

The Legitimate Scope of Freedom of Expression in Islam

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Abstract: Any system of a country has its specific principles, rules and laws upon which the system runs. No system can be governed without establishing some rules and regulations in accordance of ethical, cultural, legal and religious values or norms of that particular society. A total neglect of anyone of the previous values could lead to the total collapse of that system. However, the spectrum and scope of those rules and laws varies from society to society but when it is the case of international level then their scope carries global responsibility with it. The right to freedom of expression is the case of the like sort as it has acquired central position in the Universal Declaration of Human Rights (1948) and also a part of European Convention on Human Rights (1950). Similarly, Islamic legal system not only guaranteed the right to freedom of expression but by broadening its concept special consideration has been taken with regard to serious concerns globally. The legitimate functional scope of this right and determination of its limits is being aimed by the Islamic legal system which gives a free chance to confused and scared people to enjoy their right generously. Regarding freedom of expression some Islamic principles and rules have also been established in global context which closed almost all the possible ways to its abuse. All other religions, religious beliefs and religious sacred personalities are protected from any kind of defamation. The honor and dignity of Muslims and non-Muslims is maintained equally.¹ The Islamic manners of the particular right to freedom of expression also help people to enjoy their legal right honorably on legitimate tracks. The idea of global peace and global brotherhood is also one of the salient features of Islamic freedom of expression. Great variety of expressions has been introduced in Islamic legal system but provided their compatibility with universal legal standard. Thus Islam deals with the particular right of freedom of expression as a universal right rather than communal or national. Islam held it as a responsibility which often followed by the accountable process.

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1. Introduction

Whether I talk about the Greek, Roman and Babylon prehistoric period of eighteenth and sixth century before Christ² or of the civil demonstrative movement against Roman tyrant ruling group in mid-fifth century before Christ³ the human rights in general and right to free speech and expression had been remained a challenging issue in Western societies. Later on, in the modern age⁴ Britain, America⁵ and Europe⁶ have played an historic role for the establishment of political and civic rights there.⁷ The gradual developments in rule of law and political situation such as right to oppose illegal detention, prohibition of torture, separation of powers and protection for religious minorities was also brought into action.⁸ But the number of killings during and after the Second World War and the crimes of National Socialism was a terrible experience for the Europeans that appealed for a broad universal consensus over the protection of human beings and urged to take constructive steps consequently, UN conference was organized in April 1945 at San Francisco⁹ and most influential step was taken by UN Commission for Human Rights with the coordination of ILO and UNESCO in the shape of the Declaration of Human Rights in 1948.

However, during the whole abovementioned process of establishing freedom rights in general and freedom of expression in particular the more astonishing thing is the total attention being paid to its forming and establishing aspect whereas the functional part of the particular right is completely overlooked and left open ended. Talking in global context no legitimate or even appropriate use of this right is being experienced yet. Islam the world's second largest religion of 1.57 billion Muslims making up over 23 per cent of the world's total population and 49 Muslim majority countries across the world¹⁰ are being neglected by the Euro-American high authorities. The Article.18, of the Declaration (UDHR) is totally against the Islamic belief. Moreover, the Article.19 has also been observed as a fitting tool for blasphemers across the world, while 22% of the world's republics have anti-blasphemy laws such as; 14 out of 20 countries that become 70% of Middle East and North Africa held blasphemy as criminal offence. Whereas in Asia-Pacific 9 out of 50 (18%), even 7 out of 45 countries approximately 16 % of Europe and 11

out of 35 states nearly 31% of America's has blasphemy laws¹¹ against blasphemous and defamatory speech or expression. No rulings in respect of freedom of expression and equal protection to all religious beliefs and religious figures have been established yet. No statement consisting of principles and rules of particular right of freedom of expression in global context has been issued yet by their legal authorities.

Different religions and religious values, on the top of them is Islam, have been ruined by defamatory representations or by offensive criticism. Millions of people died because of the absolute, saying more clearly, unlimited scope of the particular right. The instances may be of different kinds such as political intolerance, racial discrimination or religious hatred however, the basic reason that has been observed from both sides is nothing other than their misuse of the particular right of freedom of expression. As people don't even know that from where they should start using their right and to where they must stop. Since, it is held by the authorities that norms and values vary on various degrees from one society to other one on the basis of their cultural, historical and social differences and above all in relation with those issues where public have serious opinions and have passionate sentimental affiliations e.g. religion and politics then why the particular right of freedom of expression is only followed by the European as well as Western rule of law? It would be more better to leave this global or universal right to follow the universal rules and laws and to determine its actual functional scope global-wise so that people use this right freely but legitimately within their legal boundaries with due respect to everyone and their sentiments can be secured from hurt.

Here I tried to explain briefly the meaning and concept of freedom and freedom of expression in Islamic perspective that would be more helpful for understanding the actual conceptual difference lies between both the Western and Islamic Ideology. Moreover, the Islamic principles have also been established here in this research which defines the legitimate functional scope of the particular right of freedom of expression. Furthermore, some Islamic rules have been discussed here to determine the legal limits of this right and some manners have also been described here to facilitate people about the easy and best way for using this sacred

right in the society they live in. All these principles, rules, manners and even the concept can be used as useful tool to understand the Islamic viewpoint regarding the particular right of freedom of expression at a glance.

2. The Definition and Concept of Freedom in Islam/ *Sharī'ah*

In Islamic literature, the word “freedom” is identical to word “*al-Ḥuriyyah*” and its similar synonym in the al-Qurān is, e.g. *Almighty Allāh* says, “... *the freeman for the freeman... (al- Qurān, 2-178)*.”¹² The word “*Ḥurr*” is similar to “free man” and means “In the legal sense; “free” as opposed to “slave” but with social and ethical extensions it means; “generous”, “gentlemanly”.¹³ Therefore, the phrase “*rajulun ḥurrun*” also means a man of noble character and descent. In order to stress the moral meaning of *ḥurr* (*al-ḥurr al-karīm*) thus means true gentleman, a man who is pure in his human dignity, a person of integrity possessing a free conscience unrestrained by material consideration”.¹⁴ Therefore, a sense can be made here that free man is one who, while exercising his/her right of freedom, not only promote righteousness in the society but even has the capability to oppose evil. Thus, “freedom” in itself is the dynamism which only accepts good or an opposing power that repels evil. This is because in its legal sense, it can be achieved after slavery followed by a crime, in its political sense, can be enjoyed by opposing dictatorship followed by oppression, in its social and moral sense, can be enjoyed by prevailing justice and uprightness and in the religious sense it can be exercised by promoting truth muddled with falsehood. Keeping the same view a prominent Muslim scholar Abu al-Kalam Azad defines “freedom” as, “It is the ability to choose the act with the best of our capability and strength to refuse doing it”.¹⁵ So, here freedom doesn’t only mean to do freely but also to refuse or stop doing something that shouldn’t be done. While, Ibn ‘Ashūr has denoted it (*Ḥurriyah*) as; the independent disposition of a “prudent man” free from the opposition and “hostility of others”.¹⁶ Whereas, according to Abdul Wahab Khallaf’s viewpoint it is the ability free from oppression and interference of others, provided that it does not amount to hostility or prejudice against others”.¹⁷ Accordingly, three aspects can be highlighted here;

(a) freedom must be exercised on “legal tracks” then it will remain free from oppression.

