
**FREEDOM OF SPEECH IN ISLAM AND IN INTERNATIONAL
CONVENTIONS**

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ABSTRACT:

This article discusses Free Speech as a fundamental human right and the use of this right with a sense of responsibility. Conflicts arising out of unqualified use of free speech by the Western world when it touches the religious sensibilities of people belonging to different faiths asks for certain limitations to be imposed of the absolute use of this freedom. International legal documents on freedom of speech, ‘defamation of religions’ and ‘religious tolerance’ are analyzed. Islamic viewpoint on ‘pluralism’ and ‘freedom of speech’ is also discussed and compared with contemporary secular understanding of free speech. Finally with reference to Jylland-Posten cartoons International reactions and statements issued by Muslim and Secular states are analyzed to understand the complexity of the issue. It is concluded that majority of the World supported the view that Danish cartoons were provocative and

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injured the religious sensibilities of Muslims and an apology should be rendered for doing so. However violent reactions from the Muslim world were condemned at International level.

KEYWORDS: Free Speech, Religious tolerance, Incitement, Defamation of Religions, Pluralism, Secular world, Muslim world.

1.1) INTRODUCTION

Freedom of speech means the freedom to share your ideas and beliefs. But in religious and secular world views there are differences of vision about freedom of speech and expression. It is important to find out how limitations on free speech can serve to keep society in harmony and peace. An effort is needed to understand the paradoxes between the two opposing viewpoints. The publication of cartoons in the Danish newspaper and many issues like that and the violent behavior of people from the both sides the offenders and the believers forces us to probe that how these issues come into existence and how they can be resolved.

Freedom of speech or freedom of expression is a right but we should keep in mind that it's a huge responsibility too. It is a human right and Islam supports it. Every individual has right of free speech to communicate his ideas and views about anything. Human speech reflects moral values of the person; so human speech should be within the limits of morality. People use their right of free speech forgetting the responsibility that this freedom if used carelessly can hurt other's feelings. It is need of time to construct the limits of free speech in every society as the events of hurtful speech are common now.¹In Islam everyone has right of free speech and it

¹ Mohammad Hashim Kamali, "Ethical Limits on Freedom of Expression

is balance with life, dignity, character and personality in giving judgment; as your words expresses your behavior and ethics so your speech should not be evil. The powerful tool of free speech can be used to claim your rights and it is used to expose misconduct of a ruler who exceeds limits of his authority.

Freedom of speech is defined in following words:

*“The right to express any opinions without censorship or restraint”*²

*“Right to express one's ideas and opinions freely through speech, writing, and other forms of communication but without deliberately causing harm to others' character or reputation by false or misleading statements. Freedom of press is part of freedom of expression.”*³

1.2) Ethical Limitation of Free Speech & Use of Free Speech with Responsibility

A civilization where a person is free to show his ideas takes the social order toward progress. Freedom of speech is very important for dignity of every individual and community and it plays a vital role in democratic structure. But it is a concept about which people have different perspectives. Nations and individuals are not in harmony in exercise of freedom of speech as some of them have forgotten its limitations. Freedom of speech has also given rise to controversies i.e. giving it the name of “Clash of Civilizations”. The people who are aware about their ethical

with Special Reference to Islam,” *CILE*, 2014, 42–62.

² “Freedom of Expression,” accessed August 8, 2015, https://en.oxforddictionaries.com/definition/freedom_of_speech.

³ “Freedom of Expression,” accessed August 8, 2015, <http://www.businessdictionary.com/definition/freedom-of-expression.html>.

limits may be familiar with the concept of limitations on free speech but sometimes they overlook ethical values and forget the limits of free speech. They seem to be unaware about the value and importance of limitation in free speech from ethical point of view and thus show irresponsible behavior. Various Countries and cultures have participated in this discussion and have brought forward arguments but they have conflict in their views and have not reached at any unanimous outcome. Imposing ethical limits on free speech is important as it reflects adherence to moral values prevailing in a society. There is a direct relationship between morality and restrictions on free speech as your words are expressions which reflect your ethical standards and morality. Morality as a principle is part of every religion and morality as mode of behavior does not come under the context of religion alone, but it is a behavior of human beings in both religious and secular world views. While making boundaries of free speech it is important to get together with followers of others faiths and share their views on the subject. All religions are not supposed to be restricted to follow the rules made by only one religion. Through freedom of speech, one can show his understanding of other's beliefs and it shows how people of all religions relate to each other.⁴ Although ethics and beliefs have a strong relation with each other as religious beliefs could be different from each other but the ethical values and standards are of great importance in every faith. So the limit of using any right has a relation with the standards of any faith. Therefore it is not very difficult to gather

