

Muhammad Hāshim Kamālī's Views on Freedom of Expression (An Analytical Study in Modern Sociopolitical Context)

ⁱDr. Riaz Ahmad Saeed

ⁱⁱDr. Zainab Amin

Abstract

Freedom of thought, expression and speech are considered the most imperative values and liberties in the Islamic context since its arrival. Moreover, in Islam, it is not only a basic right but in some cases, it becomes a necessary duty for a Muslim believer. According to Islamic law, the freedom of expression and speech is constituted as a fundamental right and duty for every believer. Therefore, Muslim scholars must establish and maintain for all Muslim men and women, rulers, and public, common and special, to search out the truth and convey the message of God. But it is also noticed, where Islam declares it as a fundamental right and civil liberty, it also binds it with some limits and boundaries for the sake of public welfare and human dignity. Besides, Islam is the balanced religion therefore justice and balance of power must be prevailed in every field of life, including liberties and rights. In this context, many Muslim scholars wrote and spoken about this significant issue. Muhammad Hāshim Kamālī is one of the most distinguished scholars who give much importance to human liberties and civil rights, including freedom of expression, speech, and thought. He has a good number of academic writings and recommends some legal, social, and moral limits on freedom of expression. This paper is an effort to examine Professor Kamālī's views and approaches on the Freedom of speech in modern sociopolitical context. The analytical research methodology has been adopted with a qualitative approach in this study.

Keywords: *Hāshim Kamālī, views, freedom of speech, analysis, modern sociopolitical context.*

Introduction:

The majority of Muslim scholars believe in freedom of expression with in responsible and limited parameters. Even the traditional of Muslim scholars ('Ulamā') and the modern Muslim jurists agree upon the freedom of expression under some valid legal, ethical, and social limits. One of the leading Muslim scholars and voices in this context is a prominent Malaysian scholar Prof. Dr. Muhammad Hāshim Kamālīⁱ. He is a leading figure in the conventional approach to freedom of expression and speech. He considers it the most important human right and liberty but demands some reasonable limits on it too. He has dozens of books, lectures, and research papers on the issue of freedom of expression. In fact, in the modern age, he academically writes and speaks on this issue in the Muslim perspective responsively. No doubt, he has valuable

ⁱ Lecturer, Department of Islamic Studies, NUML, Islamabad, riazussaeed@gmail.com

ⁱⁱ Assistant Professor, Department of Islamic Studies, Women University, Peshawar, KPK

contributions to this issue in the modern age from the Muslim side, which we don't find any other.

This study explores that he has a very balanced approach regarding freedom of expression and speech. On one side, he has the deepest insight into the fundamental Islamic principles and on the other side, he interprets them according to contemporary needs and requirements. As a jurist and an Islamic scholar, he demands and considers freedom of expression as a vital and fundamental human right but also demands some legal, social, and ethical limits on this right to protect human dignity as well as the right of freedom of expression. His point of view is full of academic arguments and references. Consequently, we can observe his voice is the leading voice in the contemporary age on the Islamic concept of freedom and rights. Even the Western scholars deem his books as a reference on this issue. He has many valuable books and articles on this issue. In this paper, it will be tried to elaborate his point of view on freedom of expression from his books, articles, and interviews with an analytical approach.

Literature Review:

Right to freedom of speech has become the most important issue in both, Islamic and western thoughts, especially with the growing phenomena of postmodernism. It got more attention in contemporary ages. Many Muslim and western scholars are trying to reinterpret this issue according to the need and requirements of modern times. Dr. Muhammad Hashim Kamali, a notable Islamic scholar is one of them from Muslims who works very extensively on this issue. Some important writings on the issue which are considered for the study given below;

1. Mill, John Stuart, *On Liberty* (Boston: Ticknor and Fields Publishers, 1863).
2. Al-Īllī, Abdul Ḥakīm Hassan, *al-Ḥurrīyah al-‘Āmmah*. Beirut: Dār Fikar al-Arabī, 1983.
3. Kamālī, Muhammad Hāshim, *Freedom of Expression in Islam*. Kuala Lumpur: Berīta Publishers, 1994.
4. Wojciech Sadurski, *Freedom of speech and its limits*. Netherlands, Kluwer Academic Publisher, 2001.
5. Hāmid Mowlānā, *Theoretical perspective on Islam & Communication*, *China Media Research* 3:4(2007):23-33.
6. Khan, Waḥīduddīn, “Islam aur Āzādī-e-Fikr-o- Khīyāl”, *Monthly al-Risālah*, no. 237 (1996):2-3.
7. Kamālī, Muhammad Hāshim, “Ethical Limits on Freedom of Expression with Special Reference to Islam”, *Journal of Islamic Law and Ethics* (2014):42-62;
8. Kamālī, Muhammad Hāshim, “The Approved and Disapproved Verities of Rā’iy”, *AJISS* 7:1(1990):39-63.
9. Kamālī, Muhammad Hāshim, *Freedom of Expression in Islam*. Kuala Lumpur: Berīta

Publishers, 1994.

10. Kamālī, Muhammad Hāshim, "Freedom of expression in Islam; An Analyses of Fitnah", *AJISS*10:2(2005):178-200.
11. Kamālī, Muhammad Hāshim, "Freedom of expression in Islam; An Analyses of Fitnah", *AJISS*10:2 (2005):178-200.
12. Clark, Ben," Freedom of Speech and Criticism of Religion; what are the limits?" *Murdoch University E-Law Journal* 14:2 (2007):94-121.
13. Saeed, Riaz Ahmad, Limits of Freedom of Expression from the Islamic perspective and its major differences from the Western perspective, *Al-Azwa* 50;33(2018), 29-51.

It can be observed from the above literature review that the concept and views of freedom of expression from Muhammad Hashim Kamali is needed to be explored in the modern era. Therefore, in this paper the views of, "Muhammad Hāshim Kamālī on Freedom of Speech are tried to be analytically discussed. This issue is not discussed earlier, therefore, it's a research gap for this study and hopefully, it will open new dimension of research in his specific field of study.

Dr. Kamālī's Principles to Freedom of Speech and Expression:

Prof. Dr. Muhammad Hāshim Kamālī considers the freedom of expression as the most vital human right and defines it in a legal perspective, because in Islam all kinds of rights and liberties are granted by Almighty Allah through Sharī'ah (Islamic Law). He defines freedom of expression likely, "Freedom of expression includes freedom of the press and the liberty to communicate ideas in all forms; including books, pictures, signs and other means of communication".ⁱⁱ Additionally, he adds about its purpose and status in this way, "The purpose (of freedom of expression) may be to inform, to communicate ideas, to persuade, to convince others, to reveal the truth or to clarify and eliminate doubts".ⁱⁱⁱ According to his academic perception, the status of the freedom of expression is legal over the world's legal traditions including Islam, "The basic notion of freedom and of freedom of expression would appear to strike a common note in all legal traditions, including that of Islam's".^{iv} Here, we would like to add that in Islamic perspective the notion of freedom of expression including other rights and liberties are not just a legal one but it has moral and religious validity as well.

