fines or to detention or imprisonment for a term not exceeding six months” (General Civil Penal Code, 1999).

Mere fine and imprisonment of few months because of offensive and hateful crimes towards religion is not the enforcement of law in its real sense but a joke itself. This flexible law of Norway allowed such incidents by itself, after that the law was annulled on May 12, 2015, as it is mentioned below:

“On May 12, 2015, the Norwegian Parliament made a final decision to immediately remove the provision on blasphemy from the country’s General Civil Penal Code” (Zeldin, 2015).

By abolishing the law, the Norway government has given its citizens complete freedom to insult anyone and whenever they want, The Xi’an rally in which the Quran was burned is proof of this lawlessness.

Due to the contemporary alarming situation of growing Islamophobia, xenophobia, racism and intolerance, anti-Semitism, and anti-Muslim hatred around the world, in May 2019, Secretary-General Antonio Guterres launched the United

Nations Strategy and Plan of Action on Hate Speech. His words are as follows:

“The UN System should raise awareness about respect for human rights, non-discrimination, tolerance and understanding of other cultures and religions, as well as gender equality, including the digital world. It should promote intercultural, interfaith, and intra-religious dialogue and mutual understanding” (Guterres, 2019).

Although this action plan should be appreciated and Secretary-General Antonio Guterres also said in his speech on Feb 25, 2019, that the U.N. abhors Hate Speech more than it loves free speech, but UN should take serious action by strict laws against who commits hate speech.

By condemning hate propaganda and highlighting its negative effects, Mahoney, Kathleen writes in her article: Along with being a disgusting and disrespectful crime, hate propaganda is also a direct threat towards psychological and emotional health of an individual or a society. It destabilizes the right of freedom of expression on the one side and damages the ethical values and the values of democracy on the other side which leads towards an atmosphere encouraging prejudice and hostility (Mahoney, 1994).

MJ Mastuda drafts this painful fact in his Book that Racial bias, national or religious hatred and disrespect towards an individual, a group or an entire community either by means of words or actions are proved to be hurtful, may disturb the peace of mind and eventually may damage the peace and law and order situation of a country. (Mastuda, 1993)

The Western notion of freedom of expression does not have equal standard for everyone. For example, in case of declaration of conflicting remarks regarding Prophet Isa or Holocaust, their laws against hate speech are put into effect thoroughly, however, in the case of hostility against Islam or Islamic Sacred personalities, the notion of freedom of expression is tried to be shielded in the name of fundamental human right. The Muslim world considers this double standard of Western world due to their historical antagonism towards Islam and the Prophet Muhammad (peace be upon him) (Psaila et al., 2015).

“The documented blasphemous statements of the Orientalists in the name of so-called research are the clear evidence that the practice of blasphemy against the Prophet (peace be upon him) has a deep-rooted history in the west. The origin of these present antagonistic activities against Islam and the Muslims, are found in the so-called tradition of ancient Orientalism.” (Shaakir, 2008).

G. Limitations in Freedom of Expression in the light of Shari’ah

a) Limitations in Freedom of Expression in the light of Qur’anic Injunctions

- 1) Freedom of expression is one of many blessings and honors bestowed upon human beings by their Creator as asserted in the Book of Allah: (Surah 17. Al-Isra, Ayat 70-70, n.d.)
- 2) This is one of the many distinctive features of Islam and enables people to

develop creativity and fertility of their mind. However, this right of expression of perspective should be restricted and governed by the intention of benefiting people. The purpose, standard and limitation for freedom of expression set by Allah Almighty are illustrated by following verses of the Qur’an: (Surah 2. Al-Baqarah, Ayat 83-83, n.d.), (Surah 22. Al-Haj, Ayat 30-30, n.d.), (Surah 20. Taha, Ayat 44-44, n.d.), (Surah 2. Al-Baqarah, Ayat 256-256, n.d.), (Surah 49. Al-Hujurat, Ayat 11-11, n.d.), (Surah 49. Al-Hujurat, Ayat 12-12, n.d.), (Surah 6. Al-An’am, Ayat 108-108, n.d.), (Surah 29. Al-’Ankabut, Ayat 46-46, n.d.), (Surah 2. Al-Baqarah, Ayat 42-42, n.d.), (Surah 4. An-Nisa, Ayat 148-148, n.d.)

