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Free Speech in Modern Western and Muslim Perspectives: Unraveling Common Grounds and Divergences

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Abstract

This article aims to examine the notion of free speech by delving into perspectives from both Western and Muslim standpoints, highlighting commonalities and differences between the two. It highlights the centrality of free speech in Western societies, tracing its evolution from ancient concepts to its modern implications, influencing movements like reformation, revolutions, and the development of democratic principles. In the context of Muslim societies, the article addresses the relevance of free speech to blasphemy laws, scrutinizing the differences in understanding between the two viewpoints. The article critically answers key questions regarding the ancient and modern meanings of freedom, the Muslim perspective on freedom, the necessity of protecting free speech constitutionally, and the limitations or absoluteness of this concept. It explores the effectiveness of Western approaches in limiting free speech and contrasts them with Muslim approaches. The author adopts a critical and analytical approach, drawing from Western intellectual sources. In conclusion, the article posits that the modern notion of free speech emerged through Renaissance humanism and emphasizes the four argument theory supporting its necessity. It contends that free speech is not an absolute right and argues for the universality of revelation as a guiding principle. The article calls for urgent consideration, especially by Muslim scholars, using rational approaches appreciated by both Muslim and non-Muslim scholars alike.

Keywords: Free speech, Western thought, Muslim thought, Quran and free speech, blasphemy law.

1. Introduction:

The theme of "Freedom of Speech" holds paramount significance in the annals of Western civilization, as it encapsulates the contemporary nuances of liberty. This subject is inescapable, weaving through various facets of history, religion, philosophy, economics, literature, science, politics, law, and human rights. Furthermore, it stands out as one of the most analyzed theories in Western intellectual history, having attained constitutional protection as a fundamental individual right. The multiplicity of interpretations has led some scholars to regard it as a complex riddle, with contemporary philosopher Joseph Raz referring to it as a liberal puzzle.¹ Given the contemporary significance of free speech, this article centers around crucial inquiries like what constituted the ancient concept of freedom and how did it evolve into its modern interpretation? How do Muslims perceive and comprehend freedom, and in what ways do these perspectives diverge? Why is the constitutional protection of freedom of speech deemed necessary? Is there a need for limitations on free speech, or should an absolute concept prevail? If not, what approaches do Muslim and Western societies employ to define the boundaries of free speech? Why have Western strategies failed to effectively restrict the scope of free speech? Additionally, how do Muslim perspectives bring about distinctions in delineating the limits of free speech? These fundamental queries form the basis of the comprehensive exploration undertaken in this discourse.

2. Defining freedom and speech:

The term "Freedom of Speech" translates to *Azadi-e-Rai* in Urdu and has various English equivalents, including freedom of expression, liberty of speech, liberty of discussion, and free speech. The word "freedom" is synonymous with "liberty," originating from the Latin word, *Liber* and entering English through the French word, *Liberty* in the fourteenth century. In Arabic, the alternative term for freedom of speech is *ḥuriyyah al-ta'bir*. The modern understanding of the concept of free speech is the result of intellectual developments during the European Renaissance. Seyyed Hossein Nasr emphasizes the profound influence of

Renaissance and post-Renaissance humanistic ideas on the contemporary Western concept of freedom.² To comprehend the modern concept of freedom, it is crucial to explore Renaissance and post-Renaissance ideas, particularly those related to freedom.

The term "Renaissance" denotes a "rebirth," and during the period roughly spanning from 1350 to 1560, a profound transformation occurred. The Renaissance humanism, originating in Italy, marked a departure from the contemplation of abstract, celestial matters such as theology and philosophy, redirecting focus toward the tangible, the human, and the individual. This intellectual movement celebrated humanity, fostering a renewed appreciation for classical Greek and Roman literature. Key works from this era reflect the shift towards human-centric themes. Geoffrey Chaucer's "The Canterbury Tales" (1342/43–1400), the sonnets of Thomas Wyatt (1503–1542) and Henry Howard, Earl of Surrey (1517–1547), Edmund Spenser's "The Faerie Queen" (1590–1609), William Shakespeare's sonnets and plays, and the poems and plays of Ben Jonson collectively embody the essence of Renaissance Humanism.