(b) freedom must “abide by law” then the state’s law itself will be responsible for the security and protection of its user.

(c) the freedom must be “preventive for other rights”.

Thus, in Islamic perspective the freedom is not only a right but a “responsibility” and it has “dependent” nature that can work more productively with the cooperation of other rights and laws. Accordingly, being a dependent natured the freedom cannot be held as an absolute or unlimited right. Moreover, “in the traditional Islamic view, absolute freedom belongs to God alone and man can gain freedom only to the extent he becomes God-like.”¹⁸

Furthermore, the fallouts and outcomes of this right actually make it imperative, indispensable and necessary in a society. Consequently, according to Islamic ideology of freedom it is a measure in itself to judge the sense of responsibility of individuals and with the power of morality it edifies good conduct and excellent behavior by which they prove themselves a valuable entity of a society. So, in Islamic perspective the right of freedom is sacred as long as it doesn’t violate the law of God or desecrate the right of others.

3. The Definition and Concept of Freedom of Expression in Islam/*Sharī'ah*

Regarding the matter of definition, the prominent Muslim scholars Abu Zuhrah¹⁹ and Muhammad Hashim Kamali²⁰ mainly focused on two things in their definitions and those are “the people’s wishes and wills” and “affairs of the society” but differed in one thing that is “supremacy of the law”. In the opinion of Abu Zuhrah freedom of expression is the ability of an individual to decide himself that what is right and what is wrong and this is somehow, can be considered as an effort to narrow the authoritative scope of law. Whereas, though the Kamali’s definition holds a basic universal message, and also ensures the authority of law, yet it’s not a comprehensive one but representing the legal aspect of the freedom

of expression only. However, no special consideration has been taken regarding the actual cause of particular right in respect of Islam which is promoting truth, justice and virtue in the society and preventing it from evil expressions.

Dr. Hani bin Abdullah bin Jubayr defined it as, “the freedom of opinion and expression means human’s full enjoyment of freedom to speak the truth, and to provide advice in all religious matters and of the world, while investigating the benefit of Muslims, and safeguard the interests of both the individual and of the society, and preserve public order, and it is in the framework of the promotion of virtue and prevention of vice”.²¹

As for the Dr. Hani’s definition some inclusive phrases like; “human’s full enjoyment” “speak the truth” “religion and the world” “safeguard the interests of both the individual and of the society” “the public order” “projection of virtue” and “condemnation of evil” have been adopted there wisely and carefully. Therefore, this definition can be held as more appropriate and comprehensive one.

Thus Islam in all matters has its own viewpoint and categorically here regarding freedom of expression it differs from other religions and systems as well. “Islam establishes a realistic way of life in which the concept and the *Shari’ah* both are represented in a practical form”.²²Technically speaking, freedom for what and freedom from what are the two basic questions Islam tries to focus on. If someone demands to do himself or appeals others for doing such acts by any means or in any form of expression that have harmful outcomes then his/her pursuit is out of the Islamic scope of right to freedom of expression and if one demands escape from legal boundaries held by Islamic legal system then again it’s against the Islamic criterion of the particular right. However, “the concept of human rights and civil liberties in Islam is broader than mere fundamental rights guaranteed by any constitution of the world”.²³The views that generates from the confrontation of views or opinions find a wide space in Islamic scope of thinking. Therefore, the freedom of expression in Islamic conception is the right, that doesn’t harm others and not move across the legal boundaries.

Islam doesn't hold up the right that contradicts with laws of *Sharī'ah* and challenges its own legal system. The Islamic legal system as provides shelter to the right of freedom of expression similarly it also wards off violation of inviolabilities (*Hurumāt*) so as to protect the freedom of belief and dignity. As well as, the protection of moral and social values is the vital objective of Islamic legal system, thus Islam doesn't offer a concept that threatens its own legal authority.

4. The *Sharī'ah* and Principles of Freedom of Expression

Though, these principles are not found collectively under the same topic in Islamic literature however, many Muslim scholars have discussed them separately. The differences and dissimilarities or even disagreeableness with the Islamic ideology or conception can be tolerated to some extent but no such permissibilities or even possibility of divergence and deviation from its fundamental principles and laws could be found yet. It can be a useful tool to analyze the Islamic as well as Western ideology of freedom of expression comparatively and can be helpful to evaluate the compatibility and incompatibility of both concepts. These Islamic fundamental principles are as follows;

4.1 The Principle of Absolute Obedience

Almighty Allāh says; *"Follow that which is sent down towards you from your Lord; and follow not any patrons beside Him."* (*al-Qurān*, 7:3)

Thus, it can be held that the Islamic legal system laid down the testified patterns following these patterns a man can find actual cause of his/her creation and further can serve the society progressively by using his/her right to freedom of expression. Islam doesn't repudiate other legal systems and laws but only the one that is incompatible with its laws. Consequently, the right to freedom of expression is a qualified right as long as it abide by the principles and laws of *Sharī'ah*.

4.2 The Principle of Responsibility and Accountability

Almighty Allāh says, “Each soul is responsible...,” (al-Qurān, 6:164) a similar emphasis has also been held in Prophetic *Sunnah* where Allāh’s Apostle ﷺ says, “Every one of (you) is a guardian and responsible for his charge...”²⁴

As for the matter of accountability *Almighty Allāh says, “You shall be questioned about whatever you have been doing.”*²⁵ Accordingly, the Muslims in any case, are not permitted to abuse their rights since “all men shall be presented before Him ﷻ on the Day of Judgment to account for their performance in this life.”²⁶

Therefore, upholding freedom with responsibility is an indemnity of one’s legitimate social relative uprightness and succumbing one’s responsibility by keeping accountability in view is a guarantee of one’s desisting status towards his/her right’s abuse. Thus, responsibility and accountability are the basic distinguishing qualities of human being which declare them of the rights deservers and enable them as worthy users respectively.