Objectivity and Significance: If we consider the position of freedom of expression in the universal legal traditions, we can easily determine its status that it is not freelance but is based on some responsibilities and limits. These limits and responsibilities determine its importance and purity. It means Islamic limits are not new and alone in this field but these limits and restraints make it more secure and vital for human dignity and honor. The Holy Prophet ﷺ once said during Ṭawwāf of K'aba;

"How superior you are and how fine your smell; how immense you are and how immense your holiness. By the Allah, in Whose Hand is the soul of Muhammad, the

sanctity of the believer is superior before Allah than your sacredness, his blood and his wealth, and to think anything but good of him”.^v

Professor Kamālī also discussed its objectivity and significance in Islamic perspective in his academic work on freedom of speech. According to Dr. Kamālī’s opinion, there are two basic objectives of free speech in Islam. He assumed, “There are basically two main objectives that are served by the right to free speech; 1-discovery of truth and 2-upholding human dignity”.^{vi} These two rights are more vital in Islamic Sharī‘ah even that many verses of Quran and traditions of the Holy Prophet ﷺ articulate the validity and importance of both. The first primary source of Islamic teachings as well speaks about these most vital rights of a man. Allah guides us in the Quran as;

﴿وَتَوَاصَوْا بِالْحَقِّ وَتَوَاصَوْا بِالصَّبْرِ - وَالْعَصْرِ - إِنَّ الْإِنْسَانَ لَفِي خُسْرٍ - إِلَّا الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ﴾

“By the Time, Verily Man is in loss, except such as have Faith, and does righteous deeds and of Patience and Constancy”.^{vii}

The Prophet Muhammad ﷺ continuously expressed this essential issue in his statements. Imām Bayhāqī narrates a thought provoking Ḥadīth of the Holy Prophet, “Ḥaḍrat Abū Dharr (R.A.) states that my best friend (The Holy Prophet) advised me to tell the truth even it is unpleasant”.^{viii} According to Sheikh Ṣālih al-Fowzān, “it is necessary for anyone when a case is in the court anyone who is a witness of this case should tell exactly what he saw although it may be unpleasant or go against someone”.^{ix} In case of a witness, Islam does not bother anyone, no matter he or she is the nearest relationship. Allah commands to the believers:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ إِن يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا فَلَا تَتَّبِعُوا الْهَوَىٰ أَن تَعْدِلُوا﴾

“O, believers! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it is rich or poor for Allah can best protect both. Follow not the lusts, lest ye swerve”.^x

A contemporary interpreter of the Quran, Hāfīz ‘Abdusslām Bhutvī assumed about it, “You must firmly give true witness against him although he is rich or poor because Allah commands it and Almighty Allah is the best wisher of all the creations”.^{xi}

Dignity of human beings: According to Dr. Kamālī’s views, the other key objective to freedom of expression, other liberties, and human rights is the dignity of man. He considers it complement of human dignity; “Freedom of expression also complements human dignity. For the essence of character and personality is reflected in a person’s opinion and judgment”.^{xii} Many verses of the Holy Quran and Aḥādīth of the Prophet ﷺ lead us to the dignity of humanity:

﴿وَالَّذِينَ وَالرَّيْثُونَ وَطُورِ سِينِينَ وَهَذَا الْبَلَدِ الْأَمِينِ لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ﴾

"By the Fig and the Olive, And the Mount of Sinai, And this City of security, We have indeed created man in the best of molds".^{xiii}

The important standpoint of the Holy Quran regarding human dignity is that he breaks all the barriers against human beings. Dr. Kamālī firmly believed, "The Qurānic verses clearly surpass all the racial social or religious barriers that divide humanity. It is a general and absolute declaration and there are evidences in the Sharī'ah to qualify the broad and universal term of this statement".^{xiv} On another place of the Holy Quran, Almighty Allah, the only Lord of the universe regards the human being with its true spirit and divine power. The following verse of the Quran is repeatedly described during the study due to its importance on this issue for human respect and dignity.

﴿إِنَّا عَرَضْنَا الْأَمَانَةَ عَلَى السَّمَاوَاتِ وَالْأَرْضِ وَالْجِبَالِ فَأَبَيْنَ أَنْ يَحْمِلْنَهَا وَأَشْفَقْنَ مِنْهَا وَحَمَلَهَا الْإِنْسَانُ﴾

"We did indeed offer the Trust to the Heavens and the Earth and the Mountains; but they refused to undertake it, being afraid thereof: but man undertook it".^{xv}

These verses of the Quran show dignity, respect, and regard for human beings. These verses show man as trustee (Khalīfah) of the Allah on the Earth. According to Allāmah Muhammad Iqbāl views about this verse; "Man is a trustee of free personality and he, therefore, bears the responsibility that goes with it. Moreover, freedom in this sense is a trust which man has accepted at his risk".^{xvi} Human Rights and liberties also preserve the dignity of man in the society because he is a supernatural creation. According to the proceedings of an international seminar on 'Human Rights in Islam; "To preserve the dignity of man it is necessary that society guarantees him food, drink, lodging, clothing, education, and employment and as well as his right to express opinion, participate in his political life of his country and to be assured of his own security and that of his kin".^{xvii}

Discovery of Truth: It can be said that the discovery of truth and upholding human dignity are the foundational stones of human rights and liberties in Islam. Although these two do not contradict each other if in the meanwhile they confront one another than the discovery of truth is a priority in Islam. Dr. Kamālī's opinion also favors this issue; "Of these two objectives which both are recognized and validated in Islam. It is perhaps the discovery and vindication of truth on which Islam tends to be more emphatic".^{xviii} According to Professor Kamālī's opinion, freedom of expression is a fundamental human right and has more significance and clear status in Islamic Sharī'ah. Even that he considers it a barometer to judge the worth of an Islamic government. He often stresses that "Freedom of expression has frequently been characterized a barometer by which to measure the democratic quality of an Islamic government and its commitments to rights and liberties of its citizens".^{xix} He also confesses this fact that the difference of opinion creates knowledge and also necessary for a reasonable public consensus. In this way, we can know the public opinion and can utilize public opinion to improve government performance. According to his cherished views, "It is only to be expected that free speech may bring contentious issues out into the open and stimulate difference of opinion but may be this is the only way to facilitate a

meaningful consensus on an issue”.^{xx} This study has a strong agreement to his opinion that the freedom of speech and criticism can play a vital role to enhance the performance of government.