- 3) The people who are cautious, fair, moderate and observe ethics in utilization of their right of freedom of expression are praised by Allah. (Surah 3. Ali ’Imran, Ayat 104-104, n.d.)
- 4) On the other hand, the people who misuse this right of freedom of expression with the purpose of propagating corruption and immorality in the land and hurting others’ feelings and ideologies, they are entitled as hypocrites by Allah. (Surah 9. At-Tawbah, Ayat 67-67, n.d.)
- 5) A humiliating punishment in the Hereafter has been promised with such people who only intend to spread evil in the name of freedom of expression. (Surah 33. Al-Ahzab, Ayat 57-57, n.d.), (Surah 24. An-Nur, Ayat 19-19, n.d.), (Surah 17. Al-Isra, Ayat 36-36, n.d.)

6) Ethical Rights and Responsibilities in Freedom of Expression

Following rights and responsibilities are proved from these Qur’anic Injunctions:

- i. Freedom of disagreement and disapproval of something immoral in an appropriate and positive way.
- ii. Freedom of practicing and promulgating religious beliefs and practices in a peaceful and tolerant way.
- iii. Freedom of presenting social, political, philosophical, and intellectual perspective even if it is not in accordance with Sharia, yet not with the intention to cause dispute.
- iv. Freedom to associate with a non-violent religious, political, or intellectual body/organization for the sake of benefit for the humanity. (Saeed, 2013)

7) Prerequisites and Boundaries for Freedom of Expression

The essentials and ethical criterion set by Islam for observance of the right of freedom of expression are as follows:

- a. Just, fair, and moderate behavior in speech
- b. Truthfulness
- c. Avoiding propagation of immoral and vulgar talk
- d. Not indulging in corruption and disputes
- e. Preventing oneself from giving false statements and providing wrong evidence
- f. Avoiding mockery and backbiting
- g. Avoiding negative criticism, hate comments and defaming others.
- h. Staying away from blasphemous speech and actions during a religious discourse
- i. Not involving in abusive language in any social, religious, and political matter
- j. Avoiding being judgmental about something or someone without having exact knowledge and solid facts

b) Limitations in Freedom of Expression in the light of Ahadeeth

The Prophet Muhammad (peace be upon him) is a human being of excellent morals and exemplary character as mentioned in the Qur'an:

وَأَنَّكَ لَعَلَىٰ خُلُقٍ عَظِيمٍ

“And indeed, you surely (are) (of) a moral character great.” (Shaikh,2007)

Besides the Book of Allah, Ahadeeth and Seerah of the Prophet Muhammad (peace be upon him) have also provided a roadmap for utilization of this fundamental human right.

Sahabi Abu Hurayra reported that the Messenger of Allah ﷺ said:

“I was sent to perfect good character”. (Albani, 273)

Abu-Darda (May Allah be pleased with him) reported:

The Prophet (ﷺ) said, "Nothing will be heavier on the Day of Resurrection in the Scale of the believer than good manners. Allah hates one who utters foul or coarse language." (Tirmidhi, 625)

Narrated Abdullah bin Amr (May Allah be pleased with him):

“The Prophet (ﷺ) never used bad language neither a "Faahish nor a Mutafahhish". He used to say "The best amongst you are those who have the best manners and character.” (Bukhari, 3559)

Narrated Abu Hurairah (May Allah be pleased with him) that the Messenger of Allah (ﷺ) said:

“The Muslim is the one from (the harm of) whose tongue and hand (other) Muslims are safe.....” (Tirmidhi, 2627)