⁴ MOHAMMAD HASHIM KAMALI, "Ethical Limits on Freedom with Special Reference to Islam," 2014, <https://www.cilecenter.org/en/wp-content/uploads/2014/11/Recommended-Articles-English-Ethical-Limits-on-Freedom-of-Expression.pdf>.

all faiths and those who do not profess any faith on a unanimous view on ethical limits of free speech.

Islam has gifted us with the *ḥikmāā* which means wisdom and being human one can understand that how the free speech is actually free. It is free when it does not harm the public and also does not violate the rights of others. There is a border line from which free speech converts into the crime such as blasphemy.

Communal expression of hurtful speech is prohibited by virtue of the following Quranic verse.

“Allah does not like anyone’s foul words being voiced loud publicly except by one who has been a victim of oppression” (Al-Qur’an 4:148)

Public expression of hurtful speech is not liked by Allah S.A.W. This commandment contains the ethical advice but no penalty is commanded. Sharia limits freedom of speech when it causes harm to others. The legal maxim of Islam proclaims that *“Harm must be eliminated,”* everyone is protected against harm.⁵

Concept of free speech in Christianity is also proved through the biblical texts as it is a duty imposed by God. It is clear that free speech is not only the biblical law but is public law as well. The right of freedom of speech is gifted to man from his creator and it is for the benefit of mankind so he must have authorization of using these rights. God shaped human beings with a free will; humans were also endowed with free will but with some limitation. Man is not allowed to do what is prohibited by the Creator.

⁵ Mohammad Hashim Kamali, “Ethical Limits on Freedom of Expression with Special Reference to Islam,” 2014, <https://www.cilecenter.org/en/wp-content/uploads/2014/11/Recommended-Articles-English-Ethical-Limits-on-Freedom-of-Expression.pdf>.

Liberty is given from the God; God also gave it to Adam and Eve.

Any law of government which gives right of free speech is aligned with Godly law. Anyone who prevents an individual to use his right of free speech goes against the law of God as there is no divergence between the biblical and community principles. Communities which uphold freedom of speech and expression support laws which are made against hate speech.

When freedom of speech starts harming other's religious sensibilities then it becomes important to define its limitations. Steps must be taken to resolve it and to discover the boundaries in order to save right of free speech.⁶

The Jewish law also contains many expressions which support pluralism and multiplicity of views and freedom of expression but there are some legality attached with it.⁷

Evil speech is forbidden according to Old Testament. The characteristics that distinguish humans from the animal are the powers which are given to human beings from God. One should be aware about the consequences before saying anything because harming someone by using your power of speech is more horrifying than stealing something. The words that split out the mouth once can never be taken back so be careful before saying anything.⁸

⁶ Paul Sturges, "LIMITS TO FREEDOM OF EXPRESSION? CONSIDERATIONS ARISING FROM THE DANISH CARTOONS AFFAIR," *IFLA Journal* 32 (2006): 181–88.

⁷ American-Israeli Cooperative Enterprise (AICE), "Rights,Human," accessed August 9, 2015, <http://www.jewishvirtuallibrary.org/rights-human>.

⁸ Rabbi Berel Wein, "Examining Halacha,Jewish Issues and and Secular Law," 2008, <http://www.jlaw.com/Commentary/free.html>.

The pluralism and freedoms of expression are the most important human rights. The Jewish law contains many expressions which supports the pluralism and multiplicity of views. Law is made to explain ones right of free speech. As right of free speech is given to the Jews there are some limitations imposed on it.

*"Do not take advantage of each other, but fear your God. I am the LORD your God."*⁹

It means that do not take advantage of power of free speech. It is not allowed to wronging a person through speech. The speeches that harm the position of other person may include the insult or anything which is private matter of that being.

In the light of above discussion it seems clear that all civilized societies accept freedom of speech and expression as a fundamental human right. It is also clear that there are some moral and ethical principles which govern free speech. The objective behind this right is that individuals should be free to express their ideas and voice their opinions but this freedom must not infringe others rights or hurt others feelings. There is an agreement of all Semitic religions on use of freedom of speech with certain limitations. However there is a common understanding that Free speech in secular world view is without limitation. Secular world view believes that everyone has right of free speech to hold opinion or to say or do anything according to their will and this right is absolute.