Moreover, he raises a substantial question that we can use the right to free speech to hold the government and society to account in the sense of constructive and fair criticism on different issues. In this issue, he considers the freedom of speech as God’s gift and an excellent tool to remove injustice and misconduct of rulers from state and society. He explained his views, “Freedom of speech is also a powerful instrument when used to combat injustice and to expose the misconduct of rulers and leaders who exceed the limit of their authority”.^{xxi} Actually this importance and scope of free speech is not a principle of Dr. Kamālī’ but these are retrieved from the Holy Quran, Ḥadīth of the Prophet ﷺ and sīrah of the righteous caliphates of the Islamic history. Most of them we have quoted in the first and second chapters of the research. He mentioned some very important fundamental principles of free speech in the Islamic perspective. According to him, there are five primary principles of Islamic freedom of speech. 1-Principles of Ḥisbāh, 2-Sincere advice (Naṣīḥāh), 3-consultation (Shūrā), 4-Personal reasoning or opinion (Ijtihād or Rā’y) and 5- Positive Criticism (Muḥāsibah).^{xxii} It is also an agreed point that the freedom of criticism can play a major role in account a government if we use it for constructive purpose and style.

Accountability or Hisbah and freedom of expression: From the above discussion of Dr. Kamālī arguments it is observed, the Ḥisbāh^{xxiii} is the most important principle of Islamic freedom of expression. Dr. Kamālī argues; “Commanding good and forbidding evils is a coordinate Qurānic principle which lies in the roots of many important of Islamic Sharī‘ah laws and institutions. This Qurānic principle is also known as Hisbāh, which lays down the foundation of some of the basic liberties (as free speech)”.^{xxiv} ‘Abdul Karīm Zaydān states his view on Hisbāh, “The principle of Ḥisbah provides the freedom of the person to formulate and articulate a judgment”.^{xxv} The Quran and the sayings of the Prophet ﷺ discourse a detailed code on the principle of Hisbāh:

﴿وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَٰئِكَ هُمُ الْمُفْلِحُونَ﴾

“Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: They are the ones to attain felicity”.^{xxvi}

In Islamic teachings, Hisbāh is one of the most important principles which can be used to transform the society and individual for virtues and welfare. The blessed Prophet ﷺ also set out a principle regarding Ḥisbāh;

“If any of you see something evil he should set it right with his hand; if he is powerless to do so, then through his tongue and if he is incapable to do even that, and then let him condemn it by his heart, but this is the weakest form of faith”.^{xxvii}

Therefore, we can assess this fact that according to the Quran and Ḥadīth, the principle of Hisbāh (commanding good and forbidding evil) is an obligation on every Muslim. This principle can play a vital role to reform and establish a modest and welfare society and the State of Madīnah of the kind Prophet ﷺ was the best example of it.

Sincere Advice or Naṣīḥah: According to Hāshim Kamālī views, sincere advice (al-Naṣīḥah) is the second foundational principles of Islamic freedom of speech, according Dr. Kamālī's views. Literally Naṣīḥah means a friendly reminder or sincere advice. According to Islamic scholars, the word advice does not properly explain the word of Naṣīḥah. Arabic word Naṣīḥah automatically includes the meaning of sincerity or sincere advice. According to Dr. Jamāl Bādī arguments; "The term Naṣīḥah cannot be precisely translated in English because it is a wide notion which cannot be traced in the English language or to any other language. Some use the term sincerity but this is only part of the idea. Naṣīḥah is truly seeking the best, in terms of intention and action, for the one to whom he is making Naṣīḥah".^{xxviii} The Holy Quran uses it from the perspective that the Prophet to advise his nation. Almighty Allah mentions an excellent discourse of the Prophet Noah (A.S.):

﴿وَلَكِنِّي رَسُولٌ مِّن رَّبِّ الْعَالَمِينَ أُبَلِّغُكُمْ رِسَالَاتِ رَبِّي وَأَنَا لَكُمْ نَاصِحٌ أَمِينٌ﴾

"But (I am) a messenger from the Lord and Cherisher of the worlds I but fulfill towards you the duties of my Lord's mission: I am to you a sincere and trustworthy adviser".^{xxix}

A good number of Aḥādīth of the blessed Prophet ﷺ articulates the detailed concept of Naṣīḥah, its feature, status, and importance in Islam. In a Ḥadīth of the Prophet ﷺ said:

"Al-Dīn (Islam) is the name of sincere advice. Then we asked: To whom? He responded: To Allah, His Book, and His Prophet and to the leaders and the Muslims Ummah".^{xxx}

Dr. Muhammad Hāshim Kamālī said while commenting on the Ḥadīth of Naṣīḥah in this way; "The spirit of Islam regarding Naṣīḥah is to promote a watchful but kind manner on the part of followers who are likely to maintain and defend the ethical and spiritual values of Islam".^{xxxi} We can differentiate between Naṣīḥah (sincere advice) and tawbīkh (warning). According to another Ḥadīth of the blessed Prophet ﷺ, the Naṣīḥah is considered as a moral and religious obligation. The Prophet ﷺ said about Naṣīḥah, "When you are asked for your sincere advice, you must give him".^{xxxii} This obligation shows the importance of Naṣīḥah and its relation with freedom of expression in Islam.

The third most important aspect of the foundational principle of freedom of expression is Ijtihād or personal reasoning in the Islamic perspective. Dr. Kamālī writes about the importance of Ijtihād; "Ijtihād is the most vital source of Islamic law after the Qur'an and the Sunnah. The

main differentiation between Ijtihād and the revealed sources of the Sharī'ah lies in the fact that Ijtihād is an incessant process of development whereas the divine revelation and Prophetic legislation stopped at the death of the Holy Prophet ﷺ.^{xxxiii} This should also be kept in mind that the matter of Ijtihād has directed the relation to freedom of expression and opinion because both accept differences of expression and opinion. Dr. Kamālī sums up the issue of free speech and Ijtihād as, “The tradition of Muslim scholarship in relation to freedom of expression and Ijtihād is, on the whole indicative of latitude and tolerance”.^{xxxiv} This means the Muslim tradition in freedom of expression is based on self-autonomy and tolerance towards others. Muslim behavior and intellectual standpoint is flexible towards freedom.

Shūrāh or Consultation: The fourth significant foundation principle of Hāshim, Kamālī's idea of freedom of expression in the Islamic perspective is Shūrā or Consultation. He considers it a key feature of the Islamic state and society. He affirms it in his statement; “Being one of the leading principles of the Islamic Government approved in the Quran, Shūrā wants the head of state and government leaders to perform the public affairs through consultation with the community members”.^{xxxv} Almighty Allah commands the Prophet ﷺ to consult his companions. Allah commands to the Prophet ﷺ and as well as all believers about consultation in the Quran, “*And consult them in affairs. Then, when thou hast taken a decision*”. (SūrahĀl‘Imrān 3:169) So for that purpose, the Prophet ﷺ consulted the matters with his companions most of the times. ḤaḍratAbūHurāyrah (R.A.) narrates, “*I have never observed anyone to be more attentive in consulting the companions than the Prophet ﷺ*”.^{xxxvi} Almighty Allah reveals a Sūrah with the name of Surah Shūrā in the Honor Quran and then commands all the Muslims to resolve their issues with a consultation.