In a nutshell, the Renaissance's thoughts de-emphasis of God for human concerns and human capacities gave birth to new philosophical literature and movements with the slogan of natural rights—life, liberty, possessions, and pursuit of happiness, freedom of speech, religion and press.³ John lock was a pioneer who revolutionizes and politicizes the idea of free speech and plays an important role in developing the western notion of freedom as— pursuing our own good in our own way or freedom to do or to act as one wants.

As previously stated, the Renaissance was the revival of Greco-Roman thoughts and literature, another question arises, what was the Greco-Roman concept of freedom? In answer of the question we will quote from Euripides—a famous fifth century B.C play writer—"blessed is he who learns how to engage in inquiry, with no impulse to harm his countrymen or to pursue wrongful actions, but perceives the order of immortal and ageless nature, how it is structured". This was the use of intellect which was confiscated throughout the age of Catholicism and papacy. St. Augustine states:

There is another form of temptation, even more fraught with danger. This is the disease of curiosityIt is this which drives us to try and discover the secrets of nature, those secrets which are beyond of our understanding, which can avail us nothing and which man should not wish to learn.⁴

In the same vein, the Trinity College Charter, Cambridge University, states:

“All Students and undergraduates should lay aside their various authors and only follow Aristotle and those that defend him”.⁵

These passages reveal two key points:

First, they highlight how the papacy or church controlled the intellectual freedom of European individuals.

Second, they call into question Pope Benedict's perspective on a clash of civilizations between Christianity (which supposedly combines Greek reason with Biblical faith) and Islam (seen as promoting violent conversion due to a lack of faith in reason). The text suggests that the rebellion against this papal system was a natural response for those affected.⁶

The European nations, deprived from the freedom of intellect, stood against the church and raised their voices in favor to use intellect. John Lock, James Mill, John Stuart Mill, Jeremy Bentham, Jean-Jacques Rousseau were the pioneers of this movement. The movement, which was started in favor of intellectual freedom came to end in the need of freedom in every sphere of life and brought to light the modern European concept of freedom. Richard Brandt the editor of well-known book entitled “Social Justice” describes numerous definitions of modern western intellectuals from Hobbs to Marx and Angels on freedom and concludes that there are two components which are similar to all of the definitions: one is, all men should be equally free to do as they like.⁷ This is the definition of freedom according to contemporary western scholars.

On the contrary, Seyyed Hossein Nasr states that this is totally Western idea which, is so alien to traditional Islam that this word cannot be found in any traditional text with the same meaning.⁸ As, Professor J. Rufus Fears—Professor of Classics in the University of Oklahoma—after describing three types of

freedom i.e., national freedom⁹, political freedom¹⁰ and individual freedom¹¹ states, we do not found in history such a government, tribe, society or political system in which all the necessary forms of freedom had coexisted. Moreover, ancient Egypt even do not had word for freedom. For example, in ancient Greek, national and at some extent political freedom had existed however, individual freedom was restrained. In addition to, German Nazism and Russian communism, are also the examples in which not only the individual freedom was restricted but also the political freedom was also fettered. However, this is USA, he claims, where all these three forms of freedom are coexisted.

Speech is the vocalized form of communication. However, in our daily life we not only communicate with each other by spoken words but also use gestures, behaviors, actions, expressions and etc. This can be understood by a recent controversy over blasphemy issues in which Muslim burned Denmark's flags and scarecrows of blasphemer. These were not spoken actions, however, were actions that communicate an idea. As Alan Allport states: "If an act is judged to be some kind of medium of information or opinion, it is defined as speech".¹² Seyyed Hossein Nasr states "Speech is in a sense the external form of what we are inwardly".¹³ Hitherto, we have discussed the modern meanings of free speech and the ambience in which they emerged. Henceforth, we will look how this right constitutionally protected and why?