Using right of free speech is a huge responsibility. A person is accountable for his words and actions if he violates that right and many a times he is liable for its punishment. Speaking precisely of the issue when freedom of

⁹ Bible Hub, "Leviticus 25:17," accessed June 7, 2015, <http://biblehub.com/leviticus/25-17.htm>.

speech hurts the religious sensibilities of the people who profess certain faith like Islam, Christianity and Judaism it amounts to ‘Blasphemy’ in religious world view and a person who utters such words must be punished. But these laws are only present in religious world view because the religious text is their deciding authority. On the other hand in secular world view judiciary is the deciding authority. For them it’s not a big deal to say anything about anyone’s faith. That’s why they are unable to understand the feelings of a person professing religious faith. It is also said that the freedom of expression is linked with the responsibility but secular world view has no limitation over freedom of speech. Judiciary is present in secular to take decision between the right and wrong. Free speech should be used with responsibility so as not to violate others rights and not hurt religious feelings of others. The dignity of others religion, their god, prophet and religious sensibilities should be kept in mind. Freedom of expression is right which can easily be found in every religion but it is a responsibility which not everyone can fulfill.

There are lawful conditions and guidelines for what may be conveyed openly. A man has right over his own body however suicide is not permitted for the obvious reason that it harms us and is a thanklessness towards God who has gifted us with life. Similarly laws of copyrights and plagiarism are not restrictions of freedom of thought and communication but are in fact regulations imposed on the use of free communication so as not to violate others rights and promote harmony in a civilized society. Free discourse is never absolutely free in light of the fact that in a liberal society opportunity is balanced by obligations that while using it keep in mind that it won't abuses the others’ rights. Islam lays down more prohibitive arrangements of moral values therefore it doesn't allow the free speech which hurts the sentiments of others.

The event of 9/11, held in past decade and many events like that increase the veiled distinction between religious and secular worldviews. The question, where to draw line between ‘freedom of expression or speech’ and use of that freedom in a manner that infringes the right of ‘respect for religious beliefs’ of others is a simple debate made complicated. Paradoxes exist among religious and secular world on this issue and these inconsistencies are but natural. It is because today’s secular and religious worlds have moved away from religion and have forgotten the original ethical teachings of all Semitic religions on ‘freedom of speech’. What they remember are the most rigid interpretations, whereas if we read the scriptural texts the verses which are simple and clear on limits of freedom of speech lay down principles which are unanimously acceptable to the secular world, the religious world and all Semitic religions. All religions profess that peace should be established on this earth and there is no compulsion in matters of religion.

The subject of this article is not to justify or debate on the death penalty of blasphemy. Purpose of this article is to analyze international laws on free speech and examine why religious sensibilities are injured by acts such as Salman Rushdie’s book and Danish Cartoons. At the same time deterrence to misuse of laws and false allegations from both sides must be discouraged.

1.3) International Legal Documents on Freedom of Speech, Incitement and Defamation of Religions

The issue of ‘Incitement’ (provocative speech), ‘free speech’ or ‘defamation of religion’ falls under the purview of ‘International law’ and ‘Human Rights’. International legal documents relevant to Freedom of

Speech Incitement and Defamation of Religions are Universal Declaration of Human Rights (UDHR), International Convention on Civil and Political Rights (ICCPR) and International Convention on Elimination of all forms of Racial Discrimination (ICERD) and European Convention on Human Rights (ECHR).

Thus analysis of International laws and Human rights pertaining to free speech and hurt caused to ‘respect for religious beliefs’ is the only purview of present study. We will not touch upon the legal issues and punishment of blasphemy.

The focal question remains ‘What does International law says on the limits on freedom of speech and expression which protect sensitivities of people and societies adhering to a religion’?

