

Review

## Freedom of expression from Islamic perspective

Ali Muhammad Bhat

Department of Islamic Studies, IUST Awantipora, India.

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Islam gives everyone right to exercise freedom of expression, as long as he does not intrude upon the freedom and dignity of other people. There is no place for the propagation of evil and wickedness in Islam. It does not grant anybody the right to use abusive or offensive language in the name of criticism and freedom of speech. Indeed, Islam grants everyone the right to have his own opinion within the boundaries of morality. Many western scholars and some Western influenced Muslim scholars also raised finger against the Islamic concept of freedom of expression. Such preternatural thoughts create amoke situation and pretend to answer the allegations to disprove them. The self created blames against Islam are which needs to be cleared through logical and natural ways and have to prove that Islamic way of freedom of expression is the only means which can poise the society and preserve communal concord. In this paper an analytical approach is taken into to confirm Islam's elucidation and the innate phenomenon of freedom of expression in order to keep people away from illogical deductions and feigned claims by which peace gets disturbed and social disorder steps in societies.

**Key words:** hurriyathu ra'y, hurriyathu al-qawl, hurriyatu tafkir hurriyatu ta'beer, hurriyatul bayan, *Al-Haqq*, *hisbah* and *naseehah*, *waltakun*, *fanatic*. *Orthodox*, *conservative*, *apostasy*, *blasphemy*.

### INTRODUCTION

Etymologically, freedom is defined as: the condition of being free, politically independent, frankness, unrestricted use of ideas and faculty of motion (Peter, 1976). But real freedom cannot be enjoyed or achieved without sacrifice of individuals' ill desires for the development of a good society or without practicing justice. In other words, freedom can be defined as a mental condition or a condition of the spirit. It is also called control of self from ill will for the safety and security of human kind (Muhammad,

2002). The happenings of recent past like, the publication of the cartoons in Denmark, in order to create false impression about Holy Prophet Muhammad (pbuh) hijab issue in France and Australia are quite unfortunate. The film about Prophet Muhammad (pbuh), burning of Quran in India and the recently dismissed criminal prosecution for apostasy in Afghanistan, makes it incumbent to mention the real face of freedom of conscience within the context of the Islamic legal view and constitutional

E-mail: [alimohd1265@gmail.com](mailto:alimohd1265@gmail.com).

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provisions of different countries regarding: (1) freedom of expression related to the issue of blasphemy, and (2) freedom of religion, related to the issue of apostasy. (3) Moreover, the role of Media will be highlighted about these issues and the criminal procedures about the deliberate indulgence in hurting the sentiments of the people. These issues mostly happened in those countries where Muslims live as minorities or under the subjugation of foreign colonial domination. After the decline of the Ottoman Khilafah many challenges raised their head, which were of great importance for the Muslims. The rise of the West as strong industrial colonial force changed all the ethical basis of human development and gave rise to some new philosophies and ideologies which revolve as a hallucination around human ethics more particularly to the Islamic morality (Corliss, 1997).

Though the cause of emergence of these philosophies was the complete freedom of thought linked to religion and other aspects of daily importance, the repressions perpetuated by the Christian religious heads under the gloominess of divine guidance were the main cause for emergence of these thoughts (Sam, 2004).

These challenges in the 19<sup>th</sup> to 21<sup>st</sup> century provide (particularly to media) clear ground to discuss any issue related to the articles of faith or related to general human freedom. The state structures changed and democracy took the shape of modern religion. Religion lost its value in state policies in European countries and now in Muslim world, religion is also facing tough challenges in state policies (Don, 2011).

But it was in the twentieth century, such researches emerged as dominant thought over the academic sphere of the religious and social life. Freedom of speech and expression has a long history that predates modern international human rights instruments (Timeline: 2006).

Many Western thinkers are of the view that, significance of free will is not limited to its necessity for free action and moral responsibility. Various philosophies suggest that free will is a requirement for agency rationality, the autonomy and dignity of persons, creativity and co-operation (Anglin, 1990; Kane, 1998; Laura 1999).

