

Opinion Piece on
**The Undefined Boundaries of
'Freedom of Expression'**

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Freedom is a very broad term and always taken for granted. The important thing to understand is that there is boundary for freedom and where your boundary ends, someone else's boundary starts. The line is very thin and often neglected. There is a huge difference between freedom of expression and freedom to offend. Freedom of expression has also become a stereotype of thing. The dictionary definition is 'Freedom of expression is the right of people to express their opinions publicly without governmental interference, subject to the laws against libel, incitement to violence or rebellion'.

Article 10 of Human rights under European Union and article 19 in United Nation's charter gives freedom of expression to everyone, which includes the freedom to hold opinions and to receive and impart information and ideas without state interference. But it also imposes few restrictions on this fundamental

right. I would mention two of them related to this debate.

- I. Protection of morals
- II. Protection of reputation or rights of others

'Rights of others' is a very critical thing. The difference between expressing views and endeavouring to offend must be clear. In every country of the world there is a restriction on freedom of expression, whether it is on racial grounds, national security, public safety, protecting the minorities and in some cases the monarchy or royals of that country. We all are very clear that you cannot abuse or discriminate anyone on the racial or ethnic bases. It is a serious offence in major countries of the world. No court of law would accept 'freedom of expression' as its defence. We also have privacy and defamation laws in all civilised societies. There are Anti-Semitism laws, which protect the hatred or discrimination towards Jews.

South Africa is probably the most liberal country when it comes to freedom of expression, however in the light of long history of racial abuse and discrimination, the constitution of South Africa precludes the expression that is tantamount to the advocacy of hatred. Germany, also, has some restrictions on freedom of expression, for example 'insult', is punishable under section 185; Malicious Gossip and defamation is punishable; Hate speech is punishable if against segments of the population and in a manner that is capable of disturbing the public peace including racist agitation and anti-Semitism. UK laws on defamation are among the strictest in the western world; also it's an offence to send another any article or document, which is indecent or grossly offensive with intent to cause distress or anxiety.

Adolf Hitler killed hundreds of Jews during Second World War and this is described as Holocaust, because this was a case of massacre for a particular race, the world showed empathy for the Jews and today denial of Holocaust is a crime in many countries. These restrictions have been in place to protect the feelings and emotions of Jewish people. Even if somebody tries to research on this matter and develops an argument over actual number of killings, he may face criminal proceedings. The British author David Irving did the research on Holocaust and his finding of research tried to show the world that the actual figure of deaths is way less than the usually told figure. His entry was banned in many countries and he had to face a custodial sentence in Australia. The notable point of Holocaust is that this matter is not directly related with Jewish faith or belief; it is a historical event of repression against them. Yet discussing this event is considered as immoral and illegal and even research on this is culpable and does not fall under freedom of expression. Also, the use or display of Nazi symbols is considered immoral. Prince Harry of England had to apologise publically after displaying such a sign. In 2013 famous French footballer Nicholas Anelka was banned for five matches for displaying a 'quenelle' gesture, which is considered anti-Semitic. Later, he was expelled from English football club West-Bromwich.

There exist many examples in which this fundamental right of 'freedom of expression' is suspended. Unfortunately some writers and journalists often cross the line and humiliate the belief of 1.6 billion Muslims. Ironically, the magazine, that is so blatantly crying for freedom of expression, has previously, shamelessly, fired one of its employees on the charges of anti-Semitism. The "freedom of expression" defense only comes into play when ridiculing and mocking Islam, Muslims and the Islamic belief system. In Russian this kind of freedom of expression is called as "spitting in somebody's soul". This thing is not a secret that how much Muslims are associated with their Prophet Muhammad (ﷺ). Deliberately targeting and ridiculing in order to either hurt or provoke any particular race, belief, culture is not the freedom of expression; on the contrary, it's the abuse of the right to freely express.

Prophet Muhammad (ﷺ) is the ultimate guide from darkness. He is unique a Prophet, an unschooled genius and the most trustworthy individual. Here I would like to mention some renowned authors and writer's views about Prophet Muhammad (ﷺ).



Major A. Leonard

"If ever any man on this earth has found God; if ever any man has devoted his life for the sake of God with a pure and pious zeal then, without doubt, and most certainly that man was the Prophet of Arabia." (*Islam, its Moral and Spiritual Values*, p. 9; 1909, London)



Sir George Bernard Shaw

"He must be called the Saviour of Humanity. I believe that if a man like him were to assume the dictatorship of the modern world he would succeed in solving its problems in a way that would bring it the much needed peace and happiness. I have prophesied about the faith of Muhammad (ﷺ), that it would be acceptable to the Europe of tomorrow as it is beginning to be acceptable to the Europe of today." (*'The Genuine Islam' Vol. 1, No. 8, 1936*)



Alphonse de LaMartaine

"Philosopher, orator, apostle, legislator, warrior, conqueror of ideas, restorer of rational dogmas, the founder of twenty terrestrial empires and of one spiritual empire that is Muhammad (ﷺ). As regards all standards by which human greatness may be measured, we may ask, is there any man greater than he? If greatness of purpose, smallness of means, and outstanding results are the three criteria of human genius, who could dare to compare any great man in modern history with Muhammad (ﷺ)? He created a spiritual nationality of every tongue and of every race." (*'Histoire de la Turquie' Paris, 1854*)



Mahatma Gandhi

"I wanted to know the best of one who holds today's undisputed sway over the hearts of millions of mankind. I became more than convinced that it was not the sword that won a place for Islam in those days in the scheme of life. It was the simplicity, the utter self-effacement of the Prophet, the scrupulous regard for his pledges, his intense devotion to his friends and followers, his intrepidity, his fearlessness, his absolute trust in God and in his own mission.