The Defamation of Religions Resolution passed by UN Commission on Human Rights in **1999** entitled ‘Defamation of Religions’ expressed deep concern that Islam is wrongly associated with ‘Terrorism’ and ‘Violation of Human Rights’. A decade after, UN Human Rights Council and the General Assembly passed very similar resolutions entitled ‘Combating defamation of Religions. General assembly’s Resolution 64/156 stated that *“defamation of religions is a serious affront to human dignity leading to illicit restriction of the freedom of religion of their adherents and incitement to religious hatred and violence.”* And this could lead to disharmony and violation of human rights. This document also linked fight against terrorism with ‘defamation of religions’ and ‘incitement to religious hatred’ which contribute towards the denial of ‘fundamental rights’. Thus defamation of religions, incitement to discrimination violence and hate speech were all conjoined under the resolution ‘Combating Defamation of Religions’. Some member states passed

legislations to prevent ‘negative stereotyping of religious groups’ which were held up as role models. Resultantly ‘defamation of religions’, ‘advocacy of religious hatred’ and ‘incitement to religious hatred’ were all considered essentially one for the purpose of applying restrictions on free speech under resolution 64/156. The emphasis was laid on the content of speech deemed offensive or defamatory by adherents of a particular religion. Harmful outcomes were presumed to flow automatically from such speech without the necessity of proof of intent of the speaker or writer. In 2006, 111 member states voted in favor of ‘defamation of religions resolution’ 54 against it and 18 abstained. In 2007, 108 states voted in favor while 51 voted against and 25 abstained. In 2008, 85 states voted in favor, 50 against and 42 abstained. In 2009, 80 states favored and 61 voted against while 42 abstained.

In 2009 International Human Rights experts raised dissatisfaction on ‘defamation of religions’ resolution. They voiced that the resolution is ambiguous and that it threatened the established right of free expression. These voices were raised during the Durban Review Conference, Geneva, April 22, 2009. It was argued that the word ‘defamation’ was wrongly used and applied in ‘Defamation of Religions’ as defamation refers to the protection of reputation of individuals, while religions, like all beliefs cannot be said to have a reputation of their own. Restrictions on freedom of expression should be limited to protection of individual rights and social interests and should not be used to protect particular institutions, concepts and religious beliefs. This debate mounted a lot of pressure on United Nations.

A compromise was reached between OIC and Western democratic nations led by United Nations as a result of which Human Rights Council shifted course by dropping references to ‘defamation of religions’ in HRC

Resolution 16/18 (Incitement Resolutions). The operative provisions of HRC Resolution 16/18 were then framed in terms of protecting individuals from incitement to violence or discrimination based on their religion, rather than protecting any religion from the expression of criticism that its adherents may seem offensive. This in the words of UkufGokcen permanent representative of OIC to the United Nations was described as a ‘statement of great compromise’ and ‘fostering international cooperation’. HRC 16/18 was devoid of any reference to Islam or Muslims. Since then there have been a series of multinational meetings to discuss ways to implement the resolution, this series of meetings to discuss implementation became known as ‘Istanbul Process’ Besides OIC representatives meetings were attended by U.S Secretary of State Hillary Clinton and Catherine Ashton and EU Foreign representatives. By 2013 lack of consensus over the meaning of certain terminologies used in the resolution was observed. These meetings focused less on practical implementation and more on banning offensive speech as ‘incitement’. Ambassador Michael G. Kozak represented United States in the third meeting and remarked that he is disappointed that much of the debate on ‘Incitement’ is essentially the same which was witnessed before HRC 16/18 was passed and the narrative pits the ‘West’ against the ‘Rest’. Question arises how to determine whether ‘Defamation of Religions Resolutions’ and ‘Incitement Resolutions’ passed by UN General Assembly and UN Human Rights Council have any binding legal effect as source of International law?

There are four sources of legal authority under International Law.

1. International Conventions (formal written treaties between states)
2. International Customs (consistent practice of the states that they follow from a sense of legal obligation)

3. General principles of law recognized by civilized nations
4. Judicial Decisions

A very important point needs to be understood: There is nothing in UN Charter that grants General Assembly any power that would render its resolutions legally binding or enforceable. UN Human Rights Council was created by UN General Assembly as a subsidiary organ of General Assembly in 2006.

1.3.1) Universal Declaration of Human Rights UDHR-(1948)

Universal declaration of human rights is not a covenant, treaty or convention but is technically General Assembly's resolution thus not binding on its member states. But this declaration has now become part of customary International law therefore provisions related to freedom of expression and freedom of religion in UDHR (1948) are binding on its member states.