A sequence of English thinkers was at the forefront at the beginning of the discussion and they discussed the idea of right to freedom of expression extensively. Among them John Milton (1608–74) and John Locke (1632–1704) were the torch bearers of this thought. By the second half of the 17th century, philosophers of the European continent like Baruch Spinoza and Pierre Bayle developed ideas encompassing a more universal aspect of freedom of speech and toleration than the early English philosophers. By the 18th century, the idea of freedom of speech was being discussed by thinkers all

over the Western world, especially by French philosophers like Denis Diderot, Baron d Holbach and Claude Adrien Helvetius. The idea began to be incorporated in political thought both in theory as well as practice. The first state edict in history proclaiming complete freedom of speech was the one issued December 4 1770 in Denmark-Norway during the regency of Johann Friedrich Struensee (Jonathan, 2002).

At international level this thought has been given legal sanction and Article 19 of UNESCO Global Campaign for Free expression, July 2000 states the general principles adopted by various representatives of different nations as follows;

*Principle 1: Freedom of Opinion, Expression and Information*

(a) 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.

(c) The exercise of the right to freedom of expression is subject to restrictions on specific grounds, as established in international law, including for the protection of the reputations of others.

(d) Anyone affected, directly or indirectly, by a restriction on freedom of expression must be able to challenge the validity of that restriction as a matter of constitutional or human rights law before an independent court or tribunal.

(e) Any application of a restriction on freedom of expression must be subject to adequate safeguards against abuse, including the right of access to an independent court or tribunal, as an aspect of the rule of law (UNESCO, 2000).

Freedom of speech is stated to be an open access to discuss any issue related to religion, status of women, polygamy, polyandry and forced conversion. Arabic scholars used many words to express the meaning of Freedom of Expression and thought, While some make use of *hurriyathu ra'y* (freedom of opinion), *hurriyathu al-qawl* (freedom of speech), others have used alternative terms such as *hurriyatu tafkir* (freedom of thought), *hurriyatu ta'beer* (freedom of expression or interpretation) and *hurriyatul bayan* (freedom of expression). Subhi Mahmassani uses both the terms of *hurriyatu ra'y* and *hurriyatu ra'y wal tha'beer* (Mahmassani, 1979), as Abdul Hamid Mutawalli (1974), too, uses so. Muhammed Kamil Layalah (1963) prefers *hurriyat al ra'y* while Abd Al Wahid Wafi uses *al hurriyah al fikriyyah* and Abd al Qadir Awdah

and Sayyid al-Sabiq tend to use its other equivalent *huriyat al tafkir*.

In order to understand the freedom of expression from Islamic view point, it is necessary to understand first different forms of Ra'yis. Generally Ra'y classified into three types, praiseworthy, blameworthy and doubtful (Kamali, 1994).

First category speaks the opinion which helps to elaborate the Qur'an, sunnah, and views of Prophet Muhammad's companions which result after the consultation while expressing one's opinion. Another one is blameworthy; to express one's opinion in violation of certain laws intentionally and dishonor the Allah and Prophet Muhammad. While as third one creates doubt in Law/ Shari'ah and results in social disturbance and confusions in order to create dissent among the people such expressions are punishable as per their intensity. Shari'ah provides opportunity to express one's opinion in consonance to public interests. The primary goal of Shari'ah is to free man from the grip of his own whims and fancy so that he may serve the cause of Allah in a superior comportment (Al-Raysuni, 2006).

Usage of various terms demonstrates that a wide range of terminology is used to studies related to the freedom of expression and thought. The concept has tremendous importance in the post modern era, but researches were also conducted in the early period of Islam by scholars regarding the freedom of expression (Winsinck, 1932; Muhamad, 1990; Ephrat, 2000; Hallaq, 1984).

Freedom of thought and expression in the Western sense means freedom in religion and its speech, conscience and association. This changed in the 17<sup>th</sup> century as consequent upon a thirty year long religious war (1618-1648) sparked by the Protestant Reformation and ended in the shape of Peace of Westphalia, a peace treaty that granted a kind of religious freedom, although entirely limited but allowed Catholicism and Protestantism to coexist peacefully only as the established religions of the different states, not within each state. Initially this degree of religious freedom was accepted more or less as a practical necessity than as the ideal which establishes religious unity. In England the concept of religious freedom emerged as a freedom of the individual. In 1689 England faced many wars that were political struggles between the King, religious class and the Parliament for constitutional authority. The 'Glorious Revolution' assured the ascendancy of Parliament and declared religion as free from state authority and a private affair (Salah-ud-din (n.d.)).