Thomas Carlyle

The British philosopher, Thomas Carlyle, who won the Nobel Prize for his book 'The Heroes' wrote: "It is a great shame for anyone to listen to the accusation that Islam is a lie and that Muhammad (ﷺ) was a fabricator and a deceiver. We saw that he remained steadfast upon his principles, with firm determination; kind and generous, compassionate, pious, virtuous, with real manhood, hardworking and sincere. Besides all these qualities, he was lenient with others, tolerant, kind, cheerful and praiseworthy and perhaps he would joke and tease his companions. He was just, truthful, smart, pure, magnanimous and present-minded; his face was

radiant as if he had lights within him to illuminate the darkest of nights; he was a great man by nature who was not educated in a school nor nurtured by a teacher as he was not in need of any of this.”



Michael H. Hart

Michael H. Hart in his book on ratings of men who contributed towards the benefit and uplifting of mankind writes: “My choice of Muhammad (ﷺ) to lead the list of the world's most influential persons may surprise some readers and may be questioned by others, but he was the only man in history who was supremely successful on both the religious and secular levels.”

This was just a mere glimpse of the powerful, undoubted and resounded personality of Prophet Muhammad (ﷺ).

Islam fully allows freedom of expression but doesn't give freedom to offend anyone. It preaches to respect the beliefs and rights of others. Islam doesn't put a restriction on criticism, as long as difference between criticism and ridicule is clear. Anybody can disagree with the laws and history of Islam, which is fair, but deliberately targeting; molesting and making fun of very sacred personalities is totally unacceptable. Under European Union human rights Article 10 this is called intimidation or damaging the reputation of others. Hatred, vindictive and prejudice cannot be treated as freedom of expression. There are many books and documentaries in which the writers have criticized the laws of Islam and raised questions on the history of Islam, but they knew what their limits were and didn't cross the line. Fairly speaking one doesn't have to agree with them but there is no offensive material in it.

Recent deadly attacks on French satirical magazine 'Charlie Hebdo' have once again raised the discussion on freedom of expression. This magazine is trying to become the “Herald”, of freedom of expression, but in 2008 they fired one of their cartoonists on mocking Jews and charges of anti-Semitism were put up against him. The Danish newspaper, which depicted Prophet Muhammad (ﷺ) in 2005 and caused a wide spread outrage and anger among the Muslims all over the world; in 2003, the editor of this Danish newspaper had refused to print the mocking cartoon of Jesus Christ by saying that this will cause distress, anxiety and anger amongst the Catholics.



After the attacks on Charlie Hedbo, a solidarity rally was organized in Paris, in which more than 40 head of states marched with the millions of people. If someone had displayed the placard stating 'Je suis Kouachi' (I'm Kouachi, Kouachi brothers attacked Charlie Hebdo office in Paris on 7th Jan 2014) in that rally, do you think he would have survived? If someone had made the mocking cartoon of those people who died in Charlie Hebdo, will it still be freedom of expression? If someone had made the mocking cartoon of 9/11 victims and showed them falling from twin towers, will it still be freedom of expression? That satirical magazine Charlie Hebdo has again depicted Prophet Muhammad (ﷺ) on its latest edition, which is clearly prejudice, grudge and hatred against Islam and frankly speaking this is called terrorism of pen. Henri Roussel, who is co-founder of Charlie Hebdo magazine, said that he is very upset on these cartoons and the magazine went too far with its provocative images.

Modesty, decency and behavior are norms of good societies. We have to co-exist and have to respect each other's, faith and beliefs. Mocking each other's faith and sacred figures is religious intolerance and it

will only create rift in the society.

The dream of peace will remain dream if this hate speech continues. We must not forget that this kind of prejudices will further fuel the terrorism. Humanity, love, respect, brotherhood and accepting each other's existence is the key for peace of this planet.

United Nations must take steps to make a legislation to protect the dignity and honor of all prophets and sacred books. I completely agree with Pope Francis that the religions had to be treated with respect, so that people's faiths were not insulted or ridiculed. He stressed that there are limits on freedom of speech, especially when people mocked religion, you cannot provoke, you cannot insult the faith of others and you cannot make fun of the faith of others.



Lastly, Muslims around the world have to play an active role in this very sensitive matter; they must stand up with one voice and raise their issues in a rational and dignified manner, instead of resorting to violence or arson to protest against such ignoble deeds. Also they need to address inaccuracies and errors in their own publications and speeches. These inaccurate accounts of history give a chance to mock about sacred personalities of Islam.

Apart from any religion or faith, this is responsibility of every conscientious individual to play his part to stop such provocative actions. Every sensible person wants peace and harmony in the society. The developed societies have worked very hard to stop racism, inequality, and ethnic discrimination. It was all because of initiative from a certain individual, which resulted in a collective effort of whole society. Similar kind of approach is required to stop hate speech. Interfaith conference will be a good idea for the religious and political leaders to sit together and brainstorm on this issue and try to draw the parameters for 'freedom of expression', whereby dignity and respect for every faith, religion and belief is protected.