4.3 The Principle of Propagation of Virtue

“Both Qurān and Hadith lay stress upon this basic right of freedom of expression. It is our duty to propagate virtue and to control corruption.”²⁷

Almighty Allāh says, “... co-operate one another for virtue and heedfulness...” (al-Qurān, 5:2)

“This Islamic concept of freedom of expression is far superior to that of the west. Indeed, the right to freedom of expression to propagate virtue and righteousness is not only a right, but an obligation. Anyone who tries to deny this right to his people is openly at war with God, the All-powerful. It is equally a right of and an obligation on an individual to attempt to stop evil, whether this evil is perpetrated by an individual or by a group of people or the government of one’s own country or the government of some other country. Over and above this, he should openly condemn the evil and point to the morally correct course which should be adopted.”²⁸

4.4 The Principle of Repression of Whims and Contemptible Wishes

Almighty Allāh says, "... do not follow any whims which will lead you away from GOD's path." (al-Qurān, 38:26) Imam Qurṭubi²⁹ in his guiding mood stated that, "do not follow your desires and drive them against the God's command" that will cause the discontent of Lord and "lead you away from the way of the Paradise"³⁰ So, according to Islamic legal system one should perform such deeds that cause to attain pleasure of God and should not follow his desires neither in exercising his rights, nor during performing his duties. This Islamic principle can also be cause of apartness from prejudice and accomplishment of justice in the society.

4.5 The Principle of Establishing Justice

"Muslim writers on the subject have consistently stated that Islam not only validates freedom of expression but it also urges Muslims not to remain silent nor indifferent when expressing an opinion which is likely to serve the cause of truth, justice, or be of benefit to society."³¹ *Almighty Allāh says, "Whenever you judge between people, you should judge with justice."*³² Impartiality and fairness remained a prime goal of Islamic legal system in every field of life. The unjust approach on the basis of cast, class or religious distinction is always suppressed by the Islamic legal system.³³ Islam urges Muslims to steadfast with justice and to promote it among people across the boarders even if it became against yourselves or besides your families.³⁴ Regarding the issue Muhammad Qutub cited, "I don't think that any system has ever aimed at establishment of justice or the opposition of tyranny as much as Islam did. Islam made it a duty of people to put the ruler right if he is unjust."³⁵ He ﷺ also says: "A word of justice uttered before an unjust ruler is the greatest of *jihād* (holy war)".³⁶ Thus, justice is very crucial and structural element to preserve social order in a State and apparently it is strongly interlinked with the right to freedom of expression. By this way or the other, justice relates to one's thought, opinion, speech, art or to every that source by which an individual wants to express himself/herself in the society he/she lives in and do effect on different social, moral, political or religious aspects of life.

4.6 The Principle of Prevalence of Peace

*Almighty Allāh says, “if they should incline to peace, then incline to it too...,”*³⁷

All the aforementioned Islamic principle has been arranged logically, systematically, methodically, orderly and subsequently as a foundational and functional tool for prevailing peace in the society and across the world as well. As it can be observed from this Qurānic verse, *Almighty Allāh says, “... do not create disorder on earth once it has been set right, that will be best for you if you are believers”*.³⁸ In Islamic viewpoint “peace” is the central locus for the whole functional parts of an Islamic social, moral, legal and political system similarly as an atom has, around which electrons and protons revolve. Therefore, Islam’s essential objective is the establishment of peace and its maintenance in a society. Since all the laws and principles of an Islamic system, all the obligations and duties the system holds and all the freedoms and rights the system delivers are actually dependent on the validity of peace. So, Islam permits “freedom of expression” to people but with the condition of prevailing and sustaining “peace” in a particular society and in the world as well. For that reason, the holy Prophet ﷺ of Islam also put emphasis on that and said: “...Shall I not tell you of something which, if you do it, you will love one another? Spread peace (the greeting) among yourselves.”³⁹

4.7 The Principle of *al-Ḥisbah* (commanding of good and prohibition of evil)

*Almighty Allāh says, “Those who, if We established them in the land, will ..., command what is proper and forbid what is improper.”*⁴⁰ There are several more Quranic injunctions⁴¹ of the like sort that give emphasis about this core principle of Islam. Giving such principle of *al-ḥisbah* Islam took a posterior step as a shield for the continuity and sustainability of peace in the society. And thus, “freedom of expression” has been considered as a fitting tool to endorse uprightness, morality, decency, generosity and humanness in the society. Likewise, to stop abomination, atrocity, meanness, malice, mischievousness and distortion Islam also ratifies “freedom of expression” as a best mean and therefore, held *al-ḥisbah* as a cardinal Quranic principle, supreme objective of the *Sharī‘ah*, and ethical core of the political power. This Quranic principle lays down

the foundation for some of the basic liberties that form the principle theme of many modern constitutions. The prominent Muslim Imam al-Ghazālī characterizes *al-ḥisbah* as, “the greatest pole of the faith and the most important objective of all of God’s revealed scriptures and Messengers (peace be on them all). Therefore, as this is the essence of whole religion, a total neglect of *ḥisbah* would bring about the collapse of religion, and widespread corruption and ignorance.”⁴²

Almighty Allāh says; “*Let there arise (waltakun) from among you a group that calls others to good work, they command good and forbid evil...*”⁴³ Imam al-Ghazālī observed that “since this *āyah* (verse) begins with a command (*waltakun*), it conveys an obligation (*wājib*) which is, however, a collective requirement from the entire community”.⁴⁴ Consequently, for sure the members of an Islamic State are permitted legally to command and forbid whether by their actions, speech or even silent condemnation whatever they seem good and evil respectively⁴⁵, yet, their charge of commandment and condemnation should no more than their state of affairs, their capabilities and must be within their legal boundaries. It is therefore, Cairo Declaration states that, “*everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Sharī‘ah.*”⁴⁶

It is also needed that the particular charge to be granted to those who have the ability to deal any issue in proficient manners. As I found a prophetic hadith where it shows the importance of *al-ḥisbah*, it also indicates the potential differences among people facing a problem or dealing an issue being committed. The holy Prophet Muhammad ﷺ said, “That who amongst you sees something abominable, should modify it with his hand; and if he does not have the strength to do it, then he should do it with his tongue, and if he does not have the strength to do it even (that), then he should (abhor it) with his heart, and that is the weakest of faith.”⁴⁷ Hence, the believers are instructed here that, they should carry out their right of *al-ḥisbah* in accordance with their aptitude and to the extent which circumstance permitted them. Keeping the same view al-Sibai cited, “whoever witnesses an evil action which violates the *Sharī‘ah*, or the standard of decent conduct and approved custom, then it is up to that

individual to prevent or denounce it to the extent of his or her.⁴⁸ Same opinion has also been held by Dr. Zaynab 'Abd 'l-Salām.⁴⁹