Freedom of speech means the right of an individual to prefer the stance about certain public or private matter and express them before others devoid of delinking

themselves from the society. Freedom of speech and expression is the person's right to express his ideas and feelings with his own choice and will, as long as there is no aggression on the rights of others. It is an undeniable right which cannot be snatched or from which a person cannot be denied. It is a prerequisite for a Muslim under certain legal conditions, so that a person can express freely his thought and religious duty. About freedom of speech in Islam, an example is quoted that once Prophet Muhammad (pbuh) consulted some Sahaba about the payment of half of date palms to Ghatafan tribe. In response, all the companions said if it is revelation or order from Prophet Muhammad (pbuh), we will accept it and follow it in Toto otherwise they have right to express their thought and opinion about the issue and were not stopped from expressing their views and opinions.

Modern legal standards state that, freedom of expression or speech means expression of ideas subject to the understanding that they do not, in turn, compel others into listening or that they do not invade others rights essential to the dignity of individuals. This freedom also connotes the freedom of the press and the ability to communicate ideas through words and writings in order to reveal truth or to clarify or eliminate doubt. Such expression is very strongly in conformity with the teachings of Islamic guidance. The words used in the Quran directly express such meaning and reality, which helps to understand the cause of the divinity. The words like "thou shalt have freedom of expression", do place obligations on Muslims which presuppose this right. The ultimate goal of the Qur'anic expression of all speech is to promote veracity, the discovery of truth and to uphold human dignity. One of God's attributes is *Al-Haqq* (True and Right One), and all Muslims must endeavour to follow this attribute by forwarding the cause of truth. Imam Suyuti a renowned commentator of the Quran explains this truth as, "tell the truth, even if it be unpleasant (Jalaludeen, 1954).

Islamic perspective on right to freedom of expression is comprehensible which facilitates to put up society in a serene behavior. In Islam people are restricted to communicate their opinions only when one feels to lend a hand community fellow to continue in peace and tranquility and to maintain richness of diversity so that people stay behind from social tribulations, pandemonium and muddle. Therefore, restrictions on freedom of speech and expression necessarily do not reduce the discovery of truth and did not degrade humanity. Quran says:

...So what would you love after clearance the truth except error... (Ch.10:V.32)

This verse connotes one major restriction on freedom

of speech, namely, when it is unseemly. Speech is unseemly or evil when it is obscene, immoral or hurtful. Evil speech restricts and interferes with the discovery of truth and thus violates human dignity. Therefore, restricting evil speech is justifiable on freedom of expression. However, 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)

Muslims, who live in the Western world today, like Huma Abedin an aide to Hillary Clinton, Dr. Abou el Fadl (he is of the view that a Muslim women can marry to book of Men without changing his religion), Fazlul Rahman, Tariq Ramadha, and Farid Panjwani are following blindly the doctrines of "Freedom of Speech" without being sensitive to the tradition of "speech" in Islam. It is difficult for them to avoid thinking, speaking and acting in a way that is not affected by the Western influence. It is incumbent upon Muslims to remain adherent to the Islamic tradition in order to know how to think, speak and act, especially concerning culture and civilization.

Islam guides us how to exercise one's freedom of expression and speech. Two words were coined during early Islamic age, which helps us how to express one's feelings are "*hisbah* and *naseehah*". *Hisbah*, a term coined by Hadhrat 'Umar<sup>(ra)</sup>, the second Khalifa of Islam, sum up the duty to advocate good and advise against evil referred to in the Holy Qur'an so that peace and human values in societies remain intact. *Naseehah* refers to the manner in which *hisbah* must be conducted, namely, the requirement that Muslims practice *hisbah* by giving sincere and friendly advice and counsel to others. *Hisbah*, or the advocating good, assumes the right to freedom of speech. Muslims are directed to enjoin good and restrict themselves and others from evil speeches and designs.