3. Protection of free speech as legal right:

Locke's ideas laid the foundation for later thinkers, notably the radical Whigs John Trenchard and Thomas Gordon, who extensively expanded on Lockean thought. In their influential work, "Cato's Letters," initially published in the 1720s, Trenchard and Gordon vigorously upheld and popularized Locke's concepts of natural rights, the social contract, and the right to revolution. Scholars like Bernard Bailyn and Gordon S. Wood have demonstrated the profound influence of Locke and the radical Whigs on American political thought. This impact became evident during the drafting of the new Federal Constitution in 1787. A significant critique directed at the proposed constitution was its perceived deficiency in including a bill of rights. Specifically, Antifederalists vehemently

criticized the document for not safeguarding essential liberties such as freedom of speech and the press. They viewed these as inherent rights grounded in human nature and indispensable defenses against potential tyranny. Consequently, the five basic individual rights—protected by US constitution, known as first amendment rights—they are as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.¹⁴

In the 1790s, American politics witnessed escalating tensions between the ruling Federalists and the opposing Republicans, led by Jefferson and Madison. In 1798, the Federalist-dominated Congress enacted the Sedition Act. This legislation aimed to quell vehement criticisms from the Republican press and criminalized the publication of "any false, scandalous, and malicious writing" against the government, Congress, or the President of the United States. The prohibited acts included intending to defame or bring them into contempt or disrepute or to incite hatred against them among the citizens of the United States".¹⁵ Since the incorporation of the right to free speech into the US Constitution, a new debate has arisen, questioning why only free speech is legally protected and no other rights like education. The discussion delves into the scope and limitations of free speech, raising concerns about whether forms of expression such as pornography, hate speech, and protests should be considered as protected under this right. The need for limitations prompts inquiries about the criteria for distinguishing between acceptable and unacceptable forms of expression. Over time, these debates have surfaced in European societies, transforming the once straightforward and fundamental right of free speech into a complex and unresolved puzzle due to intellectual considerations.

4. Why protection of free speech is necessary:

The next question which is indispensable regarding the subject is that why free speech is necessary to be protected legally? Written constitutions and numerous bills of rights protected free speech or freedom of expression as one of the fundamental liberties against state regulations. For example the first amendment (1791) of US constitutions states as “Congress shall make no law...abridging the freedom of speech”¹⁶.

Philosophers have engaged in extensive discussions on the principle of liberty of speech, debating the extent to which speech should be immune from regulation. However, there is disagreement among philosophers regarding the justification for a free speech principle and whether there are compelling reasons to treat free speech as a special right. This section explores the necessity of protecting freedom of speech, presenting various arguments and debates among philosophers. Eric Brandt, a Professor of Media Law at University College London, condenses these discussions into four key points in his scholarly work titled "Freedom of Speech." They are as follows:

4.1. Argument concerned with the importance of discovering truth:

The debate on discovering truth has been significant from ancient Greek philosophy to the works of Milton, with American judge Justice Brandeis playing a crucial role in theorizing this concept. While the theoretical aspect appears intriguing, its profound meanings become complex, urging us to consider whether "truth" is a coherent concept that can be discovered and justified. This assumption is contested by relativists, challenging the notion of an absolute and discoverable truth.

4.2. Free speech as an aspect of self-fulfillment.

The second perspective on free speech views it as a fundamental element of an individual's right to self-realization and personal fulfillment. Some scholars contend that limitations on expressing or consuming information hinder personal development and growth. However, akin to the "truth" theory, this perspective is not inherently consequentialist and presents various challenges. One primary issue

is the justification for singling out freedom of speech for constitutional protection in the context of intellectual development. Additionally, if intellectual growth is deemed crucial, the rights to education must also be safeguarded. Another question arises concerning the argument that the availability of pornographic material serves a legitimate purpose in meeting sexual needs, posing a potential consideration within the framework of free speech.

4.3. The argument from citizen participation in democracy:

Eric Brandt states that “this is the most easily understandable, and certainly the most fashionable, free speech theory in modern western democracies.¹⁷ But this argument also is not as easy as looks like because it contradicts with self-fulfillment argument. Because, in this democratic system individual has to exercise according to the rules made by majority and majority determines the limits of individual rights. These rights are so fundamental that it cannot be surrendered to the powers of elected majority.