4.8 The Principle to Ward off Sedition (*al-Fitnah*)

*Almighty Allāh says, "Sedition is more serious than killing".*⁵⁰

According to Islamic ideology of morality and ethical values sedition is more severe and serious crime if compared to other offences of the like sort. Seditious expressions can be held at lowest level of moral decline in a society. If the members of a particular society fail to uphold all the above-mentioned principles, so as a result, the whole community falls under the virulent catastrophic situation of sedition. Therefore, it is stated in the Universal Islamic Declaration of Human Rights that, "*the right and duty of every person to speak for and defend the rights of others, and the rights of the community when these are being threatened or violated.*"⁵¹

The types or forms of a seditious expression could be started from a minimum level of moral offences like blameworthy opinion, mocking, cursing (*al-la'n*) and evil talk to maximum level of criminal offences of abusing, false accusation, defamation, blasphemy and association with God ﷻ. For that reason, 'Ibn Kathīr reported, "Abu al-'Aliah, Mūjāhid, Sa'īd bin Jubayr, 'Ikrimah and Ḥasan Baṣri said that, *shirk* (polytheism) is more dangerous than killing".⁵² Thus, it is required that the right to freedom of expression must be clear from all kinds of seditious representations and should be practically profitable to stimulate the oneness of God ﷻ. However, talking in a global perspective, this obligation is specific with Muslims alone as most of the religions do not believe in oneness of God. There is another verse that can help us to characterize this principle more clearly.

*Almighty Allāh says, "And guard yourselves against a chastisement which cannot fall exclusively on those of you who are wrongdoers, and know that Allāh is severe in punishment". (al-Qurān, 8: 25)*⁵³ "Allāh ﷻ warns His ﷻ servants of a *fitnah*, trial and test, that encompasses the wicked and those around them. Therefore, such *fitnah* will not be limited to the sinners and evildoers. Rather, it will reach the others if the sins are not stopped and prevented".⁵⁴

There are some hadiths that can well explain the verse above. “From ‘Abdullāh bin ‘Abbās (r.d), he said, “Allāh commanded the believers to stop evil from flourishing among them, so that Allāh does not encompass them all in the torment (*fitnah*)”.⁵⁵ Keeping the same message a hadith recorded by Imam Aḥmad from Abu al-Riqad said, “I heard Hudhayfah saying, “A person used to utter one word during the time of the Messenger of Allāh ﷺ and become a hypocrite on account of it...”⁵⁶ The hadith shows that how the Messenger’s Companion Abu al-Riqad (r.d) has used his right of freedom of expression legitimately to protect that person who had uttered a wrong or evil word and also sheltered their society from sedition. He (r.d) also endorsed advice by using the right to freedom of expression but in the same time he (r.d) never misused this right by nominating that person because of his self-respect and dignity nor abused the particular right by issuing *fatwa*(legal judgment) of hypocrisy on the spot against that person.

5. The *Sharī‘ah* and Rules of Freedom of Expression

Freedom of expression is known as a fundamental right in Islam. According to Islamic literature its evidences could be found in the very beginning of the Prophetic time however, talking in the contemporary perspective, though, some inadequate efforts have been made by some contemporary Muslim scholars separately, however, still no comprehensive document comprises of rules and laws regarding the particular right specifically have been established by the Muslim scholars unanimously.

The whole structural body of an Islamic legal system mainly based on three major sources the Quran, the Prophetic *Sunnah* and consensus of the Muslim ‘*Ummah* known as *al-’Ijmā’*. Mostly the major sources are approached during the legislative procedures which deliver general rules of *Sharī‘ah* however; the sub-sources such as *al-qiyās*, *al-’istishān*, *al-masālih al-mursalāh*, and *al-’urf*...etc., couldn’t be neglect while governing the upcoming challenges. The general rules of *Sharī‘ah* further arrange ground work for sub-rules and laws concerning various fields of life, like worship (*al-’Ibādāt*), criminal laws (*al-Ḥudūd*) or the social matters (*al-mu‘āmlāt*) however, their state of action cannot go beyond the

limits have been held by the Islamic general rules. In respect of freedom of expression the Muslim scholars mostly mention these general rules derived from Quranic injunctions or Prophetic *Sunnah*. Here I describe some of the Quranic verses and hadiths from Prophetic *Sunnah* to examine how Islam deals with freedom of expression in its legal context (Islamic law) and defines some rules and manners within the scope of these rules a person can freely enjoy his/her right of freedom.

- The position of right to freedom of expression in an Islamic society is subservient to the Quranic, Prophetic as well as unanimous teachings of Islam. A Muslim must be obedient to the commandments of his Lord and the Prophetic judgments and unanimous consensus (*al-'Ijmā'*). He/she should never feel or expose displeasure to a judgment, being held in accordance of Islamic teachings, even if the judgment become against his/her will because the ultimate goal of Islam is the submission to Allāh and following of His holy Prophet [PBUH]. *Almighty Allāh said, "It is not for a believer, man or woman, when Allāh and His Messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allāh and His Messenger, he has indeed strayed in a plain error."* (*al-Quran: 33: 36*).
- The right to freedom of expression must be practiced in accordance of *Sharī'ah* methods however, in case of unavailability of directives from *Sharī'ah* one must try to keep an eye on those tracks which aren't be against or even contrary to Islamic laws or its teachings. As Imam Qurṭubi held that, *'ijtihād* is permissible in some matters or may take commands by conjectures (*al-Zunnūn*) while the probability of revelation is available because the Almighty Allāh has permitted it to His Messenger ﷺ.⁵⁷ However, the capability of *'ijtihād* is specified with *'Ulamā'*(Muslim scholars) only whereas, a common man has the right to follow the tracks if established by the *'Ulamā'* otherwise he she can ask about the right way of enjoying their right to freedom of expression.

- All religions and their religious sacred personalities are respected morally, socially and shall be protected legally. Therefore, a Muslim is obliged religiously to respect others even though he/she doesn't follow their beliefs and creeds. *Almighty Allāh said, "And insult not those whom they (disbelievers) worship besides Allāh, lest they insult Allāh wrongfully without knowledge..." (al-Qurān, 06: 108)* Since, the Almighty Allāh prohibited Muslims from abusing or calling evil towards non-Muslims as they in return shall revile the Holiest rank of the God ﷻ.
- The prudence and antidotes of welfare and upward mobility of the society must be preferred particularly when the matter belongs to other communities, civilizations and religions. The scornful criticism upon others just because of their affiliations with different casts and cultures or hostile and suspicious attitude about God ﷻ or criticism on Messengers of Almighty Allah (peace be on them all) or on their true calls and preaching is, however, an open misuse of the right to the freedom of expression. *Almighty Allāh said, "And say to My slaves that they should (only) say those words that are the best. (Because) Shayṭān (Satan) verily, sows disagreements among them. Surely, Shayṭān (Satan) is to man a plain enemy." (al-Qurān, 17: 53)*
- The means or sources must also carries the *Shar'ī* (Islamic legal) acceptability and permissibility with them since an illegitimate or forbidden mean and method wouldn't be used and followed respectively for a lawful or permissible objective. Similarly, the unlawful objectives couldn't be acquired legitimacy in Islamic legal system even though publicized or broadcasted through a permitted source.
- The expressions, any kind or type they have, in practice must not for inter-mixing the truth or not to obscure, conceal or to fabricate the facts. *Almighty Allah said, "And mix not truth with falsehood, nor conceal the truth while you know (the truth)". (al-Qurān, 02: 42)*
- According to an Islamic jurisprudential ruling which is known as; prevention of those means/sources which lead incitement to rebellion (*sad 'l-zarā'ay' al-mufdiyyah li 'l-fasād*) any form of

legitimate expressions e.g., speech, opinion, statement, art, action, writing and even a judgment that has harmful effect greater than its benefits however, are not allowed to be expressed.

