Intellectual Discourse, 20:2 (2012) 133-138

ISSN 0128-4878

Editorial

Religion and freedom of expression are among the universal values recognized by different cultures across different generations. The juxtaposition of these values has generated heated debates. That religion cannot be the basis of legislation, that religious faith is an outdated relic of the past, and that religious values have no place in the public affairs have been well-fitted into the grand scheme of secularization. Yet, religion in many Western secular countries has been recognized often in juxtaposition with or within the broader right to freedom of conscience and expression. Article 18 of the Universal Declaration of Human Rights (1948) states that "Everyone has the right to freedom of thought, conscience and religion," and Article 19 states that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Likewise, the First Amendment of the United States Constitution protects the right to freedom of religious belief and freedom of expression from governmental interference. Religiously motivated conduct is also tolerated so long as it does not come into conflict with the secular establishments and ideologies ("First amendment," 1992, pp. 969, 1005-1009).

The freedom of speech allows one to share his/her sentiments with the public. Such freedom, however, is not believed to be absolute, as an individual has no immunity from being held liable for libel or slander. This effectively suggests that libellous words, including slander against religious symbols, which have a direct tendency to cause violence, are prosecutable not on the basis of slander against religion per se but on the basis of possible consequences – disorder that such expressions may cause in society.

The value of religion and the right to freedom of expression are recognized in Islamic culture in a different manner. Freedom of expression is enshrined within the value of intellect which was given

to man to pursue truth, to speak out against injustice and to enjoin the good and forbid the evil, among other various functions within the jurisdiction of human reason. In fact, the freedom of opinion could be considered an independent, essential objective or value of Islamic law along with other values such as religion, life, intellect and the like (al-Najjār, 1992, p. 45). Such freedom is primarily recognized as serving two objectives arranged according to their priorities: the discovery of truth and upholding human dignity (Kamali, 1994, p. 10).

While the right to free speech is granted, spreading slander against anyone or deconsecrating the religious values of others, including non-Muslims, is blameworthy (Qurʾān, 6:108; 24:19). As indicated in the Qurʾān (4:148), the right to freedom of expression excludes the *sūʾ* (evil or hurtful) expression unless such an expression is made to protest against injustice. The centrality of religious values and the right to the freedom of expression are captured in Article XII of the Universal Islamic Declaration of Human Rights (1981): "Every person has the right to express his thoughts and beliefs… No one, however, is entitled to disseminate falsehood or to circulate reports which may outrage public decency, or to indulge in slander" It is further stated that "No one shall hold in contempt or ridicule the religious beliefs of others or incite public hostility against them…"

It is, therefore, not these values per se which are the source of conflict, but rather their interpretation and prioritization. A series of grotesque and libellous media portrayals of Prophet Muhammad (s.a.w.) or Islamic religious symbols have sparked violent responses from some parts of the Muslim world which have unfortunately often led to the killing of innocent people and the destruction of properties. As taught in the Qurʾān (16:126), nothing may justify the killing of innocents or violent responses to non-violent provocations.

In his address at the UN in the wake of the "Innocence of Muslims" video posted online, President Barak Obama (2012) denounced both the slander of the Prophet of Islam and its aftermath of violent response. As the President of the United States entrusted to uphold its "hard-earned" constitution, he categorically prioritized the right to freedom of expression when he stated that "Here in the United States, countless publications provoke offense. Like me, the majority of Americans are Christian, and yet we do not ban blasphemy against our most sacred

beliefs." In the hierarchy of values in Islam, by contrast, religion tops the ladder. While freedom of expression is granted to all human beings simply by virtue of being humans, everything required in Islam or being performed in the name of Islam, including politics, economics, science and technology and indeed the very freedom of expression itself, is all geared towards the realization of religion, loosely construed in its diverse and all-encompassing manifestations.

Contrary to the secular projection of disappearance of religions from the public space, religions continue to exert a considerable influence on the characters of many people. "Because people will likely continue to perceive, deliberate and act as religious citizens," as Oh (2007, p. 25) observes, "human rights thinkers will find more success in accommodating religious beliefs to further their goal rather than pushing these beliefs aside." Some sociologists have realized the need for a reconceptualization of religion. Casanova (1994, p. 6) suggests a reverse process of "de-privatization" of religion, by rethinking systematically the relationship of religion and modernity and, more importantly, the possible roles religion may play in the public sphere of modern societies. This is necessary to move forward and save our people from being victims of misplaced priorities in both communities. In a borderless world of diverse faiths and orientations, Islam and secularism are in need of engaging in a serious intellectual dialogue in an attempt to find solutions to the perpetual communal conflicts which polarize our human communities and set us poles apart. Much of our future coexistence and cooperation hinges on the outcome of such dialogue.

This issue of *Intellectual Discourse* features four articles and one research note. The first article, written by Mohd Afandi Salleh and Hafiz Zakariya, studies the alliance between religious ideology and secular policy. The US constitution ruled out religion as a required qualification for any office or public trust; yet religious ideology has managed to manoeuvre a secular policy for its own end. The authors identify various lobbying activities that the Christians United for Israel (CUFI) organization has conducted to support the continuous Israeli occupation of Palestinian lands in its quest to hasten the Messiah's Second Coming as taught in apocalyptic eschatology of evangelical Christianity.