Provisions related to Freedom of Religion

Article 18:

*'Everyone has the right to freedom of thought, conscience and religion.....'*¹⁰

Provisions related to Freedom of Expression

Article 19:

'Everyone has freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek receive and impart information and ideas through any media and regardless of frontiers' (UDHR 1948)

¹⁰ United Nation, "Universal Declaration of Human Rights," 1948, <http://www.un.org/en/universal-declaration-human-rights/>.

Provisions related to Limitations on Rights and Freedoms***Article 29(2):***

‘In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.’(UDHR 1948)

In the light of these three legally binding provisions of UDHR (1948) it is evident that UDHR supports freedom of expression but limits it to the point where it infringes the rights and freedoms of others and to the point where it starts injuring or hurting morality, public order and general welfare.

1.3.2) International Covenant on Civil and Political Rights (ICCPR)- (1966)

Second legal source of International law which legally binds its member states is the ‘International Convention on Civil and Political Rights- 1966’. Article 19 of ICCPR lays down provisions for freedom of expression along with restrictions on this freedom and Article 20 of ICCPR lays down what constitutes ‘Incitement’ and ‘Discrimination’. Both these articles are reproduced below;

Provisions related to Freedom of Expression***Article 19:***

1. *“Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and*

ideas of all kinds, regardless of frontiers, either orally or in writing or in print, in the form of art, or thought any other media of his choice.

The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary. (ICCPR 1966)

Article 20:

“Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”¹¹

Above stated provisions of ICCPR related to freedom of expression are very broad but are subject to restrictions or limitations on freedom of expression. Limitations imposed by ICCPR are other’s reputations and their rights must be respected. National security, public order, public health and morals must be protected against the unlimited use of freedom of expression. Furthermore article 20 clearly prohibits advocacy of national, racial or religious hatred that results in incitement to discrimination, hostility or violence.

1.3.3) International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)- 1965

Freedom of Expression Related Provisions

¹¹ United Human Rights Nation, “International Covenant on Civil and Political Rights,” 1965, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

Article 4:

“States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of such discrimination.....

- a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts against any race or group of persons of another color or ethnic origin, and also the provision of an assistance to racist activities, including the financing thereof;*
- b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law...¹²*

1.3.4) European Convention on Human Rights (ECHR)

European Convention on Human Rights promises freedom of expression, including freedom of speech

(Article 10)

Under domestic laws, “Section 5 of the Public Order Act 1986 makes it a

¹² United Human Rights Nation, “International Convention on the Elimination of All Forms of Racial Discrimination,” 1965, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

*criminal offence to use threatening, abusive or insulting words or behavior with intent to cause harassment, alarm or distress.*¹³

Human rights made by the government have limits of freedom speech in Christianity. The European convention on human rights (1950) in it Article 10 stated that:

- *Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*
- *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*¹⁴

These are vital limits of free speech which are imposed by the law while

¹³ Christian Legal Center Concern, “Freedom of Speech Street Evangelism,” accessed November 5, 2015, <http://www.christianconcern.com/sites/default/files/evangelism-web.pdf>.

¹⁴ European et al., “Convention for the Protection of Human Rights and Fundamental Freedoms,” accessed November 7, 2015, http://www.echr.coe.int/Documents/Convention_ENG.pdf.

using this right. But there are some other limits as well which citizen must keep in mind while using right of free speech; are the nationwide defense, truthfulness and community protection. These are not only the limitations but they are also the areas where the expression should be applied. These restrictions are called as the “duties of the community” and due to this type of limitations the respect of other religion and rights can be achieved.

Universal Declaration of Human Rights, Article 29

- *Everyone has duties to the community in which alone the freedom and full development of his own personality is possible.*
- *In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare of a democratic society.*
- *These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.*

Now this right is harming others religious sensibilities so it's a need of time to find out the limitations. Many cases of offenses come into notice about the use of right of free speech without having any limit. The motive of the offender should also be taken in to notice while arguing about such issues. Only discussion is not the solution need of time is to take some steps to solve it and to discover the boundaries in order to save right of free speech.¹⁵

¹⁵ Paul Sturges, “LIMITS TO FREEDOM OF EXPRESSION?”

Article 10 of the European Convention on Human Rights protects and limits freedom of speech in following words.

