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## Do Muslims Have Equal Right to Free Speech?

By **Dr. Md. Mahmudul Hasan**

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Professor Julian Petley of Brunel University London in his book *Censoring the Word* (London: Seagull, 2007) mentions that "all democratic countries possess laws that curtail media freedom in one way or another (the UK has over 60)" (p. 29).

Andrea-Tereza Nitisor in "Speaking the Despicable: Blasphemy in Literature" (2009) states: "Blasphemy laws still exist in the penal codes of many countries, including European states that boast secular democratic values" (p. 110).

Section 295-A of the Penal Code of 1860 that Bangladesh, India and Pakistan governments use to proscribe written words or to ban writers was introduced by British colonizers during the colonial period. All these facts do not suggest that the West is a site of, or advocate for, limitless free speech.

Western media outlets largely maintain a consistent policy of not maligning Judaism and Christianity and their holy symbols. What is more, most European countries have laws that criminalize Holocaust denial and ban hate speech (especially against the Jews). In 2006 a Vienna court sentenced the British academic David Irving (1938 –) to three years in prison for denying the Holocaust of the European Jews. Imams in masjids in the West are under constant surveillance and sometimes secret agents monitor especially the content of their khutbahs (Friday sermons).

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Recently, Russia has banned Ali Muhammed al-Salabi's book *Abu Bakr Siddique, the First Caliph*. In the last one decade or so, the country's Justice Ministry has blacklisted over two thousand titles including a number of classical Islamic books.

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The above deliberation shows that free speech restrictions are not a Muslim monopoly, as they exist in many non-Muslim countries on earth. However, a binary of absolute freedom of expression in Western countries and its restriction in Muslim societies features quite prominently in the discourse of free speech ban and intellectual proscription.

Whether freedom of expression should be absolute or there should be some sort of cap on its exercise has generated lively discussion over time. Classical British scholars who intellectually fought against censorship and promoted freedom of expression do not support unbounded or irresponsible exercise of free speech.

John Milton (1608 – 1674) defended free speech and wrote *Areopagitica* (1644) to oppose the intellectually stifling Licensing Order that the British government passed in June 1643. However, he did not support unconditional right to freedom of expression and wanted religious and political authorities to be watchful over its possible misuse. As he states:

"I deny not, but that it is of greatest concernment in the Church and Commonwealth, to have a vigilant eye how books demean themselves as well as men; and thereafter to confine, imprison and do sharpest justice on them as malefactors" (p. 151).

Another champion of free speech John Stuart Mill (1806 – 1873) "defines liberty as the right of the individual to think and act as they wish, providing that they harm no one else by doing so" (Petley p. 46).

In our contemporary time, the Egyptian writer and Nobel laureate Naguib Mahfouz (1911 – 2006) describes the limits of freedom of expression in an interview with Mohamed Salmawy thus: "We need to differentiate between free speech and disrespect for religious symbols. Every man has the right to stretch his arms, for example, but not to the extent that he hits the face of the person next to him" (*Al-Ahram Weekly On-line* (9–15 Feb. 2006).

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I put a similar analogy below which may help illuminate this debate further. Car drivers have to follow traffic rules. They are supposed to stop when traffic lights are red and are allowed to go when the lights turn green. However, this rule is not absolute. Because even if the lights go green but there are cars ahead unmoving, the driver behind cannot exercise their right to go. That is to say, s/he is supposed to consider the presence of the car(s) ahead before s/he exercises their right to go even when the traffic lights are green.

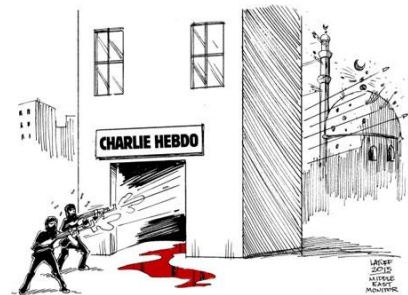
Writers and artists are entitled to freedom of expression, but at the same time they should consider other people's right to be different and not to be hurt or affected by the irresponsible exercise of freedom of expression. In other words, writers and artists should fully respect other people's cultural values and sentiments and their right to subscribe to other belief systems.

Therefore, the right to free speech is perhaps a suspect virtue. In other words, writers and commentators may have the right to say what they want and artists, to express what they think or feel curious about. But they are morally obligated to maintain some degree of checks and self-censorship, and consider the socio-religious values and conventional morality that people cherish in a given cultural setting. A book or an artistic piece that insults people's long-held views, beliefs, convictions and cultural practices and thus can

potentially incite violent street demonstrations and can cause death/s is perhaps better not to be produced at all.

Perhaps, the debate, whether or not freedom of expression is absolute, may remain a contentious issue for a long time. However, it is almost certain now that Muslims are currently the primary victims of a conceivable hypocrisy in the free speech discourse. While Muslim societies are maligned for a perceived lack of freedom of expression, Muslims do not have equal right to freedom of expression. The following discussion may clarify this more.

Prominent scholars who are opposed to laws against Holocaust denial include many prominent western non-Muslim academics and commentators. It is perhaps their legitimate intellectual right to seek to decriminalize the denial of the Holocaust and such an academic stance does not harm any. However, if the list of prominent commentators against the laws against Holocaust denial included eminent Islamic scholars, the reaction of Western establishments and mainstream, dominant media would have been understandably different.



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Let us examine another example. Soon after the tragic fall of the Twin Towers in New York in 2001, the British writer and Nobel laureate Doris Lessing (1919 – 2013) made a characteristically iconoclastic statement. She said: “It was neither as terrible nor as extraordinary as the Americans think.” She refused to toe the line with Western political and media establishments and exercised her right to take a divergent view. But imagine if an Islamic scholar of Lessing’s stature took such an unconventional intellectual stance! What would be the repercussion and media outcry!

In the wake of the recent *Charlie Hebdo* tragedy, many commentators showed the courage to critique the magazine’s editorial policy of exclusively maligning Islam and Muslims. Again, if the majority of the commentators critical of *Charlie Hebdo* were Muslims in such a sensitive time, many Islamophobic analysts would have jumped to the conclusion that the followers of Islam are pathologically anti-freedom of expression and that something is seriously wrong with the religion.

Also bear in mind the fact that Russian rulers’ proscription of over two thousand titles has not provoked the trial of their religion. But Islam is regularly on trial for any reported misdeeds committed by any of its followers. Moreover, most often the slogan of free speech is actually an excuse for free license to denigrate Islam and to caricature its adherents. For the sake of a healthy intellectual culture globally, the dismantling of hypocrisy and double standard in the discourse of free speech is a crying need and long overdue.

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Dr. Md. Mahmudul Hasan is with the Department of English Language and Literature at International Islamic University Malaysia. He is the author of ‘Free speech, ban and “fatwa”’: A study of the Taslima Nasrin affair’, *Journal of Postcolonial Writing*, 46(5) 2010: 540–552.