Umar Abdurrahman discusses the colonial administration's policies on religion and language, and how they were utilized as instruments of

power and social stability during the British colonial rule in northern Nigeria, 1900-1960. Having explored the early contact between the British and the Sokoto Caliphate, the author identifies factors that eventually led to the colonization of the region and transformation of its educational system. The British colonial policy of "non-interference in religion" had helped in preserving the Islamic religious educational system, just as its replacement of *Ajami* (Hausa writing in Arabic) script with Roman script popularised Hausa as a regional lingua franca. While such a policy decelerated the progress of Islamic knowledge, particularly in its written form, it on the whole served British interests, resulting in a "gradual but ultimate secularization and modernization" with English as the official language of administration.

In the third article, Mohamed El-Tahir El-Mesawi demonstrates the unity and complementary nature of Islamic disciplines, particularly of *uṣūl al-fiqh* (Islamic legal theory) and *tafsīr* (Qurʾānic exegesis), by highlighting exegetical thematic principles which al-Shāṭibī advanced from a legal theory background. The science of *maqāṣid al-sharīʿah* (objectives of the *sharīʿah)*, on which *uṣūl al-fiqh* is framed, may equally serve as the episteme of thematic exegesis of the Qurʾān. Contrary to the prevalent view confining legal inquiry to later revelations in Madīnah, *Maqāṣid*-based legal theory-cum-thematic exegesis as enunciated in al-Shāṭibī's work, established the thematic unity of the Qurʾān, whereby legal inquiry as promulgated in Madīnah is well connected to and a continuation of early revelation in Makkah.

Ismail Abdullah's article establishes the link between skills of critical thinking and the methodological technique of *jarḥ wa-taʿdīl* (impugnment and validation) which compilers of Prophetic *aḥādīth* advanced to authenticate narrations attributed to the Prophet (s.a.w.). Developed to distinguish between sound and fabricated *ḥadīth* by means of checking the narrator's track record, *jarḥ wa-taʿdīl* is employed extensively in the discipline of sciences of *ḥadīth* through which the credibility of the narrators has been critically examined.

In the Research Note section, Rohaizan Baharuddin surveys the levels, trends and variations of democracy practiced in 47 Muslim countries during the period 1998-2008. In measuring the performance of democracy, the author uses election and civil liberties as variables. While the Muslim world countries performed better in margins of civil

liberties ("expansive" and "limited" civil liberties), they scored rather low with regard to performance in "free and fair" elections which ranked higher in predicting the practice of democracy. Thus, she considered the "Illiberal Partial Democracy" – resulting from the combination of the "limited" civil liberties and the "free not fair" elections to be the most dominant nature of democracy practiced in the Muslim world between the years 1998 and 2008.

Rohaizan Baharuddin's finding is an indication that in numerous parts of the Muslim world, freedom of expression has yet to be practically demonstrated in contemporary, political terms, a language modern secular societies would appreciate. The lack of open criticism and public accountability, in addition to the repression of the oppositions and dissents, and the widespread authoritarian rule in many Muslim countries, partly emboldens many Western leaders to press ahead with their secular agendas and prioritize freedom of expression over many others, losing sights of how such freedom has been exercised in antagonising religious and cultural traditions of others. The ongoing home-grown Arab uprising with its reported high score in freedom of expression is promising (Freedom House, 2012; Ramadan, 2012). If not subverted, sabotaged or hijacked, it could exhibit a model that would promote freedom of expression while according religion its due.

References

Casanova, J. (1994). *Public religions in the modern world*. Chicago: University of Chicago Press.

First amendment – religion and expression. (1992). Washington: U.S. Government Printing Office. Retrieved November 21, 2012 from http://www.gpo.gov/fdsys/pkg/GPO-CONAN-1992/pdf/GPO-CONAN-1992-10-2.pdf.

Freedom House. (2012). Freedom in the world 2012. Retrieved November 19, 2012 from http://www.freedomhouse.org/report/freedom-world/freedom-world-2012.

Kamali, M. H. (1994). *Freedom of expression in Islam.* Kuala Lumpur: Berita Publishing.

Obama, B. (2012, September 25). President Obama's speech to the UN general assembly – full transcript. Retrieved November 21, 2012 from http://www.guardian.co.uk/world/2012/sep/25/obama-un-general-assembly-transcript.

Oh, I. (2007). *The rights of God: Islam, human rights, and comparative ethics*. Washington: Georgetown University Press.

Ramadan, T. (2012). *The Arab awakening: Islam and the new Middle East*. London: Penguin Books.

Universal declaration of human rights. (1948). Retrieved November 11, 2012 from http://www.un.org/en/documents/udhr/index.shtml.

Universal Islamic declaration of human rights. (1981, September 19). Retrieved November 18, 2012 from http://www.alhewar.com/ISLAMDECL.html.

Abdul Kabir Hussain Solihu
Editor