“not only the information or ideas that are favorably received or regarded as inoffensive or as a matter of indifference, but also those that offend shock or disturb; such are the demands of that pluralism, tolerance and broad-mindedness without which there is no democratic society.”¹⁶

1.4) Limitations on Freedom of Speech and Religious Tolerance in Islam

Islam emphasizes on use of free speech but with limitations. It lays down principles which govern free speech. At numerous places in the text of Quran we find verses which relate to pluralism respect for religions and free speech. A brief account of these verses is given below. In addition to Quranic verses two more document of Islamic history can be quoted as primary sources which discuss and lay down principles of pluralism and religious tolerance with regard to freedom of speech. These are the ‘Charter of Medina’ and the ‘Last Sermon of Prophet Muhammad (PBUH).’

1. Al-Quran Chapter 49 (al-Hujrat): 11

“O Believers! Let no community ridicule another community. It is likely that they may be better than those who ridicule..... and do not offend or find fault with one another...”

2. Al-Quran Chapter 33 (al-Ahzab): 70

“O Believers! Always fear Allah and say what is correct and straight”

CONSIDERATIONS ARISING FROM THE DANISH CARTOONS AFFAIR,” *IFLA Journal*, 2006, 4–5.

¹⁶National Secular Society, “Freedom of Expression,” 2012.

3. Al-Quran Chapter 22 (al-Hajj): 30

“.....and guard yourselves against telling lies.”

4. Al-Quran Chapter 2 (al-Baqara): 42

“And do not mix up the truth with falsehood nor conceal the truth deliberately”

5. Al-Quran Chapter 2 (al-Baqara): 83

“And talk of piety to the common people in polite manner”

6. Al-Quran Chapter 4 (al-Nisa): 148

“Allah does not like anyone’s foul words being voiced loud publicly except by one who has been a victim of oppression”

Islam lays down universal principles and guidelines for ‘speech’ which are in complete harmony with principles of a civilized community. Guidelines laid down by revealed book of Islam are not only for Muslims but for all humanity, the best example of which is the Charter of Madina.

1.4.1) Charter of Medina (622 CE)

Charter of Medina or more popularly known as Constitution of Medina was drafted by Prophet Muhammad (PBUH) soon after his arrival in Medina in 622 CE. In this document nine Jewish tribes and other tribes too were recognized as part of *Yāṭhrib* community and their religious separation from Muslims was established giving them freedom to practice their religion and giving them assurance that they will not be harmed for not being a Muslim.

1.4.2) Last Sermon of Prophet Muhammad (PBUH) –(632 CE)

“All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor a black has any superiority over white

*except by piety and good action....*¹⁷

1.5) Danish Cartoon Controversy & Reactions of Supranational Bodies

Danish cartoon controversy raised issues on ignited a debate on:

- a) Limitation on freedom of expression
- b) Tolerating others religions
- c) Muslim minorities in the West
- d) Relationship of Islamic World and the West

Critics described these cartoons as;

- a) Islamophobic
- b) Racist
- c) Blasphemous to Muslims
- d) Stereotyping

It is argued that freedom of speech ends where sacred values are offended. In case of Danish Cartoon controversy it was the ‘satirical intent’ of the cartoonists and association of Prophet Muhammad (PBUH) with terrorism that was so offensive to the vast majority of Muslims.

1.5.1) Danish Criminal Code

Section 140

¹⁷ Shahid Athar, “THE LAST SERMON OF PROPHET MUHAMMAD (PBUH): CONFIRMATION OF THE MAIN POINTS FROM THE MAIN POINTS FROM QURAN,” accessed November 20, 2015, <http://www.usislam.org/pdf/the-last-sermon.pdf>.

Section 140 of Danish Criminal Code prohibits disturbing public order by publicly ridiculing or insulting the dogmas of worship of any lawfully existing religious community in Denmark.(Aljazeera 2006)

Section 266 b(1)

“Any person who, publicly or with the intention of wider dissemination makes a statement or imparts other information by which a group of people are threatened, scorned or degraded on account of their race, color, national or ethnic origin, religion, or sexual inclination shall be liable to a fine or to imprisonment for any term not exceeding two years.”¹⁸

Political Reactions of Supranational Bodies on Jyllands-Posten

Cartoons

The three Supranational bodies, United Nations Organization (1945) having 193 member states, Organization of Islamic Cooperation (1969) comprising of 57 member states and European Union (2002) comprising of 28 member states expressed their reactions on Jayllands-Posten Cartoons in following manner.