4.4. Suspicion of government:

This theory contends that there are compelling grounds to be wary of government actions. In essence, it presents a negative stance, focusing on concerns about the government rather than highlighting the benefits of free speech. These are the main objectives behind the movements of protection of free speech. Qur’ān also argues for free speech however its approach to understand truth, self-fulfillment, participation in government and its suspicion is completely different of west. According to Quran truth is the religion of Islam,

5. Scope and limitations of free speech:

As four argument theories—though arguably—have claimed that free speech is required to safeguard legally, a further question arises: what are the limits and restrictions of free speech rights? Is it arguing for complete freedom? If not, what are the grounds on which we might restrict free speech? Article 10 of European Convention on Human Right states:¹⁸

- 1) 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.
- 2) 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, ... for the protection of the reputation or rights of others.¹⁹

Article 29 in the Universal declaration of Human Rights states:

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 the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”²⁰

The aforementioned provision and current Western intellectuals not only define, but also limit, the scope of free expression. Thomas Hobbes (1588-1679) articulates this concept by proposing a fundamental law of nature, asserting that individuals should be content with the level of liberty they are willing to grant to others as they would expect in return for themselves.²¹ Likewise, Robert Spencer asserts the principle that every individual is at liberty to act according to their will, as long as such actions do not violate the equal freedom of others.²² Similarly, in his work "On Liberty," John Stuart Mill (1806-1873) expresses the idea that true freedom is the one that allows individuals to pursue their own well-being in their chosen manner, as long as they refrain from trying to deprive others of their freedom, obstruct their endeavors to achieve it, or cause harm to others.²³ Karl Marx (1818-1883) and Friedrich Engels (1820-1895) assert that instead of the previous bourgeois society characterized by class distinctions and conflicts, a new association will emerge. In this association, the unrestricted progress of each individual becomes a prerequisite for the unrestricted progress of all.²⁴

It is evident from the above-mentioned Western intellectual philosophers argue that the right to free speech is not absolute and requires certain constraints.

However, the question arises about who holds the power to impose these restrictions -whether it is the state, the law, or a combination of both. Additionally, the grounds and extent to which these restrictions can be applied are subjects of debate, leading to the development of various theories by political, philosophical, historical, ethical, and juristic scholars. Their academic endeavors aim to define and circumscribe the boundaries of free speech, offering diverse perspectives on the limitations and conditions under which this right can be restricted.

5.1. Harm Principle:

Mill used the harm principle to limit the extent of free speech, as did his predecessor Rousseau; however, Mill played a significant role in developing this concept. According to harm principle one is free to enjoy his freedom as long as he does not do harm to others. However, this premise was later challenged by Joel Feinberg in 1985, who introduced the concept known as the "offence principle" by presenting the issue, what if one conducts obscene or wrongful conduct in public.²⁵ Nudity in public places or having sexual relation in public places is the best examples of this principle.

5.2. Offence principle:

The idea of "offence principle" originated as a response to the harm principle. Joel Feinberg contends that it is vital to prevent hurt or offence, rather than injury or harm to others.²⁶ Feinberg considers offence a lower crime than causing harm to someone. He proposes that offence occurs when three conditions are met: someone is offended when (a) one suffers a hated state, (b) one attributes that state to the unjust action of another, and (c) one resents the other for his involvement in causing one to be in that state.²⁷ Feinberg absolutely asserts that transgression is less important than harm, ignoring the possibility that psychological offences may result in physical harm. As happened in the case of the Danish cartoons dispute, which hurts millions of Muslims in thick sorrow and many were slain during the protest.

5.3. Marketplace of idea:

The marketplace of ideas is the most liberal theory to circumscribe the scope of free speech. It has its origin in Locke's "On liberty".²⁸ The conventional marketplace of ideas concept holds that the truth can be discovered via vigorous debate free of government intervention. In the intellectual marketplace, consumers test numerous ideas and adopt the most favorable ones, similar to how unrestricted competition ensures that superior items are purchased and bad ones are not sold.²⁹ However, this approach was not proved fruitful to solve the issue because it protected social interest instead of personal individual liberty and would only promote acceptance of those perspectives that were most effectively packaged and promoted. In addition how it would be decided that which ideas should be brought to the marketplace and others not?³⁰ The controversy over the approval of sedition act was the first and dissemination of pornographic material is recent example that does not contribute to the marketplace of ideas.