﴿وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَىٰ بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ﴾

“*Those who hearken to their Lord, and establish regular Prayer; who their affairs by mutual Consultation; who spend out of what We bestow on them for Sustenance*”.^{xxxvii}

The Prophet ﷺ commands the Muslims to consult and it is obligatory to respond to the consultancy. ḤaḍratJābir narrates from the Prophet, “*If one of you consults his brother, then let him counsel him*”.^{xxxviii} The majority of Islamic scholars consider the consultancy as obligatory and one of the most important pillars of the Islamic Government. ImāmṬabrī speaks; “*Consultation is an excellent commandment and great pillars of Islamic government. It is the primary code of Islamic Sharī'ah which is necessary and specialty of Islamic government*”.^{xxxix}

The consultation is so important because it creates a difference of opinion which is necessary to resolve a problem and know the mode and mentality of the public. It plays the role of positive feedback and also to keep check and balance on public policies of a democratic government.

The abovementioned principles of freedom of expression are most important to understand the features of freedom of speech in the Islamic context. Actually, these principles work like features of the freedom of expression in Islam. This study observes that if we want to understand freedom of expression in the light of Islamic teachings, it is more necessary to recognize these most important principles. We can use these principles to increase the performance of a Muslim state and society if we use it for constructive objectives. Moreover, the effort of Muhammad Hāshim Kamālī regarding freedom of expression and speech from the Islamic point of view is highly appreciated.

Hāshim Kamālī's ethical Limits to Freedom of Expression:

Muhammad Hāshim Kamālī mentions some legal and ethical limits and restraints on freedom of expression for its validity and importance in a state and society. The first question which is raised and answered by Muhammad Hāshim Kamālī is regarding absolute freedom of expression. According to Dr. Kamālī's opinion, it is impossible with ground realities and facts of Life. He affirms; "It is inconceivable that any society would have attempted or achieved total and unrestrained right to free speech for a certain amount of restriction goes hand and hand with the fact of life".^{xl} These facts of life demand some legal and ethical limits on freedom of expression for its validity as well as to save the society from anarchism and clashes.

Valid speech: According to Kamālī's arguments sometimes the ethical aspect of a limit is more valid than a legal one and sometimes the legal aspect gains more weight than an ethical one. So it depends upon time and occasion and varies from society to society. He observes, for free speech validity it is also necessary that public opinion should be free from all of unfairness and discrimination but it is not till now. He openly says;

"Public opinion determines to a large extent, the acceptable limits of such freedoms and rejects what is unacceptable and excessive. And yet public opinion is not a free agent as he reflects the combination of moral, religious, cultural and legal influence".^{xli}

He accepts this fact that most of the legal limits are excessive because laws are related to society and every society is differing from one another. So, ethical limits may be acceptable to all because ethics are more common than laws. According to Mr. 'Ālījāh Izetbegovic's opinion:

"Although religion and ethics have close affinity with one another, unlike religious beliefs exclusive of other religions, ethical norms are often shared between followers of different faiths within and across territorial divides".^{xlii}

For that purpose, Dr. Kamālī advocates and focuses on the ethical limits rather than legal ones. He pointed out various legal limits and restraints on freedom of expression in the Islamic perspective. He also said about the excessiveness of legal limits which are imposed on freedom of expression. He says; "A great deal of inhibitions and restrictions that are imposed on freedom

of speech are extra-legal”^{xliii} Dr. Kamālī strongly rejects this claim and objections that most of the ethical limits cause harm to the future of free speech. He affirms; “Freedom of expression is broadly speaking a subject to the same limitations, whether moral or legal those are applied to other rights and liberties”^{xliv}.

Avoidance of Harm: According to him the key ethical limits on freedom of expression in Islamic perspective are three; “1- Avoidance of harm to others including hate speech, privacy, and dignity, 2 Prohibition of Fitnah in the society including chaos, crime and violence and 3- Restrictions on slandering, insult, and blasphemy, etc.”^{xlv} According to Dr. Kamali’s views, public speeches of harmful views are not allowed in Islam. He says: “ Public Utterance of Hurtful Speech this title is a direct translation of the Qur’anic phrase ‘al-jahr bi’-sū’ min al-qawl’, perhaps one of the most far-reaching limits on freedom of speech of both legal and ethical import”^{xlvi} Dr. Kamali makes his arguments from Quran verse of surah al-Nisa. Allah declares this principle in the Quran very clearly:

﴿لَا يُحِبُّ اللَّهُ الْجَهْرَ بِالسُّوءِ مِنَ الْقَوْلِ إِلَّا مَنْ ظَلَمَ وَكَانَ اللَّهُ سَمِيعًا عَلِيمًا﴾

“Allah loveth not that evil should be noised abroad in public speech, except where injustice hath been done; for Allah is He who heareth and knoweth all things”^{xlvii}.

According to Dr. Kamali’s arguments, the aforementioned verse does not pose a prohibition, nor does any penalty for this violation, rather than it contains ethical advice and guidance. It is also needs to know that hurtful speech may consist of violation of the honor of its victim, offending his sensibilities or causing him/her physical harm and loss of property.

However, the Quran make an exceptional case in hurt or harm speech which also mention in the verse of the Quran. According to another renowned Isalmaic scholar on these verses;

“It does, however, make one exception for those who have been wronged. Hence all varieties of hate speech and hurtful expressions publicly uttered are proscribed. The only exception the text has granted aims at vindication of justice. But even here, al-jahr bi’l-sū’ must be limited to that which is deemed necessary under the circumstances, and it is unwarranted altogether in the absence of injustice”^{xlviii}.

The above quoted arguments consider the harmful speech or act as an ethical limited to freedom of expression in the Islamic context. So we should abide by these ethical boundaries.

Prohibition of Fitnah: Another important limit on freedom of speech in the Islamic perspective is eradication of Fitnah^{xlix}. Dr. Kamālī also considers Fitnah in legal and ethical limits and in case of Fitnah, freedom of speech can be limited and even abrogated. He further elaborates. According to historical evidence in the Islamic context, freedom of speech cannot be allowed in case of the spread of Fitnah. Dr. Kamali maintains his arguments as:

“Freedom of expression does not allow the subjection of believers to corrupt views and influences that violate Islamic principles. Such offensive speech and conduct may be penalized, although the precedents of the Prophet's four immediate political successors suggest that punishment should be severe only if the conduct in question amount to blatant disbelief (*kufre Sarīh*)”.¹

These views of Dr. Muhammad Hashim Kamali are based upon the Qur'ānic discourse. Fitnah is not allowed in any case according to Islamic Teachings. Even the Holy Quran permits Jihad against Fitnah. Many Verses of the Holy Quran describes it;

﴿وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ فَإِنِ انْتَهَوْا فَإِنَّ اللَّهَ بِمَا يَعْمَلُونَ بَصِيرٌ﴾

"And fight them on until there is no more tumult or oppression, and there prevail justice and faith in Allah altogether and everywhere; but if they cease, verily Allah doth see all that they do".^{li}

In another verse of the Holy Quran Fitnah is declared more dangerous than a human murder. ○ Allah commands in Surah al-Baqarah:

﴿وَأَقْتُلُوهُمْ حَيْثُ ثَقِفْتُمُوهُمْ وَأَخْرِجُوهُمْ مِّنْ حَيْثُ أَخْرَجُوكُم وَالْفِتْنَةُ أَشَدُّ مِنَ الْقَتْلِ﴾

"And slay them wherever ye catch them, and turn them out from where they have turned you out; for tumult and oppression are worse than slaughter"^{lii}."