*And let there be among you a body of men who should invite to goodness, and enjoin equity and forbid evil. And it is they who shall prosper.* (Ch.3:V.104)

Let there be "*waltakun*" (ruler or one who conveys a command of Allah) among the Muslims. It is rule of the law that public must be conveyed and instructed about the permissions and restrictions related to different issues so that they understand the cause or objective of law.

*And the believers, men and women, are friends one of another. They enjoin good and forbid evil and observe*

*Prayer and pay the Zakat (alms to the poor) and obey Allah and His Messenger. It is these on whom Allah will have mercy....* (Ch.9: V.71)

As stated, *naseehah*, a sincere or friendly admonition can be best understood by distinguishing it from the concept of *tawbikh* (reprimand). *Tawbikh* a publicly uttered ill word is associated with ridicule and belittlement, while, by contrast, *naseehah* is private and courteous advice.

*...And speak to men kindly...* (Ch.2:V.83)

When one of you gives advice to his brother, let isolate him (from) the company of others. (*Al-Maqdis*)

*Imam Shafa'ee* said: "Whoever advised his brother in confidence; he advised him in true sense and showed respect to his brother (Abdullah AbdulGhani, 2001).

The one who advised in public, he in fact insulted his brother." Muslims are further instructed in the Holy Qur'an regarding the manner in which to engage in *hisbah* and *naseehah*:

*Call unto the way of thy Lord with wisdom and goodly exhortation, and argue with them in a way that is best.* (Ch.16:V.125)

*And argue not with the People of the Book except with what is best; but argue not at all with such of them as are unjust. And say, 'We believe in that which has been revealed to us and that which has been revealed to you; and our God and your God is one; and to Him we submit...'* (Ch.29:V.46).

Islamic historians never turned biased about the contribution of Prophets of the Jews and Christians and have faith upon them and consider them true representatives of God during their era and consider them revealed messengers. In response, Jews and Christians always opposed to the Prophetic mission of Prophet Muhammad (pbuh) and his followers turned them uncultured, barbaric and inhuman (Reuven, 2008).

In Islamic legal terminology, freedom of 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. According to Muslim scholars, the primary offence which justifies such a curtailment of free expression is blasphemy. Blasphemy in Islam is defined nowadays; a disgraceful hostile approach against either the fundamentals of Islam, Allah, the personality of the Holy Prophet Muhammad (pbuh), or any other Prophet. Such statements are being made with the intention to insult the sensibilities of Muslims. The material on blasphemy in the Qur'an includes the concept of denying the truth, inventing falsehood, and insulting the divine authority. The most common Arabic verbs for blasphemy

are *sabba* (to abuse, insult) and *shatama* (to abuse, vilify). *Shatama* does not occur in the Qur'an, and *sabba* appears only as part of a commandment to Muslims not to insult the idols of polytheists (Q6.108): "Do not abuse those to whom they pray, apart from God, or they will abuse God in revenge without knowledge" (Wiederhold, 1997).

Blasphemy though considered an offence in Islam, committed by a Muslim or a non-Muslim, direct penalty is not approved for it in the Holy Qur'an. Rather, the punishment for it is always in the hands of God alone, in the life hereafter but Muslim jurists/ rulers with the support of jurists can inflict any sort of punishment for it. Although, it is not an offence for the purposes of criminal law as it is a matter for God and God alone, to deal with. The Qur'an states,

*Verily those who annoy Allah and His Messenger – Allah have cursed them in this world and in the Hereafter, and have prepared for them an abasing punishment. And those who malign believing men and believing women for what they have not earned shall bear the guilt of calumny and a manifest sin. (Ch.33:V.59)*

Note that no earthly punishment is referenced in this verse.