In a nutshell, different scholars have developed different theories to constrain the limits of freedom in general and the free speech more precisely. Some other theories—I am intentionally skipping their details here—such as "Ethical Theory" developed by Jean-Paul Sartre³¹, Hate speech and last but not least the theory of human dignity as Venter, states human rights are founded upon human dignity and not the other way around.³² The various theories surrounding the scope of free speech are subjective and lack universal applicability, leading to diverse views within Western societies and contributing to the characterization of free speech as a puzzle. Shifting focus to the Muslims of the Indian subcontinent, the study of their approach to the idea of free speech will be explored in the second part of the subject.

6. Muslim's approach to study of free speech:

As we have known from our previous discussion that the idea of free speech is purely in its nature is modern which originated by western intellectualism in the Renaissance and further developed in 17th and 18th centuries and reached at its peak in 20th century. In all of its period Muslim's approach and attitudes towards

free speech remained defensive and apologetic. Because they confer the right of absolute freedom to God alone and prescribe human freedom under the limitations of revelation. In different places Quran calls to the use of intellect and prohibited the passive imitation like ancestry and racial rituals.

إِنَّ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ وَاخْتِلَافِ اللَّيْلِ وَالنَّهَارِ وَالْفُلْكِ الَّتِي تَجْرِي فِي الْبَحْرِ بِمَا يَنْفَعُ النَّاسَ وَمَا أَنْزَلَ اللَّهُ مِنَ السَّمَاءِ مِنْ مَاءٍ فَأَحْيَا بِهِ الْأَرْضَ بَعْدَ مَوْتِهَا وَبَثَّ فِيهَا مِنْ كُلِّ دَابَّةٍ وَتَصْرِيفِ الرِّيَّاحِ وَالسَّحَابِ الْمُسَخَّرِ بَيْنَ السَّمَاءِ وَالْأَرْضِ لَآيَاتٍ لِقَوْمٍ يَعْقِلُونَ³³

Translation: Verily! In the creation of the heavens and the earth, and in the alternation of night and day, and the ships which sail through the sea with that which is of use to mankind, and the rain which Allâh sends down from the sky and makes the earth alive therewith after its death, and the moving (living) creatures of all kinds that He has scattered therein, and in the veering of winds and clouds which are held between the sky and the earth, are indeed proofs for people of understanding.

In another verse Quran denounces those who do not use their intellect in these words:

وَلَقَدْ ذَرَأْنَا لِجَهَنَّمَ كَثِيرًا مِنَ الْجِنَّةِ وَالنَّاسِ لَهُمْ قُلُوبٌ لَا يَفْقَهُونَ بِهَا وَلَهُمْ أَعْيُنٌ لَا يُبْصِرُونَ بِهَا وَلَهُمْ آذَانٌ لَا يَسْمَعُونَ بِهَا أُولَئِكَ كَالْأَنْعَامِ بَلْ هُمْ أَضَلُّ أُولَئِكَ هُمُ الْغَافِلُونَ³⁴

Translation: And surely, We have created many of the jinn and mankind for Hell. They have hearts wherewith they understand not, and they have eyes wherewith they see not, and they have ears wherewith they hear not (the truth). They are like cattle, nay even more astray; those! They are the heedless ones.

Islam not only gives freedom to intellect or thinks but also to choose their faith and there is no compulsion in religion. However, this right constitutionally provided to the western nations in the last decade of 18th century.

لَا إِكْرَاهَ فِي الدِّينِ³⁵

Translation: There is no compulsion in religion.

وَمَا عَلَى الرَّسُولِ إِلَّا الْبَلَاغُ الْمُبِينُ³⁶

Translation: The Messenger's duty is only to convey (the message) in a clear way.

فَذَكِّرْ إِنَّمَا أَنْتَ مُذَكِّرٌ لَسْتَ عَلَيْهِمْ بِمُصَيِّرٍ³⁷

Translation: So, remind them (O Muhammad (SAW)) — you are only a one who reminds. You are not a dictator over them.