- According to another Islamic jurisprudential rule; *al-durūrah tubīhu 'l-mahzūrāt* here necessity gives permissibility of prohibitions in some of critical situations there need can also make prohibitions for some permissibility. Accordingly, the scope of the right to freedom of expression can be narrower to some extent by viewing the societal, national or even international concerns. Another supportive jurisprudential rule of the like sort that seems more fitting to this situation is; *dir'i 'l-mafāsīd muqaddamun 'alā jalbi 'l-mšāliḥ.*, the prevention of harmfulness is to be given precedence over choosing benefits.
- Correspondingly, while enjoying the particular right of freedom of expression special consideration must be taken that the greater value or benefit will be given priority or advantage if the choice being made between two benefits or values. As the jurisprudential rule of Islamic law states, *taḥṣīl 'a'zam 'l-mašlḥtayn bi tafwīt 'aḡillihimā.*⁵⁸ Means between two of benefits the greater or best one will be adopted by rejecting the lower one.
- According to Islamic legal system (*Sharī'ah*) the news, statements, opinions and witnesses must be scrutinized in respect of its authenticity and factual position before publishing or broadcasting it publicly or accepting it legally in a court of law. “*If a rebellious evil person comes to you with a news, verify it, lest you harm people in ignorance...*”⁵⁹ In the context of freedom of expression the last one is a significant rule emphatically measured in Islamic legal system (*Sharī'ah*) only and rarely exercised in other contemporary legal systems. As most of the abusive incidents of free speech or expression show the unsoundness or even baselessness of their scripts, stories and art-work which had been done on the name of freedom of expression.

6. The *Sharī'ah* and Manners of Freedom of Expression

Islam is the only system that not just guaranteed the particular right of freedom of expression but also establishes manners for such a sacred right

to be exercised legitimately. Following these manners people can contribute their societies productively and progressively. Some of those manners are as follows:

- ❖ In Islamic legal system the people are advised to avoid indulging themselves in troubles or in such issues whose ending would be dreadful or terrible but at the same time it inspire them to do good then you shall receive good. *Almighty Allāh says; "do not throw yourselves into destruction, and do good..." (al-Qurān, 02: 195).* Choosing easiest way instead of putting oneself in trouble is also a remarkable conception of *Sharī'ah*. *Almighty Allāh says; "Allāh intends for you ease, and He does not want to make things difficult for you." (al-Qurān, 02: 185)*
- ❖ Moving on right way without making quarrelsome with people or without indulging with their useless criticism is also a kind of Islamic manners that leads one's capability of doing something freely to constructive and progressive direction. As *Almighty Allāh said, "And if they belie you, say: "For me are my deeds and for you are your deeds..."⁶⁰*
- ❖ The exploitation of the right to freedom of expression if ever done by anyone then shouldn't be mistreated in the same way by abusing it but must be tackled patiently on a legal track. *"And be patient (O Muhammad) with what they say, and keep away from them in a good way."(al-Qurān, 73: 10).* The repay must be in a best state even if the others are known as enemy of Islam. Such attitude can be a helpful tool for establishing healthier regional, national and global relationships as well. *Almighty Allāh said, "Repel (the evil) with one which is better (i.e. Allāh ordered the faithful believers to be patient at the time of anger, and to excuse those who treat them badly), then verily! he, between whom and you there was enmity, (will become) as though he was a close friend."(al-Qurān, 41: 34)⁶¹*
- ❖ All types of expressions must be exercised legitimately within their legal boundaries and no one should allow reviling any sacred or holy worship place, whether belongs to Islam or to any other religion. *Almighty Allāh said, "For had it not been that Allāh*

checks one set of people by means of another, monasteries, churches, synagogues, and mosques, wherein the Name of Allāh is mentioned much would surely have been pulled down.”⁶²

- ❖ Islam also promotes the conception of communal respect in the society and teaches its followers to be modest in their daily interaction with other community members having different political and religious affiliations. Walk peacefully and talk lowly while joining a protest or crossing through public places and should not make yourself an intolerable figure of the society. *Almighty Allāh said, “And be moderate (or show no insolence) in your walking, and lower your voice.”⁶³* The prayer is a wonderful example of the like sort. *Almighty Allāh said, “...And offer your Salat (prayer) neither aloud nor in a low voice, but follow a way between.” (al-Qurān, 17: 110)* Keeping in view, the issues of a mosaic community, Islam obliged its believers to not loud their voices during prayer (*ṣalāh*). Perhaps the people around you may be disturbed while practicing their own religious rituals and obviously, they wouldn't like to be interrupted. Therefore, Muslim are being allowed to perform prayer in mid-level to an extent that the worshipers could hear own voice. In the meantime, listening of Qurān is a fundamental religious right of Muslims too thus keeping this in view; they are also stopped from reciting it at lowest level. Consequently, Muslims by following this Quranic commandment can enjoy their own freedom right without violating others.
- ❖ Womenfolk is also advised to wrap-up themselves with cloaks or shawls it is best to live respectfully in the society and do not express or expose them to whom they have no lawful status.⁶⁴ *Almighty Allāh said, “O Prophet! Tell your wives and your daughters and the women of the believers to draw their cloaks (veils) all over their bodies...” (al-Qurān, 33: 59)* Yet, with regard to the natural emotional state of human being and considering their legal rights *Sharī'ah* allows women to enjoy their private life with their life partners. *“...before Fajr (morning) prayer, and while you put off your clothes for the noonday (rest) and after the 'Isha' (late-night) prayer. (These) three times are of*

privacy for you, other than these times there is no sin on you or on them to move about, attending (helping) you each other.” (al-Qurān, 24: 58)

Islam does not just advise people to be polite in their speech or kind in their attitude but practically proved all that in the form of Prophetic *Sunnah*. Therefore, Muhammad Qutub cited, “it must be well understood that Islam is not a mere ideological vision. It is, on the other hand, a practical system of life that fully appreciates all the genuine needs of mankind and tries to realize them.”⁶⁵ There are many more examples in *Qurān* and *Sunnah*⁶⁶ which prove the uniqueness of Islamic freedom of expression. All the above-mentioned principles, rules and manners are just taken as exemplary characteristics however; the Islamic literature is crammed with such values. These measures and criteria, on the one hand, develop the instinct position of the particular right to freedom of expression among people whereas, on the other hand, the sense has also been built up that how this significant right should be exercised on legitimate tracks in a mosaic society.