Hence, Dr. Kamali considers the seditious freedom of expression as abuse in the name of freedom of expression and it creates a problem for a peaceful social and legal order. He further explains, “Seditious speech is an abuse of the freedom of expression that threatens the legitimacy of a lawful government as well as the collapse of a society’s normal order. This theoretical characterization may appear fairly uncontroversial, but problems arise when it is translated into practice”.

Carrying on his point of view he further says to limit or some time abrogate the freedom of expression to maintain public order is the same in Islamic and western legal discourse.

“Statutory restrictions on freedom of speech and expression are common in both Muslim and non-Muslims legislation. The main areas of concern tend to differ from one country to another, although a broad line of distinction could be ascertained between advanced and developing countries. Seditious hat threatens states security tend to occur more frequently in developing nations, as industrialized nations generally have had a longer experience with democracy”.^{liii}

Thus, he recommends, “The Government has a right to limit and restrict the freedom of expression in the situation of Fitnah, rebellion, and sedition”.^{liv} This is the most important limit and principle on freedom of expression in Islamic context because fitnah (sedition) is strictly disliked and prohibited.

Spared of evils and obscenity are not allowed: The fourth ethical limit in the Islamic perspective is to restrict the spread of evil in the society including, pornography, obscenity and vulgar writings. Many of the verses of the Quran command to avoid the obscenity, and the matters related to it. Allah Commands:

﴿قُلْ إِنَّمَا حَرَّمَ رَبِّيَ الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَّنَ ۖ وَالْإِثْمَ وَالْبَغْيَ بِغَيْرِ الْحَقِّ وَأَنْ تُشْرِكُوا بِاللَّهِ مَا لَمْ يُنَزِّلْ بِهِ سُلْطَانًا
وَأَنْ تَقُولُوا عَلَى اللَّهِ مَا لَا تَعْلَمُونَ﴾

“Say: the things that my Lord hath indeed forbidden are: shameful deeds, whether open or secret; sins and trespasses against truth or reason; assigning of partners to Allah, for which He hath given no authority; and saying things about Allah of which ye have no knowledge”.^{lv}

The Prophet ﷺ prohibits all kinds of evil and obscenity. The Prophet said about obscenity and indulgence, *“Obscenity (al-Fuḥush)^{lvi} and indulgence (al-Tafāḥḥush) have nothing to do with Islam”.*^{lvii} From the above discussion it can be we find that a regular code of ‘Iffahwa ‘Iṣmah in Islamic Sharī‘ah (respect and dignity) which is not found in any other thought or religion of the world. Here, the last Messenger of Allah ﷺ appreciated those who protect their dignity and avoid illegal sexual relations;

“Seven people will be sheltered by Allah under His gloom on the day when there will be no shadow except His. (One of them is)... a man who rejects the call of a beautiful lady of noble birth for an illegitimate sexual interaction with her and says: I am fear Almighty Allah”.^{lviii}

The Islamic Sharī‘ah closed every way and path of illegal sexual relationships because this destroys the human race. Allah considers it as the greatest sin in the Quran due to its vulgarity. *“Nor come nigh to adultery: for it is a shameful (deed) and an evil (Sūrah al-Isrā’17:32).”* The prophet ﷺ warns humanity for the evils of adultery. Once the beloved prophet ﷺ rightly said on an important occasion to his humble followers:

‘O Muhājirūn, there are five things with which you will be tested, and I seek refuge with Allah lest you live to see them: Immorality never appears among a people to such an extent that they commit it openly, but plagues and diseases that were never known among the predecessors will spread among them’.^{lix}

Consequently, the Quran itself awards him the punishment of adultery. It shows its strictness. In Islamic Sharī‘ah (Law) the punishment of illegal sexual intercourse after the decision of the case from a credible jury is as Allah commands in the Holy Qura’n:

﴿الرَّانِيَةُ وَالرَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ
وَالْيَوْمِ الْآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ﴾

“The woman and the man guilty of adultery or fornication, - flog each of them with a hundred stripes: Let not compassion move you in their case, in a matter prescribed by Allah, if ye believe in Allah and the Last Day: and let a party of the Believers witness their punishment”.^{lx}

This is for the unmarried one, according to Fiqh (Islamic Jurisprudence), while for married one; the punishment of stoning to death is prescribed. But under the Western influence of liberalism and secularism one can see growing obscenity, indulgence and pornography as social evils of the modern age in the name of liberty, freedom of expression and press and lack of censorship on vulgar contents in the Western countries specially and generally all over the world.

Prohibition to violate other’s Privacy and make Harm to others; Dr. Kamali considers violation of other’s privacy and infliction of harm to others including hurt to others as well an important moral obligation and ethical cum legal limits in Islamic context. There are some Qur’ānic verses and also the principle of Islamic Fiqh which strengthens this claim.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَحْسَبُوا بِبَعْضِكُمْ بَعْضًا﴾

“O ye who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: And spy not on each other behind their backs”.^{lxi}

The Prophet of Allah (ﷺ) said about this issue in a kindly manner, "It is from the excellence of (a believer's) Islam that he should shun that which is of no concern to him".^{lxii} According to Islamic law; “Harm may neither be inflicted nor reciprocated in Islam”^{lxiii}. In addition, he argues, “The Shariah limits the freedom of speech and expression when it causes harm to others. The legal maxim (qā’idah kulliyah) on this simply proclaims that “Harm must be eliminated, which has evidently both moral and legal implications”.^{lxiv}

Besides, to defame another’s dignity is a chargeable attempt in Islam. Book of Allah prohibits it. The Holy Quran recommends;

﴿وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْقَابِ بِئْسَ الْأَسْمُ الْقُسُوقُ بَعْدَ الْإِيمَانِ وَمَنْ لَّمْ يَتُبْ فَأُولَئِكَ هُمُ

الظَّالِمُونَ﴾

“Nor defame nor be sarcastic to each other, nor call each other by nicknames: Ill-seeming is a name connoting wickedness, after he has believed.”^{lxv}