Narrated Sahl bin Sa`d (May Allah be pleased with him): Allah's Messenger (ﷺ) said,

"Whoever can guarantee (the chastity of) what is between his two jawbones and what is between his two legs (i.e., his tongue and his private parts), I guarantee Paradise for him" (Bukhari, 6474)

i. Standards for the Freedom of Expression given by the mentioned Ahadeeth:

- a. Discovery and search of truth
- b. Utilization of right to express one's viewpoint to promote virtues and discourage wickedness.
- c. Nobility of character demonstrates from noble language and actions.
- d. Control on Words during an argument
- e. Avoiding abusive or spiteful language to prove one's viewpoint.
- f. No use of insulting words to hurt others.
- g. Preventing hateful speech just to give comments.
- h. Avoiding false allegation for defamation of someone's character.

ii. Standards for the Freedom of Expression in the light of Prophetic Seerah

When we discuss freedom of expression in the light of Seerah, history says that the Prophet Muhammad (peace be upon him) has given the opportunities to his followers to share their opinion on the important occasions. Battle of

Badar and Khandaq are examples of freedom of expression. Before starting battle of Badar, the Prophet Muhammad (peace be upon him) designed strategy regarding water well.

Following the suggestion of Al-Hubab bin Mundhir (May Allah be pleased with him) The Prophet (peace be upon him) approved of his plan and agreed to carry it out, which they did at midnight" (al-Mubarakpuri, 2000).

It was a blessed practice of the Prophet Muhammad (peace be upon him) to consult the army commander, the newly-converts to Islam as well as his young Sahabah while making significant decisions. In the battle of Khandaq, the Prophet (peace be upon him) consulted with Salman Farsi (May Allah be pleased with him). (Islam web, 2018).

These incidents prove that consultation, counseling and providing guidance and advice are vital rights as well as responsibilities of both parties and they are the part of freedom of expression. Malaysian scholar Muhamamd Hashim Kamali said in this regard:

“The right to peaceful association naturally follows as an integral part of freedom of speech and expression. Shari'ah takes a positive stand on both rights and encourages a peaceful and purposeful association in pursuit of lawful objectives.” (Kamali, 1994).

H. Conclusion

- i. Freedom of expression is one of the basic human rights, but it is not acceptable in any civilized society to make fun of anyone based on it.

- ii. The concept of unrestricted freedom of expression can lead to chaos in any human society.
- iii. Freedom of expression exists in most countries of the world, including the United Nations, but the problem is that it grants freedom without restriction.
- iv. There is also legislation in many countries on hate speech and everyone has the right to sue on the basis of hate speech. But when it comes to religious blasphemy, this law is not enforced.
- v. Muslim communities throughout the world face said issue in every year and consequently their emotions are hurt.
- vi. It is on this basis that the protests around the world begin, which later lead to unrest.

I. Recommendations:

- i. Ridiculing of Islam is a serious issue in contemporary world, so it is necessary to resolve this issue properly.
- ii. Governments of different countries where ridiculing incidents exist should take serious actions regarding it.
- iii. They should consider it hate speech and they shouldn't differentiate ridiculing and hate speech.
- iv. Strict blasphemy laws should be legislated in different countries to protect against hate speech and offensive actions against religion. Punishments like heavy fine, long-term imprisonment, seizure of property, home confinement, social boycott, dismissal from duty, public condemnation, deterrence or even death punishment can also be implemented.
- v. U.N. should take serious actions against mockery incidents against religion. It should also prohibit bias, prejudice, discrimination, intolerance and hatred on the basis of nation, race, language and religion. Any offensive and hateful speech or activity should be liable to serious exemplary penalties. United Nations must unify all its member states on that draft.
- vi. Everyone should have right to file a suit against ridiculing of any sensitive issue related to nation, race, language and religion and such cases should be dealt justly and in accordance with the existing laws against hate speech in the relevant countries.

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