7. Observation

The freedom in Islamic perspective has a broader sense wherein the state of being free or exemption from interference of others is not the only aim Islam claims for but also considered as a noble cause that must be exercised decently and legitimately. Moreover, the freedom of expression is never being treated merely a right under Islamic legal system but also as a responsibility because, in Islamic ideological context, the particular freedom is a sacred divine right that invalidates all those aspects which can be supposed directly or indirectly agents of violation of the divine itself.

Islam has guaranteed the particular right of freedom of expression from its very start up to the date now in different forms such as; speech, opinion, dialogue, debate, criticism advice, *hisbah*, *ijtihad* and art work etc., yet, all these forms or types of different nature are permitted only with the condition that they must not be against or even contrary to the fundamental principles and rules of *Sharī'ah*. As for the case of non-

Muslims living in an Islamic State are free to exercise the particular right to freedom of expression to its legitimate extent prescribed by that Islamic State or the law of *Sharī'ah*. However, if violation of other rights⁶⁷ and laws (integrity of Islam, Islamic beliefs the sacred personalities, divine objects and the state law) ever done by abusing their right to freedom of expression then Muslims and non-Muslims shall meet the legal consequences.

8. Conclusion

In the true sense of liberation, it doesn't mean the relinquishment of religion or its replacement and modernism too cannot be measured as an infinite tool within the limited intuitional framework. There is always an expected risk of revival and change through the liberation itself so that there must be some way to go back. For sure, the freedoms are indispensable to all progressive and advanced civilizations but indeed, the genuine conception of freedom is at the risk now. As several instances, regarding Islam, which have happened in Euro-American states and later sheltered by freedom of speech and expression unfortunately, all were criminal offences in their actual sense. The antagonistic attitude of different civilizations towards each other, miss-contact among them and unawareness of their special mutual concerns and priorities is the basic reason of such happenings. Further it creates conceptual gulf among them as the cultural variances also affect the conceptual aptitude that causes separation of mainstream from the both sides.

For example; according to Islamic legal system the right to freedom of expression is subservient to laws of *Sharī'ah* and its principles so, violation of these fundamentals is considered as the violation of the State's law itself. Moreover, the citizen in an Islamic State are free to express themselves provided that their expressions⁶⁸ must be necessary, decent, constructive and productive and should not be indignant and offensive to others' sentiments. In addition, according to Islamic viewpoint freedom of expression is a religio-political right⁶⁹ having universal message of global brotherhood mostly addresses the whole humanity. Consequently, the principles, rules and limits that are prescribed by *Sharī'ah* are impartial and do not invade a legitimate right

of an individual or particular community but fall against the evils. Viewing definite status of the particular right Islam also managed an equal and balanced distribution of powers and forces between an individual and the community. Non-Muslims are not deprived of their right to free speech and expression and are considered as a significant figure in the Muslim societies. Their religious beliefs and emotional attachments towards it are emphatically guaranteed and protected by the Islamic legal system however, the permanency and continuity of their freedom rights is being held conditional with the fulfillment of their duties as citizens of an Islamic State.⁷⁰

All the above mentioned characteristics are completely not or rarely found in the Western ideology of freedom of expression. Therefore, all such issues and differences are required to be tackled mutually particularly when the matter relates to global concerns. After the application of *Sharī'ah* in some Muslim countries it is also become conscious that there are quite a lot of difficulties in the real application of *Sharī'ah law*. However, no impossibilities could be faced yet and thus, to encounter the upcoming challenges of the contemporary world the Islamic verdicts should be reviewed in the modern perspective carefully. Though, there is dire need of global legislation of laws however, legislation of laws alone cannot cover the overlooked areas of the particular right as it cannot stop the expressional abuse too. Since, people mostly do things because they inspire to do those things and do not stop doing things because of dreadful consequences therefore, keeping the seriousness of issue in mind, it can be achieved by upholding divine inspiration, changing attitudes towards each other, by promoting mutual respect among people and by building-up a consensus. Further it will promote the interfaith harmony and will offer an opportunity that such issues must be solved for the global peace. Thus, the Islamic concept of freedom of expression fulfills the genuine need of a civilized mosaic society and is sound in gravity.

References and Endnotes

¹ “The concept of freedom of expression is valued in Islam; however, there are also limitations when it comes to freedom of expression, as it is not permissible to abuse this right to taint someone’s honor or incite any form of hatred.” Dr. Mohamed Mattar and Fareeda Wael Abou al-Maged, *Human Rights in Islam*, p. 12.

² Dr. Maḥmūd Ismāil Ammar, *Huqūq-ul-’Insān Bayna ’l-Taṭbiq w ’l-Diya* (Amman: 2002), p: 21-22.

³ Dr. Sulayman bin Abdul Raḥman, *’Islām main ’Insāni Huqūq aur un ke muta’allich phelāey gaey shubhāt ke jwābāt*, ed., Abu Mas’ūd ‘Abdul Jabbār (al-Hāwī Publishing & Distributing company: 2011), p: 41-44.

⁴ From the beginning of 13th century up to the date.

⁵ After the Civil war of 1640, the charter of basic human rights, such as equality, liberty and good life was also being presented in the US Declaration of Independence 1776.

⁶ During the French Revolution of 1789 and the revolutions of 1848 throughout the Europe those civil and basic human rights which were announced in 1789, had become a part of French Constitution in 1791, and thus, along with other human rights the right to freedom of opinion was also being guaranteed in it.

⁷ Dr. Muhammad Tahir-ul-Qadri, *al-Huqūq ’l-’Insāniyah fi ’l-’Islām* (Lahore, Pakistan: 2004), p: 88-95.

⁸ Consult the English Magna Carta of 1215 and Peace of Westphalia in 1648.

⁹ Morten Kjaerum, “Human Rights and Their History From a European Perspective” *Human Rights and History (A Challenge for Education)* eds., Rainer Huhle and Patricia Szobar (Foundation of Remembrance, Responsibility and Future, FATA Morgana Verlag, Berlin: February 2010), p: 19-21.