While Hadith of the beloved prophet ﷺ educated these significant moral values to the Muslim believers, “The blood, honor and property of a Muslim are sacred for every Muslim”.^{lxvi} Concealing the weakness and to care about the privacy of others is the most significant deed in the Islamic teachings. Islam recommends protecting a Muslim dignity at all. Thus, the Holy Prophet ﷺ declares,

“O people, who have professed belief verbally, but faith has not yet entered your hearts: Do not interfere into the affairs of the believers, for he who will interfere into the affairs of the Muslims, Almighty Allah will interfere into his affairs, and he whom Allah follows curiously, is dishonored by Him in his own house”.^{lxvii}

It clearly means Islam does not allow freedom of speech on the cost of human dignity. Here, Prof. ‘Alī Muhammad Bhat expressed his views likely to appreciate, “In Islamic legal discourse, freedom of speech and expression is controlled only where the failure to do so, would result in harming the cause of truth and defaming other societies and their sentiments”.^{lxviii}

Moreover, Sab, Qadhaf and Iftra which cause harm to human respect and dignity are also not allowed in Islamic teachings. Clear Quranic verses and verdict of the Prophet ﷺ are witness of it. Here one thing is more important: Dr. Kamali makes difference in Sabb and Qadhaf. “Sabb (to insult) is different from Qadhaf that the latter does not materialize without attributing a specific charge to another person. Whereas a Sabb can be a general attribution which humiliates the person to whom it is addressed”.^{lxix} Here, we would like to conclude this point according to other research paper findings. It is noticed from the above discussion, to insult anyone or to take charge of Qadhaf or Iftirā is not allowed in Islam. So Islamic freedom of expression does not allow anyone to insult or pollute someone’s respect under the umbrella term of free speech. Islam protects and prefers the personal dignity and respect of human beings in any case and in any circumstances. It means the ultimate goal to grant freedom of speech and thought in Islam is the safety of human dignity and to the spread of truth.

Response to Criticism on Muhammad Hasim Kamali:

In the end it is necessary to analyze and criticize Dr. Kamālī’s approach to freedom of expression. First of all, it is a matter of appreciation that academically Kamālī is the first Muslim scholar of the modern age who deeply and in detail presented the case of freedom of expression in the Islamic perspective. The critics of Kamālī also appreciate his work on this issue. According to Dr. S Pervaiz Manzūr impartial comments, “Conceivably the best point of entry in his highly influential work is Dr. Muhammad Hāshim Kamālī’s unique contribution to debate over ‘Freedom of Expression in Islam’. That is really an effort of love and labor of dedication and piety”.^{lxx} We agree with Dr. Pervaiz’s appreciation. Next, he criticizes Dr. Kamālī’s work for lack of dialogue with modernity and modern secularism in the context of freedom of expression. He says, “In his view and reply to the dialogue of secular modernism, it is far from satisfactory. In sparking over the issue of free speech in Islam, the author may not have the smooth going into the debate with modernity”.^{lxxi} Actually the muslim modernist scholars try to find out the solutions of Western decencies in Islamic teachings which are not a positive behavior. Here, Zafar Iqbal views about modernists as;

“The dilemma of the modernist scholars of the modern age is that they search out the solution or alternate of Western thought and philosophy crises in Islam with Western approach, while the solution of this illness have to compete the West with pure Islamic teachings, spirit and ethics”.^{lxxii}

This approach sometimes presents Islam as a dummy (replica) of the Western thought. They have also requesting attitude towards Islam and fundamental Islamic teachings.

According to researchers' humble opinion, it is not a proper way to compete with modernity. Although, we can get benefit from Western or any other thoughts and philosophies but we should not forget that Islam has its own approach and methodology to overcome modern issues. The Prophet Muhammad ﷺ said in his statement, "*The wisdom is the lost property of the believer, so wherever he finds it, he is more deserving to get it*".^{lxxiii} It is a fact that Islam does not agree with every issue of modernity and Western thought. Although we cannot compel anybody to do a right or wrong the Holy Quran differentiates between believers and disbelievers as well as their way of living.

Islam bans and rejects all matters of Jāhilīyyah. There is no difference this Jāhilīyyah may be old or modern. The Prophet ﷺ said in his last sermon (Khuṭbah Hajjah al-Wadā'). The Holy Quran also declares a person a loose thinker who worships his wishes rather than the clear teachings of Islam. His thinking revolves around the finding of worldly things and luxuries. Allah speaks in Sūrah al-Furqān about this category of people;

﴿أَرَأَيْتَ مَنْ أَخَذَ إِلَهُهُ هَوَاهُ أَفَأَنْتَ تَكُونُ عَلَيْهِ وَكِيلاً أَمْ تَحْسَبُ أَنَّ أَكْثَرَهُمْ يَسْمَعُونَ أَوْ يَعْقِلُونَ إِنْ هُمْ إِلَّا كَالْأَنْعَامِ بَلْ هُمْ أَضَلُّ سَبِيلاً﴾

"Seest thou such a one as taketh for his god his own passion (or impulse)? Couldst thou be a disposer of affairs for him? Or thinks thou that most of them listen or understand? They are only like cattle; - nay, they are worse astray in Path".^{lxxiv}

Subsequently, the Prophet ﷺ said about *Jahillīyyāh*, "*All matters of Jāhilīyyah (bad Customs and tradition of polytheism) are under my foot*".^{lxxv} It can be a matter of chance that Islamic and Western thought agree upon an issue but actually Western and Islamic thought are different and opponent to each other right from their foundation and approaches. Islamic and Western concepts of good and bad are different. According to Zafar Iqbāl's comments on modernity;

"Every civilization contains a special good and all goodness of this civilization revolves around this good. The Western good is unlimited freedom and liberty but the Islamic good is worship of one Allah, which provides all kinds of goodness".^{lxxvi}

We think this objection is not valid in this sense that Dr. Kamālī just tried to present the traditional, Islamic legal and ethical point of view about freedom of expression. He does not make a dialogue with modernity and comparison with modern concept of freedom of expression in his book. As Sherman A. Jackson affirms in his review of the book *freedom of Expression in Islam*; "The major purpose of this book to confirm Islam supports the justification of the truth and the defense human dignity by granting the right to free speech".^{lxxvii} According to our humble opinion, this work can become a convincing argument for the case of freedom of expression in the Muslim perspective in the future. Therefore a Western scholar Jackson rightly said; "Many of his thoughts will definitely prove attractive to modern Muslims. This may give them sufficient courage to stand the test of time. For this very prospect, Kamālī earns our praise".^{lxxviii} It is really a reasonable appreciation and fair analyses on Dr. Muhammad Hāshim Kamālī's Book

‘Freedom of expression in Islam’. We think this is a separate debate and the field is open to go forward for more intellectual deliberation. We think it is only a begging, not an end. This work is a serious effort to respond to the modern issue of freedom of expression in the Islamic perspective.