An orientalist wrote the loveliest teaching of Quran is لَا إِكْرَاهَ فِي الدِّينِ. We did not find any example in the history of Islam in which a person was converted to Islam because of coercion.³⁸ This was the impact of the teachings of Islam that in the history of Islam all the religions coexisted mutually and live their lives in the light of their faiths. Islam considered the freedom of conscious, expression and to act as the very foundations of Islam and its civilization.³⁹

In a nutshell, the revelation gives freedom to think dogma and express equally to all human beings, no matter what kind of status he has in his society. On the other side, it does not confer them absolute freedom. Molana Shahabuddin Nadvi states, every man has right to express his views, opinion and to defend them, nevertheless, this freedom is not absolute. It is restricted in the form that whatever he wrote, expresses and conduct should not be opposed to the temperament of Shri‘ah, ethical values and common devoirs”.⁴⁰ The revolutionary ideology which Islam inherited to humanity was the freedom of consciousness and to act upon this.⁴¹

In summary, both the Western and Muslim scholars generally agree that the right to free speech is not absolute and should have limitations. Western scholars base their restrictions on intellect, experience, and observation, while Muslim scholars confine it based on revelations. The idea is that a universal principle for restricting free speech cannot be derived solely from limited human grounds; instead, it necessitates a universal and divine principle, which, according to Muslim scholars, is found in revelation. Molana Taqi Usmani states “I can say without any apprehension that man has no yardstick except revelation that can limit these vague issues on correct grounds”.⁴² Consequently, it is the only principle that

discloses the limits of reason. As Seyyed Hossein Nasr states “only the universal can produced universal”.⁴³

7. Religion and the West

It is submitted from this whole discussion that religion is the only yardstick which can play its intermediary role in such vague issues. However, the West accepts no religion except secularism and materialism. Abu al-Hasan Ali Nadvi states “in fact, Europe’s only religion is materialism”.⁴⁴ Religion could become the criterion for humanity in these complex issues however, religion belongs to human beliefs, and, in secular way of life religion plays no part so that we cannot accept it as criterion.⁴⁵ At the time of the approval of homosexuality bill Fridmann argues, until we will preserve the difference between crime and sin, we have no jurisdiction to stop it. However, if we consider “sin and crime” in homogenous group, we can argue against it. So, we have no right to disapprove the bill; consequently, it ought to pass.⁴⁶

8. Muslim Approaches and Responses to Blasphemy

Against the Prophet: Strategies and Countermeasures

In the context of the free speech right, the most vulnerable aspect of Muslim beliefs is the blasphemy against Prophet Muhammad PBUH. Increasingly, there are relentless attacks on the Prophet's life under the guise of free speech. Amidst challenges faced by the Muslim Ummah, entwined with Western dependencies and internal disunity, the question arises: What should a conscientious Muslim, both individually and as part of a nation-state, do to address these challenges? The devotion to Prophet Muhammad PBUH, surpassing all other affiliations, stands as a fundamental tenet of our faith. As Quran states

النَّبِيِّ أَوْلَىٰ بِالْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ وَأَزْوَاجُهُ أُمَّهَاتُهُمْ⁴⁷

Translation: The Prophet is closer to the believers than their own selves, and his wives are their (believers') mothers.

قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ⁴⁸

Translation: Say (O Muhammad SAW to mankind): "If you (really) love Allâh then follow me, Allâh will love you and forgive you your sins. And Allâh is Oft-Forgiving, Most Merciful.

In this scenario, this research paper suggests following approaches and measures in order to respond the blasphemy and Islamophobia in the western world:

1. Peaceful protest: we should continue our peaceful protests upon every blasphemous incident and illuminate our religious spirit which cannot be extinguished. The basic object of such incidents is to evaluate this spirit.
2. The Muslim cannot win their war on blasphemy law in the west on their religious grounds. If we want to do something positive, we have to adopt the western principles such as harm, offence, hate speech, ethical, marketplace and human dignity on the one hand and to device such a policy upon which we can forward our case in international market of ideas.
3. We have to bring light the double standard behavior of western countries regarding the issue of free speech. On the one hand, western countries have sentenced many authors, who denied the holocaust of Jews in Germany during the Second World War. Seventeen nations, including Austria, Belgium, Canada, the Czech Republic, France, Germany, Hungary, Israel, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Switzerland, and Romania have either explicitly or implicitly made Holocaust denial illegal. If it is possible to prohibit Holocaust denial, there should be efforts to advocate for the illegality of blasphemous statements against the Prophet in Western countries. Removing the material from Google regarding holocaust denial and expressing stubbornness regarding the denial of removing the blasphemous video of the Prophet PBUH is the evident example of their double standard policy.
4. We should communicate to Western nations that the boundaries of freedom have been exceeded by recent incidents of blasphemy. It is necessary to restrict such freedom when it extends to the realms of hate

speech and blasphemy. The publication of cartoons has violated the human dignity of Muslims globally.

9. Conclusion:

In conclusion, the modern concept of free speech is traced back to the influence of Renaissance humanism, and it is argued through the four argument theory that protecting the right of free speech is crucial for the pursuit of truth, self-fulfillment, democratic participation, and guarding against government overreach. However, there is a question raised about why only free speech is constitutionally protected and no other rights like education. Western intellectual development has historical roots in church coercion, leading to a perceived opposition between Western thought and religion, particularly Islam. It is emphasized that Islam's stance on free speech has been misunderstood, with the religion being wrongly labeled as coercive by Western propaganda. The need to differentiate between Islam and the historical actions of Muslim rulers is underscored. Both Western and Muslim intellectuals unanimously agree that free speech is not an absolute right and should be limited, but the grounds for limitation are debated. Additionally, inconsistencies in applying liberty-limiting principles within Western countries raise questions about their universal applicability. The various liberty-limiting approaches proposed by Western intellectuals are subject to dispute and have resulted in a complex and intellectually challenging dilemma. The article underscores the difficulty in resolving this issue solely through intellectual means. It suggests that the only universally acceptable criterion is revelation, as it serves as a universal principle that can foster universality. The conclusion calls for an urgent commitment from Europe and the West to mutually respect all religions and sincerely embrace multiculturalism.

References

¹ Joseph Raz, "Free Expression and Personal Identification" *Oxford Journal of Legal Studies*, 11 no 3 (1991): 303–324.