¹⁰ Statistics released by American think tank known as, Pew Research Center in 2011. www.pewresearch.org

¹¹ (Annual Report 2012), May 28, 2014. Can be accessed on www.pewforum.org

¹² Muhammad Marmaduke Pickthall, *Translation of al-Qurān al-Karīm* (Pakistan: Islamic Research Institute, Islamabad, IIUI, 1988).

¹³ *The Encyclopaedia of Islam*, 1979, ed., s.v. B. Lewis, C.h. Pellat and J. Schacht. III, p. 587.

¹⁴ Muhammad Hashim Kamali, *Freedom, Equality and Justice in Islam* (United Kingdom of Britain: 2002), p. 3.

¹⁵ Abu al-Kalam Azad, “Ḥurriyat ’l-Ta’bīr ‘an ’l-R’āi: al-Ḍawābiṭ w ’l-Shurūt,” (19), *Majma’ al-Fiqh al-Islāmī al-Dawlī*, p. 4.

¹⁶ Muhammad al-Tahir Ibn Ashur, *Maqāshid ’l- Sharī’ah al-Islāmīyah* (Tunis: 1966), p. 133.

¹⁷ Abdul Wahab al-Khallaf, *al-Siyasah al-Shar’iyyah fi ’l-Sh’un ’l-Dustūriyyah w ’l-Kharjiyyah w ’l-Maliyyah* (Beirut: 1988), I, p. 38.

¹⁸ Dr. Shafiq Ali Khan, *Freedom of thought in Islam*, (Karachi: 1989), p. 39.

¹⁹ Muhammad Abu Zuhrah, *Tanzīm ’l-Islam li ’l-Mujtami’* (Cairo), p.190.

²⁰ Kamali, *Freedom of Expression in Islam*, p.08.

²¹ “freedom of opinion and rules of Sharī’ah to expression,” <http://www.saaaid.net/Doat/hani/8.htm> (accessed 22 August 2016).

²² Sayyid Qutub, “Islam its meaning and message” *Islamic Approach to Social Justice*, ed. Khurshid Ahmad, (Leicester, U.K:1988. Islamabad, Pakistan: 1993), p. 119. See also Sayyid Qutub, *al-’Adālah al-’Ijtimā’iyyah fi’l-Islam*, ed. Meraj Muhammad.

²³ Mehboob Parvaiz Awan, *Civil Liberties Human Rights Constitutional Protections* (Rawalpindi, Pakistan: 2003), p. 10.

- ²⁴ Muhammad bin Ismil al-Bukhari, Ṣaḥīḥ al-Bukhārī, ed., Dr. Muhammad Muhsin Khan, III, (al-Madīnat 'l- Munawwarah), H/N. 730, p. 438.
- ²⁵ al-Qurān, 61:93.
- ²⁶ Muhammad Qutub, Islam the misunderstood religion, edit., 7th, (Lahore: 1984), p. 06.
- ²⁷ M.A. Saeed, Islamic Concept of Human Rights, (Lahore: 1978), p. 110.
- ²⁸ Abu Ala Maududi, Human Rights in Islam, edit., 2nd, (Islamabad: May, 1999), p. 26.
- ²⁹ He is Abu Abdullah Muhammad bin Ahmad bin Abi Baḳar bin Farḥ, al-Anṣari, al-Khazraji, al-Undlasi, al-Qurṭubi. Died: 671 A.H.
- ³⁰ Muḥammad bin Aḥmad al-Qurṭubi, al-Jāmi' li-'Aḥkām 'l-Qurān, V: 18, p. 185.
- ³¹ Kamali, Freedom of expression in Islam, p. 16.
- ³² al-Qurān, 4:58.
- ³³ *Almighty Allāh says, "... and don't let ill will towards any folk incite you so that you swerve from dealing justly. Be just; that is nearest to heedfulness and heed God."* (al-Qurān, 5:8).
- ³⁴ *"Stand out firmly for justice, as witnesses to Allāh, even though it be against yourselves, or your parents, or your kin..."* (al-Qurān, 4: 135)
- ³⁵ Muhammad Qutub, "Islam the misunderstood religion," Islam and freedom of thought, p. 160-161.
- ³⁶ Abu Abdullah Aḥmad bin Muhammad bin Hanbal al-Shibānī, Musnad al-Imam Aḥmad bin Hanbal, ed., Shu'ayb al-'Arna'ū ṭ w 'Ādil Murshid, (2001/1421), H/N. 18828-18830, p. 124-126.
- ³⁷ al-Qurān, 8:61. For detail see Tafsīr Ibn Kathīr (Urdū), ed., Zia-ul-Quran publication, II, (Lahore: 2004), p. 551-552.
- ³⁸ al-Qurān, 7:85.
- ³⁹ Imam Muhammad bin Yazīd Ibn Mājjah al-Qazwīni, Sunan Ibn Mājjah, ed., Naṣīru 'l-Ddīn al-Khṭṭab. V, (Riyad: 2007), p. 29.
- ⁴⁰ al-Qurān, 22:41.
- ⁴¹ al-Qurān, 03:110, al-Qurān, 09: 71, also al-Qurān, 05: 78-79, al-Qurān, 03: 114.
- ⁴² Muhammad bin Muhammad al-Ghazalī, 'Iḥyā'Ulūm 'l-Ddīn, II, (Beirut), p. 333. Also Abu al-Ḥasan 'Alī bin Muhammad bin Muhammad bin Ḥabīb al-Baghdadī, al-Mawardi, al-'Aḥkām al-Sultāniyah (Cairo), I, fi 'Aḥkām al-Ḥisbah, p. 368-372.
- ⁴³ al-Qurān, 3: 104.
- ⁴⁴ al-Ghazali, 'Iḥyā'Ulūm 'l-Ddīn, II, p. 333-334.
- ⁴⁵ Muhammad bin Abdullah al-Khaiṭīb al-'Umari al-Tabrayzi, Mishkāt 'l-Maṣabīḥ, III, Edit., 3rd, (Beirut: 1985), kitab: al-'Adab, Bāb: al-'amr bi 'l-Ma'rūf, p. 1424-1425, H/N. 5148.
- ⁴⁶ Dr. Mohamed Mattar and Fareeda Wael Abou al-Maged, Human Rights in Islam, p. 12.
- ⁴⁷ Ṣaḥīḥ Muslim, ed., Dr. Maḥmud Matraji, I-A, xx, (Beirut. 1993), p. 75. While explaining this Hadīth, Muḥammad Hashim Kamali in the book "Freedom of expression in Islam" on the page: 34, observed that the Hadīth here does not necessarily conform the natural order, as it prescribes a sequence which is almost the reverse. However, this is a familiar feature of the rulings ('Aḥkām) of *Sharī'ah* as they often contemplate the external manifestation of thought, and they may for this purpose set a certain order of priority which differs with the natural pattern of human response. In my opinion, no doubt the rights and duties have been mentioned here in this Hadīth, but the certain order of priority in this Hadīth is purposeful and similar to the natural order, as it is depicted in the last sentence of the Hadīth that the levels of faith (*imān*) and act of denouncing evil