It is also a misconception that Islam does not accept modern changes or freedom of expression and thought. Actually Islam accepts all kind of positive changes but rearranges them according to his requirements and environment. Islam has own principles to reject or accept any issue. For example, Islam provides all kind of freedom of expression and thought but put some moral and legal restriction to make it beneficial for the sake of society. It should also be kept in mind that if free speech is a fundamental right of a person then on the other side it has to pay the rights of other people is a responsibility and duty. So if we want a peaceful and sane society, we should make a reciprocal relationship between rights and duties. The Noble Quran leads us to this issue in a more beautiful way;

﴿وَالَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ مَّعْلُومٌ لِّلسَّائِلِ وَالْمَحْرُومِ وَالَّذِينَ يُصَدِّقُونَ بِيَوْمِ الدِّينِ﴾

“And those in whose wealth are a recognized right, for the (needy) who asks and him who is prevented (for some reason from asking)”.^{lxxxix}

Here, A Noble Ḥadīth of the Prophet ﷺ guides us; “Your God has a right upon you, your body has a right upon you, and your kin has a right upon you, so you must provide the rights of all those who has a right upon you”.^{lxxx} Therefore, Dr. Fathī Osmān argues, “According to their faith, it is the individual and collective social liability of Muslims, to protect the human merits and virtues of whole human being, as well as defending the human rights of every human being is a moral duty for a Muslim, who trusts that any repression is an obstacle of God’s will and plan in His creation”.^{lxxxii} This reciprocal relationship between rights and duties guide us towards some restrictions and limits towards liberties and these restrictions are not newly introduced by one in Islam but every legal system of the contemporary world put some restrictions on freedoms and right to make it balance and proper, because without these limits and parameters, any system cannot run itself fruitfully.

Conclusion:

This study perceives that Muhammad Hāshim Kamālī is one of the most distinguished scholars from the Muslim community who majorly contributes to this important issue in contemporary ages. According to him, Islam considers freedom of expression as right and responsibility both. It is a big quest of the modern day, either freedom of expression can be restricted through law or moral values to prevent sedition and conflict with other socio-religious values or it should leave free for everyone at all. The Islamic freedom of speech is very sensitive and demands responsibility because it is granted by Allah instead of any court, parliament, or constitution. Islam does not allow hurting anyone under the umbrella of freedom of criticism, expression, and speech.

Although, Islam accepts free speech as a fundamental right and liberty but it does not allow anyone to spread mischievous gossip under the cover of freedom of speech and expression. So for that purpose, Islam puts some legal and ethical restraints and limits upon it for the sake of societal peace and prosperity. According to professor Kamali's views, it is a notable point that Islam does not ban freedom of expression in a routine but sometimes limits it for some important socio-political and socio-religious objectives and interests. According to his views, in Islamic teachings, it's not only a fundamental right, but in some cases, it becomes a necessary duty for a Muslim believer. According to Islamic law, the freedom of expression and speech is constituted as a fundamental right and duty for every believer.

Recommendations:

1. In a modern era when the resources of media are more accessible there is a need to put some restrictions on freedom of speech to save other's privacy, faith, and respect.
2. There is need to understand Professor Kamali's views on freedom of expression, speech and thought in a wider perspective.
3. Dr. Kamali is not only a jurist but he is also a human right promoter in Islamic context so we may adopt his philosophy in academic institutions.
4. It's also recommended, it could be launched an academic study on Ph.D. level on his thought as a comparison with western scholars on the issue.
5. There is also a need to study deeply the thoughts and approach of Hashim Kamali in modern and postmodern context.
6. There is also a need to carefully evaluate his approach and literature produced by his Center of Advance Islamic Studies to get clear picture.

References and Notes

ⁱ**Muhammad Hāshim Kamālī:** Professor Dr. Muhammad Hāshim Kamālī is one of the most prominent Muslim scholars. He was born in Afghanistan in 1944. He completed his graduation and masters from Kabul University. He did his PhD from London University. He has served many leading institutes of the world. He worked as professor and faculty Dean at international Islamic university Malaysia from 1985- 2004. He is an author of several academic books and articles on Islamic jurisprudence, human rights and freedoms. Now he is a CEO of International Institute of Advance Islamic Studies Malaysia, Kuala Lumpur.

ⁱⁱKamālī, Muhammad Hāshim, *Freedom of Expression in Islam* (Kuala Lumpur: Berīta Publishers, 1994), 8.

ⁱⁱⁱIbid, 9.

^{iv}Kamālī, *Freedom of Expression in Islam*, 9.

^v*Ibn Mājjah*, Muhammad bin Yazīd, *Sunan Ibn Mājjah* (Riyadh: Darussalam, 2008), Ḥadīth no.3932.

^{vi}Kamālī, *Freedom of Expression in Islam*, 9.

^{vii}Sūrah al-‘Aṣr 110:1-3.