*... and you shall surely hear many hurtful things from those who were given the Book before you and from those who set up equals to God. But if you show fortitude and act righteously, that indeed is a matter of strong determination. (Ch.3:V.187)*

While consulting hadith literature about blasphemy, Prophet Muhammad <sup>(pbuh)</sup> advocates moderation and gentleness. An event is described, in hadith literature in which a group of Jews happened to pass by the Holy Prophet (pbuh) while he was sitting with his wife and some friends. Playing off the traditional greeting "Assalamu 'Alaikum" (peace be upon you), the Jewish group instead greeted the Holy Prophet (pbuh) with the words "Al-saam 'Alaikum" (death be upon you). Upon hearing this, the Holy Prophet (pbuh) remained silent. However, in anger, his wife, 'A'ishah <sup>(ra)</sup>, angrily responded with the words "Al-saam 'Alaikum Wa'l-la'nah" (may death and curses be upon you and your family), but her response constituted an escalation in the exchange. Upon hearing her response, the Holy Prophet (pbuh) stated, "O 'A'ishah, God the Most High loves gentleness." Astonished, 'A'ishah <sup>(ra)</sup> replied by asking the Holy Prophet (pbuh) if he had heard what was said to him. His response was "yes, but you could have just said 'Wa 'Alaikum' (on you too)." (*Al-Bukhari*, Vol. 1, 311-12).

Keeping Prophetic status and approach in view, it is clear gentleness is more effective in Social interaction and helps to build society on peaceful lines. In order to have better understanding in the social life Prophetic approach is a more effective sign for modern social scientists media persons, politicians and other authorities. In Holy Qur'an;

*... And those who suppress anger and pardon men; and Allah love those who do good to others. (Ch.3:V.135)*

And the following *Hadith*,

A Muslim is one from whose tongue and hand other Muslims are safe (*Muslim*, No. 69).

Prophet Muhammad <sup>(pbuh)</sup> made this statement in the context of a predominantly Muslim population. Commentators of Holy Quran are unanimously of the view, that he meant that the members of any community, where a Muslim reside is safe and secure from him or her. This approach of tolerating insults or leaving the punishment to God of Prophet Muhammad <sup>(pbuh)</sup> is also a dawah method to respond the views of the insulters. In any case, these traditions indicate that by the third Islamic century, speaking against Muhammad had come to be regarded an intolerable act within the Muslim empire. Legal scholars began to discuss blasphemy, whether against God, the prophet Muhammad, or his Companions, in the context of apostasy (*riddah*) and unbelief (*kufir*). Islamic Law takes a more severe view toward reviling Prophet Muhammad <sup>(pbuh)</sup> than it does toward reviling God. At the beginning of the fourth Islamic century, a consensus had developed among the scholars that the one who insults the Prophet Muhammad <sup>(pbuh)</sup> of Islam must be put to death (Saeed and Hassan, 2004).

There are numerous other incidents from the life of the Holy Prophet <sup>(pbuh)</sup> and his companions (peace be upon them) demonstrating their reaction to statements that can be considered blasphemous.

Abu Bakr <sup>(ra)</sup>, the first Khalifa of Islam, was being imposed with vehement verbal abuse by a Jew. The Holy Prophet (pbuh) was sitting nearby. Listening to the abuse, Abu Bakr <sup>(ra)</sup> bore it patiently and in silence. Observing this, the Holy Prophet (pbuh) smiled. Eventually having had enough of the non-Muslim's tirade, Abu Bakr <sup>(ra)</sup> responded to the Jew but Prophet Muhammad <sup>(pbuh)</sup> left his company and walked away. Later, Abu Bakr <sup>(ra)</sup> inquired of the Holy Prophet Muhammad (pbuh), "O Prophet, whilst this person was abusing me, you remained beside me, but when I replied, you stood up and walked away. The Holy Prophet (pbuh) replied, "While you remained quiet, the angels were replying on your behalf, but when you spoke, the angels went away and Satan

appeared instead. Therefore, how could I have remained present?" (John, 1998).

During the lifetime of the Holy Prophet Muhammad (pbuh), a Jew and an Arab quarreled over the superiority of their respective prophets. The manner in which the Muslim asserted his claim injured the sentiments of the Jew. When the Jew complained to the Holy Prophet Muhammad (pbuh), he reprimanded the Muslim, saying, "Do not exalt me above Moses". Such was the high standard of courtesy that the Holy Prophet (pbuh) required from his followers (Syid, 2006).