UNO

UN High Commissioner reflected that there is racism behind Danish Cartoons. Koofi Annan emphasized that media should be careful in handling religious themes and suggested peaceful dialogue. It was also reported that freedom of expression is subject to limitations and should not be exercised freely.

¹⁸ Geoff Holland, “DRAWING THE LINE - BALANCING RELIGIOUS VILIFICATION LAWS AND FREEDOM OF SPEECH I,” *UTS LAW REVIEW: RACISM, RELIGIOUS INTOLERANCE AND THE LAW* 8 (2007): 9–20.

EU

Franco Frattini and EU Commissioner called publication of cartoons as ‘thoughtless and inappropriate’ and European parliament condemned violence as a result of these publications

OIC

The OIC suggested that European Union should adopt legislative measures against Islamophobia and prohibit defamation of all prophets and should adopt a formal code of ethics.

As a result of publication of Danish cartoons many unpleasant happenings occurred, such as death threats, riots, demonstrations, strikes, burning of Denmark and Norwegian embassies and attacks on churches as well as fatawa’s were issued against the cartoons of Muhammad (PBUH).

Muslim world all over the world reacted to the publication of twelve Danish Cartoons. In many Muslim countries flags of Denmark, France, Norway were desecrated and burned down. American, British and Israeli flags were also burnt in many places. This was done to make the West understand how their religious feelings have been injured. There were mass demonstrations and labor strikes in Pakistan and in Baghdad and Iraq. Scandinavians were threatened by gunmen in Ghaza strip¹⁹ and

¹⁹ The Danish Criminal Code (Consolidated Act No. 1034 of 29 October 2009) and Section 266(1) B, “RESPONSE BY THE KINGDOM OF DENMARK TO THE ENQUÊTE OF 3 AUGUST 2010, SIGNED BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS, MS. NAVANETHEM PILLAY REGARDING PROHIBITION OF INCITEMENT TO NATIONAL, RACIAL, OR RELIGIOUS HATRED,” accessed November 21, 2015, <http://www.ohchr.org/Documents/Issues/Expression/ICCPR/States2011/>

thousands demonstrated against cartoons in Palestinian territories. Al-Aqsa Martyrs Brigade raided Ghaza's European Union offices & demanded apologies from Denmark and Norway. Palestinians closed down EU headquarters in Ghaza and demanded Europeans to apologize Muslims because the cartoons were offensive to them. In UK Muslims organized a protest march from London Central Mosque to Danish Embassy giving death threats to those who were involved in making and publication of such derogatory cartoons. Even the churches were not safe as a result of cartoons publication.

Italian Catholic Priest was shot dead at the doorstep of his church as a result of protest against these cartoons. Leaflets were distributed in Iraq demanding Christians to halt their religious rituals in Churches as they insulted Islam and Muslims. Fatawas against the Danish troops stationed in Iraq were issued as a result of which government had to heighten their security. Danish and Norwegian Embassies in Damascus and Syria were set on fire. Danish consulate in Lebanon was set on fire.²⁰

German Cultural center in Ghaza was raided. Danish and Norwegian embassies were attacked in Tehran. Many European consulates in Muslim countries were set on fire.

Many Muslim countries raised their voices that International laws should protect 'Religions' from defamation and there should be understanding of religious tolerance. They took the event of Danish cartoons as way of defaming Muslims and Islam by portrayal of negative image of Prophet

Denmark.doc.

²⁰ wiki News, "Fatah Assaults European Union Office," accessed January 30, 2006, https://en.wikinews.org/wiki/Fatah_assaults_European_Union_office.

Muhammad (PBUH). The countries which condemned making of these cartoons as defamation of Islam, protested against them and demanded an apology were Afghanistan, Azerbaijan protested Bahrain demanded apology Bangladesh lodged diplomatic protest and demanded apology for such heinous act Bosnia & Herzegovina demanded apology Finland said that Denmark could apologize for offending religious feelings without endangering freedom of expression. Indonesia recommended rendering of apology Iraq condemned cartoons. The Lebanese minister of foreign affairs criticized the drawings saying that freedom of speech ends when sacred values are offended. Malaysia says it is a deliberate act of provocation. Saudi Arabia condemned the act and withdrew its ambassadors²¹

Singapore said there is a need to respect racial and religious sensitivities- cartoons were provocative but violent response is condemned. Sudan boycotted Danish goods and both countries closed their respective embassies. Turkey- it is an attack on our spiritual values and there should be limits on freedom of press²²UAE- It is cultural terrorism not freedom of press. Iran said it is a Zionist conspiracy. Egypt threatened Denmark with embargo of Danish products. Nigeria- banned all Danish and Norwegian

²¹ Cnn, "Gunmen Shut EU Gaza Office over Cartoons," accessed February 2, 2006, <http://edition.cnn.com/2006/WORLD/meast/02/02/gaza.cartoon/index.html>.