- viii Bahaqī, Abdullah bin Husain, *Sunan al-Kubrā* (Beirut: Dār al-Kitāb al-‘Ilmīyah, 2003), Ḥadīth no.7583.
- ix <http://alfawzan.af.org.sa/search/node/6393>/Accessed: 28/9/2019.
- x Sūrah al-Nisā’ 4:135.
- xi Bhutvī, Ḥāfiẓ ‘Abdusslām, *Tafsīr al-Quran al-Karīm* (Lahore: Dārulandlus, 2015), 1:421.
- xii Kamālī, *Freedom of Expression in Islam*, P.12
- xiii Sūrah al-Tīn 95:1-5.
- xiv Kamālī, *Freedom of Expression in Islam*, 13.
- xv Sūrah al-Aḥzāb 33:72.
- xvi Iqbāl, Muhammad, ‘Allāmah, *The Reconstruction of Religious Thought in Islam* (Lahore: Institute of Islamic Culture, 1986), 95.
- xvii *Human Rights in Islam* (Geneva: International Commission of (Muslim) Jurists, 1982), 3.
- xviii Kamālī, *Freedom of Expression in Islam*, 10.
- xix *Ibid*, 13.
- xx Kamālī, *Freedom of Expression in Islam*, 14.
- xxi *Ibid*, 15.
- xxii Kamālī, *Freedom of Expression in Islam*, 29-50.
- xxiii **Ḥisbāh**: It means commanding well and forbidding from evils (Amr bi al-Ma‘rūfWāNahī ‘an al-Munkar). It is a well-known Islamic principle and used to reform Islamic society on the base of Da‘wah (Preaching).
- xxiv Kamālī, *Freedom of Expression in Islam*, 30.
- xxv Zaydān, ‘Abd al-Karīm, *Uṣūl al-Da‘wah* (Beirut: Dār al-Kitāb al-‘Arabī, 1986), 128.
- xxvi Sūrah Āle ‘Imrān 3:104.
- xxvii *Ṣaḥīḥ Muslim*, Ḥadīth no.186.
- xxviii Bādī, JamālAḥmad, *Commentary of the Forty Aḥādīth of Al-Nawwī* (Malaysia: IIUM, 2002), 41.
- xxix Sūrah al-A‘rāf 7:68.
- xxx Muslim, Imām Muslim bin Ḥajjāj al-Qushayrī, *ṢaḥīḥMuslim*.Riyadh: Darussalam, 2007), Ḥadīth no.205.
- xxxi Kamālī, *Freedom of Expression in Islam*, 15.
- xxxii *Ṣaḥīḥ Muslim*, Ḥadīth no.5778.
- xxxiii HāshimKamālī, *Principles of Islamic Jurisprudence* (London: Islamic Text Society, 1991), 315.
- xxxiv Muhammad Hāshim, “The Approved and Disapproved Verities of Rā’iy”, *AJISS7:1* (1990):39-63; www.hashimkamali.com/.../101-the-approved-and-disapproved-varieties.
- xxxv Kamālī, *Freedom of Expression in Islam*, 41.
- xxxvi San’ānī, Abu Bakar Abdul Razzaq bin Hammam, *Al-Musannaff Abdul Razzāq* (Beirut: al-Maktab al-Islāmī, 1403 AH), Ḥadīth no.9720.
- xxxvii SūrahShūrā 42:38.
- xxxviii *SunanIbnMājjah*, Ḥadīth no.3747.
- xxxix Ibne Jarīr, Muhammad bin Ja‘far, *Tafsīr al-Ṭabrī* (Cairo: MuṣtafāBābī al-Ḥalībī, 1979), 4:152.
- xl Kamālī, *Freedom of Expression in Islam*, 15.
- xli *Ibid*, 15.
- xlii Izetbegovic, ‘Ālīja, *Islam between East and West* (Kuala Lumpur: Islamic Book Trust, 2010), 128.
- xliiii Kamālī, *Freedom of Expression in Islam*, 15.
- xliv Kamālī, Muhammad Hāshim, “Ethical Limits on Freedom of Expression with Special Reference to Islam”, *Journal of Islamic Law and Ethics* (2014):42-62; www.cilecenter.org/Articles-English-Ethical-Limits.
- xlv Kamālī, “*Ethical Limits on Freedom of Expression with Special Reference to Islam*”, 48.
- xlvi *Ibid*. 48.
- xlvii Sūrah al-Nisā’ 4:148
- xlviii JamīlMunayminah, *Mushkilūt al-Ḥurrīyāhfi’l-Islam* (Beirut: Dār al-Kitāb al-Lubnānī, 1974), 8.
- xlix **Fitnah**: Dictionaries give various meanings for fitnah: temptation, trial, misguidance, enticement, fascination, commotion, sedition, confusion, affliction, torture, and strife. This plurality of meaning might have contributed to a certain ambiguity noted in the term's juridical meaning. Fitnah and its derivatives feature prominently in the Qur'an, being found in no less than sixty places.
- ¹Kamālī, Muhammad Hāshim, “*Freedom of expression in Islam; An Analysis of Fitnah*”, *AJISS10:2*(2005):178-200; <http://omarkasule-ilm.blogspot.com/2011/09/american-journal-of-islamic>.
- li Sūrah Al-Anfal 8:39
- lii Kamālī, “Freedom of Expression: An analysis of Fitnah”, 180.
- liii Kamālī, “Freedom of Expression: An analysis of Fitnah”, 181.

- ^{liv} Kamālī, “Freedom of expression in Islam; An Analyses of Fitnah” 180.
- ^{lv} Sūrah al-A‘rāf 7:33.
- ^{lvi} **Al-Fuḥush Wa al-Tafāḥḥush:** Talking, listening, hearing and speaking about obscenity and indulgence. Islam considers it ethical and social evil.
- ^{lvii} Ibn Abī Shaybah, ‘Abdullah bin Muhammad, *Al-Musannaḥ Ibn Abī Shaybah* (Riyadh: Maktabah al-Rushd, 1407 AH), Hadīth no. 25316.
- ^{lviii} Bukhārī, Muhammad bin Ismā‘īl, *Al-Ṣaḥīḥ Al-Bukhārī*. Riyadh: Darussalam, 1997), Hadīth no. 1444.
- ^{lix} *Sunan Ibn Mājjah*, Hadith no. 1558.
- ^{lx} Sūrah al-Nūr 24:2.
- ^{lxi} Sūrah al-Hujrāt 49: 12
- ^{lxii} Jāmi Tirmadhī Hadith no. 67.
- ^{lxiii} The Mejelleh: An English Translation of the Mejelle el-Ahkam el-Adliya (Lahore: Law Publishing Company 1967), Art. 19.
- ^{lxiv} Kamālī, “Ethical Limits on Freedom of Expression with Special Reference to Islam”, 58.
- ^{lxv} Sūrah al-Ḥujrāt 49:11.
- ^{lxvi} Qudhāī, Muhammad bin Slāmah, *Musnad Shahāb* (Beirut: Mua’ssisah al-Risālah, 1986), Hadīth no. 121.
- ^{lxvii} *Sunan Abū Dā’ūd*, Hadīth no. 4882.
- ^{lxviii} Bhat, “Freedom of Expressing from Islamic Perspective”, 72.
- ^{lxix} Kamālī, *Freedom of Expression in Islam*, 166.
- ^{lxx} www.irfi.org/articles-451-500/freedom-of-expression-and-islam/ Accessed: 2/10/2019.
- ^{lxxi} Pervaiz, “Review on Freedom of Expression and Islam”, 2.
- ^{lxxii} Zafar Iqbāl, *Islam aur Jadīdiyāt Kāshmakash* (Lahore: Idārah ‘Ilm-o-Dānish, 2014), 343.
- ^{lxxiii} Tirmidhī, Muhammad bin ‘Īsā, *Jām ‘al-Tirmidhī* (Riyadh: Darussalam, 2007), Hadith no. 2687.
- ^{lxxiv} Sūrah al-Furqān 25:42-43.
- ^{lxxv} *Ṣaḥīḥ Muslim*, Hadīth no. 3009.
- ^{lxxvi} Zafar Iqbāl, *Islam aur Jadīdiyāt Kāshmakash*, 48.
- ^{lxxvii} Sherman Jackson, “Freedom of Expression in Islam by Hāshim Kamālī”, *International Journal of Middle Eastern Studies* 31:3 (1999): 450- 452; <http://www.jstor.org/stable/176223>.
- ^{lxxviii} Jackson, “Review on Freedom of Expression in Islam”, 452.
- ^{lxxix} Sūrah al-Ma‘ārij 44:25.
- ^{lxxx} *Ṣaḥīḥ Bukhārī*, Hadīth no. 1968.
- ^{lxxxii} Fathī, *Human Rights in Islam*, 1.