

Comparative study of Freedom of Expression: b/w Islam & the West

دراسة مقارنة لحرية التعبير بين الإسلام والغرب

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Comparative study of Freedom of Expression: b/w Islam & the West

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Abstract

This paper examines freedom of expression as a core human right, rooted in the negative concept of freedom—absence of arbitrary compulsion or control—encompassing freedoms of thought, speech, press, assembly, worship, movement, property use, and occupation. It distinguishes "freedom" and "liberty": freedom, derived from Old English roots implying connection and belonging (akin to "friend"), is more concrete and relational; liberty, from Latin "libertatem" via Old French, connotes separation, independence, and release from bondage, often tied to state-individual relations. Scholars like David Hackett Fischer note their original opposition—liberty as separation, freedom as connection—though they are frequently used interchangeably. Definitions from Michel Verpeaux emphasize expression without arbitrary interference, while Jack Donnelly frames it as an obligation to truth. In contrast, Islamic interpretations, drawing from the Quran and Hadith, view rights as divinely granted, not human-made. Quranic examples include angels' objection during Adam's creation (Al-Baqarah 2:30-33), tolerated without penalty; verification of news from unreliable sources (Al-Hujurat 49:6); and no compulsion in religion (Al-Baqarah 2:256). Islamic freedom promotes enjoining good, sincere advice, and consultation but restricts falsehood, defamation, sedition, and harm to honor or societal peace. Mystical views, such as Ibn Arabi's "perfect slavery" to God, see true freedom in submission with accountability for choices. The paper contrasts unrestricted Western models with Islam's balanced approach, integrating individual autonomy, moral responsibility, and communal welfare under divine guidance, offering a nuanced framework that safeguards truth, dignity, and harmony.

Keywords: Freedom of Expression, Liberty vs Freedom, Islamic Perspective, Quranic Principles, Limits and Restrictions, Human Rights in Islam.

Introduction

Freedom of expression defends the other rights of freedom. That is a major point that shows the sign of significance of freedom of expression. Freedom of expression has a status of backbone in all fundamental rights. Because it sums up several freedoms, like freedom of speech, press, opinion, religion, consultation, choice, conscience, criticism, etc. These are all the subparts of this right, which is why it is called a derivative human right.

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The term freedom of expression is composed of the two words, freedom and expression. So, to know the meaning of the freedom of expression, it is compulsory to find out the meanings of the words “freedom” and “expression”. Both will be discussed separately in this article.

i) Freedom Meanings and Synonyms:

The word “freedom” comes from the Old English word “freodom”, which means “state of free will, charter, or deliverance.” It was the origin of the word freedom.

David Hackett Fischer says that

“The English words freedom and free have the same root as friend, as do their German frei and Freund. Free meant someone who was joined to a tribe of free people by ties of kinship and rights of belonging.”¹

A simple and short definition is found in Black’s Law Dictionary,

“The state of being free or liberated”²

A major point highlighted by studying Bertrand Russell’s widely cited statement:

“Freedom in general may be defined as the absence of obstacles to the realization of desires.”³

A negative freedom, in the sense of not being compelled or controlled by someone. In other words, where everyone chooses their way without any restrictions.⁴

In short, freedom is a class containing a wide range of species like freedom of thought and speech, freedom of association, freedom of assembly, freedom of worship, freedom of movement, freedom of expression, freedom in the use of one’s property, freedom in the choice of occupation, and so forth. In every type, there is absolute surety of the absence of constraint.

Several words have a similar meaning to the word “Freedom”, such as autonomy, independence, liberty, self-determination, self-governance, etc. But the word “Liberty” is used in the same meaning as the word “freedom”. Both have the same meaning.