- ² Seyyed Hossein Nasr, *Islamic Life and Thought* (New York: State University of New York Press, 1981), 1.
- ³ For further detail and to know how the UN is violating the natural laws see: Leo Strauss, *Natural Right and History: Walgreen Foundation Lectures* (Chicago: University of Chicago Press, 1999).
- ⁴ Joseph Mani, *Beyond Gods and Scriptures: Religion can Unite Humanity and not Divide Us* (India: Notion Press, 2018). 2
- ⁵ B Tapper, Aristotle's "Sweete Analutikes" in Marlowe's "Doctor Faustus" *Studies in Philology*, 27, No. 2 (1930): 215-219.
- ⁶ Talal Asad, Judith Butler, Saba Mahmoud, Wendy Brown, *Is Critique Secular: Blasphemy, Injury, and Free Speech* (The Townsend Papers in the Humanities, 2009), 21.
- ⁷ Richard Brandt, *Social Justice* (USA: Prentice-Hall, 1962), 147-148.
- ⁸ Seyyed Hossein Nasr, *Islamic Life and Thought*, 1.
- ⁹ The freedom of an entity—a nation, even a tribe—to be independent of foreign control.
- ¹⁰ The right to vote, to participate in the assembly, and to have a fair trial.
- ¹¹ The freedom to live as you choose as long as you harm no one else, includes freedom of thought and speech, as well as economic and religious freedom.
- ¹² Alan Allport, *Freedom of Speech: Point Counterpoint*, (Philadelphia: Chelsea House Publishers, 2003), 16.
- ¹³ Seyyed Hossein Nasr, *Ideals and Realities of Islam*, (Chicago: ABC International Group, Inc., 2000), 7.
- ¹⁴ Kathryn Page Camp, *In God We Trust: How the Supreme Court's First Amendment Decisions Affect Organized Religion* (Springfield: Faithwalk Publishing, 2006), 32.
- ¹⁵ David Kretzmer and Francine Kershman Hazan, edit., *Freedom of Speech and Incitement Against Democracy* (Netherlands: Springer, 2000), 222.
- ¹⁶ Larry Alexander, *Is There a Right of Freedom of Expression*, (New York: Cambridge University Press, 2005), 5.
- ¹⁷ Eric Barendt, *Freedom of Speech* (Oxford: OUP 2005), 18.
- ¹⁸ Loukis G. Loucaides, *The European Convention on Human Rights: Collected Essays* (Boston: Martinus Nijhoff Publishers, 2007), 149.
- ¹⁹ Larry Alexander, *Is There a Right of Freedom of Expression?* (Cambridge: Cambridge University Press, 2005), 4.
- ²⁰ Michel Streich, *The Universal Declaration of Human Rights* (Australia: Spinebill Press, 2019), 40.
- ²¹ Richard Brandt, *Social Justice*, 147.
- ²² *Ibid.*, 147.
- ²³ Mary Warnock, edit., *Utilitarianism and On Liberty Including Essay on Bentham and Selections from the Writings of Jeremy Bentham and John Austin* (USA: Blackwell Publishing Ltd, 2003), 97.
- ²⁴ Karl Marx & Frederick Engels, *Communist Manifesto* (New York: International Publishers Co., Inc. 2007), 30.
- ²⁵ Raphael Cohen-Almagor, *Speech, Media, and Ethics_ The Limits of Free Expression _ Critical Studies on Freedom of Expression, Freedom of the Press, and the Public's Right to Know* ((New York: Palgrave, 2001) 3-5.
- ²⁶ Joel Feinberg, *Offense to Others: Moral Limits of Criminal Law*, Vol 2, (USA: Oxford University Press, USA, 1985) ix.
- ²⁷ Raphael Cohen-Almagor, *Speech, Media, and Ethics: The Limits of Free Expression*, 9.
- ²⁸ Alan Haworth, *Free Speech*, (UK: Routledge, 1998) 68.
- ²⁹ *Ibid.*, 68.
- ³⁰ For full details see: C. Edwin Baker, *Human Liberty and Freedom of Speech*, (USA: Oxford University Press, 1992) 4-30.
- ³¹ For full details see: David Dittmer, *Freedom as a value: a critique of the ethical theory of Jean-Paul Sartre*, (USA: Open Court, 1988)

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- ³² Nazeem MI Goolam, *The cartoon controversy: a note on freedom of expression, hate speech and blasphemy*, The Comparative and International Law Journal of Southern Africa, Vol. 39, No. 2 (JULY 2006), 350.
- ³³ Al-Quran, 2:164.
- ³⁴ Al-Quran, 7: 179.
- ³⁵ Al-Quran, 2: 256.
- ³⁶ Al-Quran, 24: 54.
- ³⁷ Al-Quran, 88: 21-22.
- ³⁸ Shahid Husain Razafi, edit., *Makalat-e-Hakeem* (Lahore: Institute of Islamic Culture, 1969), 1/126.
- ³⁹ *Ibid.*, 126.
- ⁴⁰ Muhammad Shahabullah Nadvi, *Islami Shari'at 'Aql ki Meezan min* (Karachi: Majlas Nashriyyat-e-Islam, ND), 47.
- ⁴¹ Shahid Husain Razafi, *Makalat-e-Hakeem*, 1/124.
- ⁴² Muhammad Taqi Usmani, *Islam Aor Hamari Zindgi* (Karachi: Dar-al-Isha'at, 2010), 57.
- ⁴³ Seyyed Hossein Nasr, *Islamic Art and Spirituality*, 11.
- ⁴⁴ Abu al-Hasan Ali Nadvi, *Mazhab wa Tamaddun* (India: Majlas Tehqeeqat wa Nashriyat Islam, 1980), 57.
- ⁴⁵ Muhammad Taqi Usmani, *Islam Aor Hamari Zindgi*, 58.
- ⁴⁶ *Ibid.*, 58-59.
- ⁴⁷ Al-Quran, 33:6.
- ⁴⁸ Al-Quran, 3:31.