²² Katherine Zoepf and Hassan M. Fatah, "Protesters in Beirut Set Danish Consulate on Fire," accessed February 2, 2006, http://www.nytimes.com/2006/02/05/international/middleeast/protesters-in-beirut-set-danish-consulate-on-fire.html?_r=0.

products and burned flags²³ Pakistani parliament condemned and asked for punishment of cartoonists offered monetary rewards for killing cartoonists. Belarus, editor of a newspaper was jailed for 3 years²⁴ Yemen- a newspaper editor was sentenced of one year in jail for reprinting Danish Cartoons²⁵

Besides these above mentioned reactions of the Muslim World there were some neutral reactions. Canadian government said that people should be respectful of the beliefs of others. Muslims peaceful and respectful protest were commended. France condemned violence but called for tolerance towards others faith Ireland condemned cartoons as provocative but also condemned violence. Poland felt sorry and said it is unnecessary provocation. South Africa insisted that courts are under obligation to decide the matter of citizen's freedom of speech. Sweden said freedom of speech must not be used to insult people. UK criticized Europeans newspapers for republication of cartoons and that they have been disrespectful and insensitive US said that they respect freedom of press but with a responsibility- Inciting religious or ethnic hatred is not acceptable. US urged dialogue not violence- Bill Clinton strongly criticized the

²³ The Middle East Journal, "Chronology: Saudi Arabia," accessed February 5, 2006, <https://www.questia.com/library/journal/1P3-1127518461/chronology-saudi-arabia>.

²⁴ Sandra Laville and Luke Harding in Berlin Ewen MacAskill, "Cartoon Controversy Spreads throughout Muslim World," 2006, <https://www.theguardian.com/world/2006/feb/04/muhammadcartoons.pressandpublishing>.

²⁵ Amelia Hill and Anushka Asthana, "Nigeria Cartoon Riots Kill 16," 2006, <https://www.theguardian.com/world/2006/feb/19/muhammadcartoons.ameliahill>.

cartoons and referred to European Anti-Semitism replacing anti-Islamic prejudice.

However there were countries which supported absolute use of free speech. Germany supported Denmark and stressed on central role of freedom of expression. Belgium supported Denmark and Freedom of Speech. Czech Republic supported EU stand on this issue. Italy supported Denmark Norway- cartoons were published in Norwegian newspapers too. The Norwegian Foreign Ministry expressed that one of the pillars of the Norwegian society is freedom of speech, but they expressed regret that *Magazinet* did not respect Muslims' beliefs. Finland's Muslim community held a peaceful demonstration to close the Danish embassy.²⁶ Denmark's Prime Minister Anders Fogh Rasmussen was asked to avoid hate speech but Rasmussen said that' the government could not interfere with the right of free speech, but said that cases of blasphemy and discrimination could be tried before the courts.

Conclusion

In the light of above discussion it is clear that religious and secular both world views support freedom of speech and both world views agree that this right should not be exercised without limitations. Feelings and sentiments of people belonging to different faiths should be taken care of. All revealed religious texts profess that there should be ethical limits imposed on the use of free speech and this right to be exercised with utmost responsibility. Religious pluralism was the hall mark of nascent Islamic community in Medina. Freedom of speech and expression is a

²⁶ Reuters Staff, "Belarus Jails Prophet Mohammad Cartoon Publisher," 2008, <https://www.reuters.com/article/idINIndia-31473320080118>.

fundamental human right. Islam lays down universal principles and guidelines for speech which are in complete harmony with principles of civilized community. Charter of Medina and last Sermon of Prophet of Islam advocate this notion. All major international legal documents such as UDHR, ICCPR, ICERD and ECHR accept freedom of speech but with limitations and legal boundaries. While recording reactions of supranational bodies on Jyllands- Posten cartoons it is seen that UNO, EU and OIC all condemn these publications as injurious to the sentiments of Muslim community and a sign of racism and very unethical and inappropriate.



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