Liberty:

The word “liberty has its etymological roots in the Latin word “libertatem” in the sense of “freedom” or the condition of a freeman. It was driven into the English mode of expression through the old French word “liberte” which connotes “freedom.”⁵

Black’s Law Dictionary defines it as,

“Freedom from arbitrary or undue external restraint, esp. by government
<give me liberty or give me death>”⁶

Freedom has an absolute sense of being free, such as freedom of the press, which might have some limits. It is flexible, can be partial depending on context, and sometimes has an absolute meaning. Liberty means relief from past or previous compulsion <the released prisoner had difficulty adjusting to his new liberty>.⁷

¹Fischer David Hackett, Liberty and Freedom A visual History of America’s Founding Ideas, New York, Oxford University Press, 2005, p 5

² Garner Bryan A, Black’s Law Dictionary, (7th ed), USA, West Group ST. Paul, Minn, 1999, p 674

³ Russell Bertrand, Freedom and Government in Ruth N. Anshen ed. Freedom 1st meaning, New York, 1940, Vol. 3-4; Paul Edwards, The Encyclopaedia of Philosophy, New York, Macmillan Publishing Co, Jnc & Thy Free Press, 1972, p 222

⁴ Ibid

⁵ <http://www.differencebetween.net/miscellaneous/politics/difference-between-liberty-and-freedom/>

⁶ Black’s law dictionary. p 930

⁷ <http://www.merriam-webster.com/dictionary/freedom>.

Differences and Commonalities b/w Freedom and Liberty:

After discussing the meaning of “Freedom”, it is now necessary to know the difference between Freedom and Liberty. A question arises according to this dispute: do these terms show any discrepancy or not? Compartmentalization of these two words is important to understanding the term freedom of expression.

“Liberty” is the power to act and express oneself according to one’s will while “freedom” is the power to decide one’s actions.

“Freedom” is a more concrete concept than “liberty” which is more associated with an individual’s connection with the state rather than with other individuals and circumstances.

Even Fischer writes and declares a different observation,

“The original meanings of freedom and liberty were not merely different but opposed. Liberty meant separation. Freedom implied connection.”⁸

ii) Expression:

Now the question arises on the minds of people that, what is meant by expressing one’s idea? How can he express? How many sources of expression?

Literally meaning of expression is following down,

“A pressing out or squeezing out, as of juice, 2) A putting into words or representing in language, 3) a picturing, representing, or symbolizing in art, music, etc. 4) a manner of expressing; esp., a meaningful and eloquent manner of speaking, singing, etc... 6) a showing of feeling, character, etc. laughter as an expression of joy.”⁹

By virtue of this explanation, it becomes easy to find the types and means of freedom of expression. For example, a man can express with words by using newspapers, books, TV shows and with social media like internet or mass media. So, a person can express by using art and with press media. This Webster’s interpretation also verifies the fact that expression can show by picturing, symbolizing in art, music, speaking, singing and through acting.

Freedom of expression is a basic human right. In this human right, several rights, conditions and things have been included. It is very excessive fundamental human right. It has been expanded with the passage of time. An Importance of this human right also approves the purview of freedom of expression.

Freedom of Expression:

After getting, the explanation of words, freedom and expression, now the time to define freedom of expression, by different scholars.

Michel Verpeaux describes this right in these words.

“Freedom of expression is the freedom of expressing one’s ideas and beliefs freely without any arbitrary interference.”¹⁰

It is also described as,

“The freedom of expressing ideas in the relevant literature. In reality, freedom of expression is a freedom that involves various behaviours & processes in itself.”¹¹

Freedom of expression is a derivative human right. It sums up different civil rights in itself. For example, freedom of thought, freedom of the press and freedom of speech are the subparts of this basic human right.

⁸ Liberty and Freedom A visual history of America’s founding ideas, p 5

⁹ Webster’s New World College Dictionary, p 480

¹⁰Reyhan Sunay, The Role of Freedom of Expression in the Realization of Constitutional States, European Scientific Journal, May (ed) vol 8, No 9, Issn:1857

¹¹Ibid

That is why Michel Verpeaux writes in his book that it is very difficult to define Freedom of expression in wording.

“The wording of different instruments, such as international conventions or national constitutions, demonstrates that freedom of expression is sometimes confused with other freedoms that can become synonyms for it in the practices of different countries.”¹²

Donnelly purported it in following words,

“Right to freedom of expression” is actually an obligation to speak the truth- that is, not even an obligation of others but an obligation of the alleged right-holder.”¹³

“Hurriyya”, comes from the word hurr, meaning “free”, which is in tune with the Hebrew word hor, Aram. Heruta is also used in the languages of Muslims. The word “free was known, indicating the opposite of “unfree” (abd) but also denoting those “noble” of character.¹⁴