World witnessed the attitude of conquering armies who not only devastated the fertile lands of conquered lands but also carried out massacre of the people there as observed recently in Iraq, Afghanistan, Gaza, Lebanon and Chechnya. Muslim attitude remain quite different from Conquest of Makkah, Palestine and other parts of the world. After the conquest of Makkah despite years of merciless persecution, both verbal and physical, the Holy Prophet Muhammad (pbuh) granted amnesty and forgiveness to the entire population. Even on some rare case like that of Ikrimah bin Abu Jahl got unconditional pardon. Impressed by the real statesmanship of Prophet and freedom of expression of Islam, Ikrimah of his own volition, converted to Islam (Biographies of the Companions (Sahaabah)).

Prophet Muhammad (pbuh) is replete with such examples. These examples demonstrate that, whilst not condoning evil speech, Islam does not completely restrict freedom of speech but put forward it God's gift alone. Islam was spread with love and compassion, maintaining religious freedom and conscience. Instead of this, the Western media remained biased about the real Islamic teachings, put Islam as a religion which spread by force and does not believe in freedom of Speech.

Regarding the Danish cartoon controversy, we know that, in April 2003, an artist named Christopher Ziele submitted a series of unsolicited cartoons to the *Jyllands-Posten* newspaper (the same newspaper which published the cartoons of the Holy Prophet Muhammad (pbuh)), which depicted Jesus Christ's resurrection in an apparently light-hearted manner. The editor of newspaper outwardly rejected them on the grounds that his readers would find little value in them and likely cause an outcry. Two and a half years later same editor authorised the publication of the cartoons of the Holy Prophet Muhammad (pbuh). The *Jyllands-Posten* knew well, what he was doing and that an outcry would ensue. The outcry in Denmark, was ignored criticism insolently citing the right to free speech, however after a boycott resulting in a loss of almost \$500M in sales of Danish dairy products abroad that the right to free speech was trumped by economics, and both

the *Jyllands-Posten* and the Prime Minister of Denmark apologized (Gary, 2006; Christopher, 2006; Haroon, 2006; Martin, 2006; Alexandre and Frank, 2007)

Further, the overwhelming numbers of protests in the world staged by Muslims were civilized and peaceful, but all of the media reporting seemed to focus exclusively on the few, violent riots that took place exclusively in the Muslim countries.

In European countries Muslims are not free to express themselves as true representatives of Islam and are not allowed to depict their culture. Their depiction as true Muslim brings wrath to them and are targeted and convicted for criminal cases. People of other faiths who commit sins while portraying like Muslims create hatred for Muslim Community. One of the issues is hijab controversy in Europe particularly in France which took international coverage recently. Hijab is obligatory for Muslim Women as beard is compulsory for Muslim men. In Europe it is called security threat, because sometimes people having criminal mindset use hijab as tool to perform their illegal activities. The essentialist depiction constructs Muslims and Islam as juvenile, even backward ethnic or foreign groups who need to be managed or tolerated very carefully with keen observation. Indeed, it is claimed that the media reproduces these images of Muslims and Islam as others by describing them as fundamentalist, terrorist, sexist, militant, undemocratic, violent, suicide bombers, hijackers, orthodox/ scripturalist, and fanatic. These stereotypes are linked to contexts of war, conflict, violence, disunity and sexism. Much of this scholarship reinforces the argument that the 'Us' and 'Them' dialectic is manifest in Europe and also in Australia and that Muslims continue to be denigrated in these countries (Dunn, 2001).

A careful analysis of the media reports reveal a very strong tendency to standardize and simplify opinions in such a way that they fit into the existing stereotypes. Thus, instead of providing the public with balanced and highly informative reports, the mainstream Polish media appear instead to be reinforcing anti-Muslim prejudices and thus contribute to the creation of a new folk devil (Cohen, 1972).

Islamic law forbids blasphemous speeches and asserts them provocative and hurtful nevertheless does not mete out any world punishment in Holy Quran. By contrast, Canadian law prohibits speech which incites hatred or perpetuates dangerous or racist stereotypes and imposes criminal sanctions on those who engage in such speeches. Therefore, while certain types of speech may not be prosecutable under Islamic law, they are prosecutable under Canadian law. The constitutional double standard is prevailing everywhere in Europe and indignity

of Muslims is considered result of their own actions and activities. Law of nations must fulfill the necessary and basic needs and provide security to life and property. Society's demands equality before law without any racial discrimination as state demands loyalty. Law must serve some legitimate or perceived needs of people before it can gain legitimacy, otherwise it is just a command of some powerful entity to be submitted to but not to be accepted as legitimate. The prerequisite of any system of rights as the basis for universal morality is dependent on the scope to which it acts in response to the diverse needs of the people in the modern era (Ishtiaq, 1994).