or forbidding wrong is being mutually inter-linked. And it is obvious that the *imān* is essential to achieve nearness to Almighty Allāh. Therefore, every Muslim does his best to stop evil and attain that high status of *imān*, so by using this pattern the purpose of *Sharī'ah* that, disapproving evil and prevailing peace in the society has been achieved. Thus, we can say that the pattern which has been described in this Hadith is divinely logical which is necessarily conforming the natural order for completion of divine purpose (*al-maqṣid al-Sharī'ī*). As we find another example of same order in which the holy Prophet [p.b.o.h] asked about *al-'Ihsān* (performance of good deed), then He [p.b.o.h] replied: *that you worship Allāh as if you are seeing Him, for though you don't see Him, He, verily, sees you...*⁴⁷ in this Hadith the pattern is also seems reverse but according to divine purpose, which is here, to attain esteem level of subjection and submission to Almighty Allāh, it is not contrary to the divine logic (*al-manṭiq al-Sharī'ī*) nor opposite to nature, since the utmost desire of a Muslim should be the nearness to Allāh and apartness from evil. Therefore, whenever comes the purpose of submission to Almighty Allāh the *Sharī'ah* prescribes the highest level for achievement, and when the question of rebuttal comes, an extreme level of hostility is required from a Muslim.

⁴⁸ Kamali, Freedom of expression in Islam, p. 32.

⁴⁹ Dr. Zaynab 'Abd 'l-Salam, 'Ināyat al-Qurān bi Huqūq al 'Insān, edit., 2nd, I, (Cairo: 2010), p. 458-59.

⁵⁰ al-Qurān, 2:191.

⁵¹ Universal Islamic Declaration of Human Rights.

⁵² Tafsīr Ibn Kathīr (Urdū), ed., Zia-ul-Quran publication, I, p. 351. Imam Ibn Kathīr explained the verse above that, "In most instances, this process is stringent and rigorous than killing".

⁵³ al-Qurān al-Karīm, Translation, Pickthall.

⁵⁴ Mubarakpuri, Tafsīr Ibn Kathīr (Abridged), IV, p. 288-289.

⁵⁵ al-Tabrayzi, Mishkāṭ 'l-Maṣābī, III, p. 1422, H/N. 5140. Also Abu Muhammad al-Ḥusayn bin Mas'ūd bin Muhammad al-Baghawi, Sharḥ al-Sunnah, XIV, edit., 2nd, (Beirut: 1983), p. 345, H/N: 1454. There is another hadith on the subject see; Imam Ḥafīz Abu 'Īsā Muhammad bin 'Īsā al-Tirmidhī, Jāmi' al-Tirmidhī, ed., Abu Khalīl, (Riyad: 2007), IV, XXXI, IX, p. 229, H/N: 2169, and Ibn Hanbal al-Shībānī, Musnad 'l-Imam Aḥmad bin Hanbal, XXXVIII, H/N., 23301- 23326, p. 332- 352.

⁵⁶ Ibn Hanbal al-Shībānī, Musnad 'l-Imam Aḥmad bin Hanbal, XXXVIII, H/N., 23278, p. 312.

⁵⁷ al-Qurṭubī, al-Jāmi' li 'Aḥkām 'l-Qurān, V, p. 380.

⁵⁸ These Islamic jurisprudential rules can be accessed from different books of *al-qwā'id al-fiqhiyyah*. e.g. Abu Muhammad Ṣalīḥ bin Muhammad bin Ḥasan al-Qaḥṭānī. Majmū'at 'l-Fawā'id 'l-Bahiyah 'alā Manzūmat 'l-qwā'id 'l-fiqhiyyah (al-Mamlakat 'l-'Arabiyat 'l-Sa'ūdiyyah: 2000), p. 44-58.

⁵⁹ al-Qurān, 49: 06. Also consult al-Qurān, 68: 10-11-12.

⁶⁰ al-Qurān, 10: 41.

⁶¹ Muhammad Taqī 'l-Ddīn al-Hilālī & Dr. Muhammad Muhsin Khan, Interpretation of the Meaning of The Noble Qurān.

⁶² al-Qurān, 22: 40.

⁶³ al-Qurān, 31: 19.

⁶⁴ In the time of ignorance of old ages human being was living openly without clothes but later people come to know that some private parts of their body must be covered. Accordingly, they started cover them with tree leaves and with grassy stuff. Far ahead,

people turned to civilizations and gradually they observed that covering one's whole body is a sign of dignified status in the society it was then considered a symbol of modesty, nobility and chastity but later with the advent of Islam, it acquired a legal and compulsory status among the Muslim societies. Though, the other civilizations of the contemporary world are mostly overlooked this significant characteristic of a nobility and modesty.

⁶⁵ Islam the Misunderstood Religion, by: Muhammad Qutub, p; 20.

⁶⁶ Please consult kitab 'l 'Adab in both the Ṣaḥīḥayn (Bukhari and Muslim).

⁶⁷ "The concept of freedom of expression is valued in Islam; however, there are also limitations when it comes to freedom of expression, as it is not permissible to abuse this right to taint someone's honor or incite any form of hatred." Dr. Mohamed Mattar and Fareeda Wael Abou al-Maged, Human Rights in Islam, p. 12.

⁶⁸ In Western viewpoint, it may comprise of unnecessary, shocking and even controversial expressions.

⁶⁹ In Western societies the religious phase has been overlooked.

⁷⁰ See Shams 'l-Ddīn Muhammad bin Aḥmad al-Khaṭīb al-Sharbīnī, Mughnī al-Muḥtāj 'ilā Ma'rifat Ma'ānī 'Alfāz 'l-Minhāj, VI, p. 61, 82-84. Abu Ya'la Muhammad bin al-Ḥusayn bin Muhammad bin Khalf bin al-Farrā, al-'Aḥkām al-Sulṭānīyah (Beirut: 2000/1421), edit. 2nd, I, p. 158-162. al-Kāsānī, Badā'i' al-Ṣanā'i' fī Tartīb 'l-Sharā'i' (Beirut: 1986), VII, p. 113-114. Shahāb uddīn al-Qarāfī, al-furūq (Beirut), III, p. 27. 'Alī bin Abi Bakr bin 'Abdul Jalīl al-Murghīnānī Abu 'l Ḥasan Burhān 'l-Dīn, al-Hidayah fī Sharḥ Bidayat 'l Muḥtādī, ed., Ṭalal Yusuf (Beirut), II, p. 405.