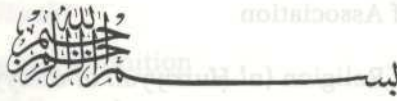


Freedom of Expression in Islam

Mohammad Hashim Kamali



BERITA PUBLISHING SDN. BHD.



Contents

Acknowledgement	(ix)
Part One: Preliminary	
I. Introduction	3
II. Definition and Scope	8
1. Definition	8
2. Objectives	9
3. Role and Significance	13
4. Restraints	15
III. Rights and Fundamental Rights	17
1. A Perspective over <i>Ḥaqq</i>	17
2. A Perspective over Fundamental Rights	19
Part Two: Affirmative Evidence	
I. Introductory Remarks	29
II. The Qur'ānic Principle of <i>Ḥisbah</i>	30
III. Sincere Advice (<i>Naṣīḥah</i>)	36
IV. Consultation (<i>Shūrā</i>)	41
V. Personal Reasoning (<i>Ijtihād</i>)	46
VI. Freedom to Criticise	50

VII.	Freedom to Express an Opinion (<i>Hurriyyah al-Ra'y</i>)	61
VIII.	Freedom of Association	72
IX.	Freedom of Religion (<i>al-Hurriyyah al-diniyyah</i>)	85
	Conclusion	103

Part Three: Moral Restraints

I.	General Themes	113
	1. Introductory Remarks	113
	2. Backbiting, Defamation and Derision	113
	3. Exposing the Weaknesses of Others	119
	4. Recommended Silence	122
	5. Abuses of Personal Opinion (<i>Ra'y</i>)	125
II.	Special Subjects	141
	1. The Self of God (<i>Dhāt Allah</i>)	141
	2. Freewill and Predestination (<i>Qaḍā wa Qadar</i>)	145
	3. Acrimony and Squabbling (<i>Mirā', Jadal</i> and <i>Khuṣūmah</i>)	146
	4. Dissimulation (<i>Taqiyyah</i>)	151

Part Four: Legal Restraints

I.	Introductory Remarks	161
II.	Public Utterance of Evil Speech	161
III.	Slandorous Accusation (<i>Qadhf</i>)	165
IV.	Libel (<i>Iftirā'</i>)	169
V.	Insult (<i>Sabb</i> , or <i>Shatm</i>)	171
VI.	Cursing (<i>La'n</i>)	176

VII.	Attribution of Disbelief to a Muslim (<i>Takfīr al-Muslim</i>)	179
VIII.	Sedition (<i>Fitnah</i>)	183
	1. Meaning and Definition	183
	2. Historical Examples	187
	3. Types of <i>Fitnah</i>	193
	4. Conclusion	204
IX.	Blasphemy (<i>Sabb Allah wa Sabb al-Rasul</i>)	206
	1. Introductory Remarks	206
	2. Definition and Scope	207
	3. Disbelief (<i>Kufr</i>)	211
	4. Heresy (<i>Zandaqah</i>)	214
	5. Blasphemous Expressions and the Question of Intent	215
	6. Right of God and Right of Man	223
	7. The Question of Repentance	225
	8. Blasphemy by a Non-Muslim	227
	9. The Salman Rushdie Affair	228
	Conclusion	243
	APPENDIX I	247
	APPENDIX II	257
	APPENDIX III	261
	APPENDIX IV	269
	Bibliography	279
	Glossary	291
	Index	295

The library staff of the I.I.U. Malaysia, especially Sister Norani Ismail and the secretarial staff of the Kulliyah of Laws, especially Siti Rohaya Zakaria and Nurisiel, Mohamed Salaiman, among others,