Ethnically and religiously diverse social orders now exist in most countries and influence the mindset of the people and develop the sense of tolerance among few. Not surprisingly, efforts have been made in different parts of the Muslim world to revive pre-colonial Muslim society. The vastly transformed nature of the modern world and the complex economic, social and political issues has generated and render the global system an integrated whole. Most of people at present try to revive antireligious hatred and wish to create horror and diffidence. For the most part, therefore, these efforts have only led to symbolic changes (Ishtiaq, 1994).

The process of toleration is less imminent in some parts of Europe legally. Muslims are facing tough situations through official procedures. They are not allowed to express their cultural traits and are banned, even imprisoned and expelled from educational Institutes and offices. In European countries Muslims are not free to express themselves as true representatives of Islam and are not allowed to depict as per their culture. Their depiction as true Muslim brings wrath to them and are targeted and convicted for criminal cases. People of other faiths who commit sins while portraying like Muslims create hatred for Muslim Community. One of the issues is hijab controversy in Europe particularly in France which took international coverage recently. Hijab is obligatory for Muslim Women as beard is compulsory for Muslim men. In Europe it is called as security threat, because sometimes people having criminal mindset use hijab as means to execute illegitimate activities. They are portraying in such a manner that such criminal acts had never taken place in history without hijab and beard. Criminals can use any kind of tactics like wigs, face masks, lenses and make ups in order to conceal identity. In 1991 and 1992, 2355 and 1598 robberies were committed and very few used hijab. According to FBI Bank robbers in Los Angeles even do not bother to cover their faces at all (The independent, 1992).

In 2008, 189 bank robberies took place in broad day light without depicting themselves as Muslims and 115

took place in Houston Metro area (USA Today, 2008).

In France in the same year 7 bank deco-ties took place in normal European dress even without using masks.

A good number of suspects around 25 persons were arrested in connection of multi-million dollar robbery at Harry Weston Jewelers wearing wigs (Ishtiaq, 1994). In such circumstances European governments does not need to blame any community responsible. Instead people who performed such acts were mostly have Christian origin.

In order to have better security and safety for people, governments have to develop reasonable strategies to overcome crime and do not need to blame Muslims and their culture for such acts. The orientalist designs of European governments always portrayed Muslims as otherwise, and restricted Muslim depiction as cultural aggression and trying to influence upon them. In this regard the French government provided ground for such designs and tends to cultural aggressions. The French control of Algeria, is one of the example where they used their ruthless activities to force Algerian Muslims particularly Women to adopt French culture. They want to unfetter the Algerian Muslim Women and to eradicate Islamic Values and culture from their hearts while declaring it barbaric and inhuman. In the past Britain and at present Americans, Russians and even Serbs in Bosnia tried to interrupt Muslim identity and perpetuate aggressive and non human tactics for cultural dominance. The conditions under which Algerians lived has been described by Frantz Fanon as "Servants under the threat of being fired, poor women dragged from their homes, prostitutes, were brought to the public square and symbolically unveiled to cries of 'Vive l' Algérie Française" (Frantz, 1989). Although in Western legal standards, freedom of religion not only allows for the freedom to practice one's faith in accordance with its tenets but also the freedom from being coerced into converting to a particular religion (Mohammad, 1996).

Freedom of expression, whether speech or religion as per Islamic perspective was established almost 15 centuries ago by the Holy Qur'an and was upheld by the Holy Prophet (pbuh) and the early Muslims. Freedom of expression and speech professed by Muslims influenced all walks of life and resulted in unforced mass conversions. Indeed, historians like Thomas Arnold, have challenged the traditional Western analysis that Islam was spread by force. According to Professor Thomas Arnold, "European historians with intent distorted the real and actual character of Islam about the propagation of thought and doctrines and misrepresented its spread throughout Asia and Africa. In reality, the extraordinarily speedy adaptation rate of the early Arabs and Africans of

the time actually resulted from the historically harmonious relationships between Christians and Muslims. Indeed, the continued existence of Christian Arabs today living peacefully within a dominant Muslim population is "living testimony of this toleration" (Thomas, 1896).

The support for freedom of religion and non-coercion in the Holy Qur'an is as follows:

*There should be no compulsion in religion. (Ch.2:V.256). And if your Lord had enforced His will, surely, all who are on the earth would have believed together. Will you, then, force men to become believers? (Ch.10:V.99).*

The harmonious relation between the Muslims and Christians on which grounds they live together in Palestine and often lead anti Israel processions and outwardly rejected Zionistic designs of Israel. History itself as witness that when Prophet laid foundation of first Islamic state all the existing communities were guaranteed the right to freedom of expression in conformity with the security of the state (Ibn, 1994).

In Islam, a Muslim who leaves his or her faith is considered an apostate. The word for apostasy in Arabic is *riddah*, which literally means to "turn back". Although the offence of apostasy is mentioned 19 times in the Holy Qur'an, like the offence of blasphemy, nowhere is there a prescribed criminal punishment for it. Therefore, like blasphemy, apostasy is not an offence punishable under Qur'anic criminal law (Hadd).

The following are examples of how the Holy Qur'an addresses the issue of apostasy:

*Whoso disbelieves in God after he has believed – save him who is forced thereto while his heart finds peace in the faith – but such as open their breasts to disbelief, on them is Allah's wrath; and they shall have a severe punishment. (Ch.16:V.106)*

*O ye who believe! Who so among you turns back from his religion, then let it be known that in his stead, Allah will soon bring a people whom He will love and who will love Him... (Ch.5:V.54)*

In these verses, again, no criminal punishment is mentioned. Within the context of people committing apostasy or "turning back", the Holy Prophet (pbuh) is repeatedly told by God in the Qur'an that his role is confined to conveying the message, and that if people reject him in any way, he should not concern himself.

...If they submit, then they will surely be guided; but if they turn back, then thy duty is only to convey the message... (Ch.3:V.20)

*Admonish, therefore, for thou [Prophet Muhammad <sup>(saw)</sup>]*

*art but an admonisher; thou hast no authority to compel them. (Ch.88: Vs.21-23) (Ahmad, 2007).*

*(O Prophet) proclaim, 'This is the truth from your Lord, so let him who will believe, and let him who will, disbelieve... (Ch.18:V.29)*

Given that the Holy Prophet Muhammad (pbuh), throughout his lifetime, always left unchallenged and unpunished instances of apostasy and rival claims of Prophet-hood, one cannot assert that they were the motivation for the Apostasy Wars; regardless of the name they were given. Therefore, to state that the Apostasy Wars are a convincing precedent for the punishment of apostasy in Islam is a stretch, to say the least.

## Conclusion

Freedom of speech and expression is acknowledged in Islamic legal theory in a classified approach and endeavor is to put up society encompass incredibly high ethical base. The endeavor following is to build up love, toleration, social harmony and understanding among members for peaceful coexistence. Islam limits freedom of expression where it twirls as blasphemous and creates social disorder. Islamic law based on the Holy Qur'an and *Sunnah* maintains and upholds the right to freedom of expression but restricting it when it results in hampering the cause of the unearthing truth, even where speech is offensive and hurtful. But in Quran no worldly criminal sanction exists for it in Shari'ah as the matter is left solely to God. The Holy Qur'an teaches one should express oneself, through gentleness, courtesy and quiet discretionally through the concepts of *hisbah* and *naseehah*. The foregoing discussion also demonstrates that the Holy Qur'an maintains and upholds the right to freedom of religion, speech and expression in a decent way. Applying Islamic approach to freedom of expression on the existing conditions seems more applicable and appropriate and will help social engineers to develop theories as per Islamic design; otherwise complete freedom and discussion on all aspects of religion will turn into biasness and turmoil in the society.

## Conflict of Interests

The author have not declared any conflict of interests.

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