According to a spiritual seer, freedom that, at its core, means the freedom from everything apart from God. It is the real relationship between the master and His servants who are always subject to God. As stated in the Encyclopaedia of Islam, Ibn Arabi defines it as “being perfect slavery”.¹⁵

General Review:

The above discussion explains the definitions and meanings of freedom of expression, in which some definitions explain, that an expression, which is free from all kind of restriction, to say something with absolute free will, is called freedom of expression. For example, Michel Verpeaux defines it, as freedom of expressing one’s ideas and beliefs freely without any arbitrary interference. Similarly, according to a legal dictionary, it is the freedom to communicate ideas without restraint, whether orally or in print or by other means of communication. Because the words “without any restrictions and interference”, shows that in actual, it protects the complete immunity. If any authority tries to restrain it, that means there is no freedom of expression, the word “freedom” itself the state of being free or liberated. Merriam Webster dictionary explain that it is the quality of being free as the absence of coercion or constraint in choice.

On the other hand, some definitions have opposite meanings. For instance, the explanation by a business dictionary, freedom of expression is describing as restricted freedom. According to its wording, it is the right to expression one’s ideas and opinions freely through speech, writings and other forms of communication but without deliberately causing harm to other’ character by false misleading statements. Similarly, a definition, written by Jack Donnelly also lay down some conditions on freedom of expression. He said that freedom of expression is actually an obligation to speak the truth. It means, freedom of expression, declare as an obligation to speak truth and not for telling lie.

According to mystical and Islamic interpretations, "freedom without chains" is not supported because submitting to God means being limited to doing what he desires. You are not obligated or compelled to follow orders, but you still have the option to choose between right

¹²Michel Verpeaux, Freedom of expression: in constitutional and international case law, Council of Europe Publishing, 2010, p 9

¹³Jack Donnelly, Universal human Rights In Theory & practice (2nd edn), London, Cornell University Press, 2003, p72

¹⁴Encyclopaedia of Islam, 3/589

¹⁵ Ibid

and wrong. However, making the wrong choice will undoubtedly lead to negative consequences.

ISLAMIC HISTORY

The concept of human rights starts in Islamic history with the Quranic verses. The Quranic orders can be considering as an Islamic document which drafted by Allah.

According to a research article:

“When we speak of human rights in Islam, we really mean that these rights have been granted by God; they have not been granted by any king or by any legislative assembly.”¹⁶

In the Light of Quran & Hadith:

iii) The Creation of Adam (A.S)

The concept of free speech and thought had begun from the creation of Adam (A.S). Because when Allah Subhana Taala declared the existence of Adam (A.S), and the angels commented on this proclamation as,

قَالُوا أَتَجْعَلُ فِيهَا مَن يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ¹⁷

“They said: wilt Thou place therein one who will do harm therein and will shed blood, while we, we hymn Thy praise and sanctify Thee?”

After taking observe minutely about the statement of angels in this verse. It makes clear an objection by angels. But Allah almighty did not announce any penalty for them due to this act. Even Allah almighty did not ask any question, to the angels in rage that how dare to say it? Allah subhana taala just explained and replied them.

إِنِّي أَعْلَمُ مَا لَا تَعْلَمُونَ¹⁸

“Surely I know that which ye know not.”

After teaching the whole names to Adam, Allah Almighty asked to the angels,

أَنْبِئُونِي بِأَسْمَاءِ هَؤُلَاءِ إِنْ كُنْتُمْ صَادِقِينَ¹⁹

“Inform me of the names of these, if ye are truthful.”

But the angels express their ignorance, and then Allah Almighty asked to the Adam,

يَا آدَمُ أَنْبِئْهُمْ بِأَسْمَائِهِمْ فَلَمَّا أَنْبَأَهُمْ بِأَسْمَائِهِمْ قَالَ أَلَمْ أَقُلْ لَكُمْ إِنِّي أَعْلَمُ الْغَيْبُ الْأَرْضِ وَالْأَرْضِ وَأَعْلَمُ مَا تُبْدُونَ وَمَا كُنْتُمْ تَكْتُمُونَ²⁰

“O Adam! Inform them of their names, and when he had informed them of their names, He said: Did I not tell you that I know the secret of the heavens and the earth? And I know that which ye disclose and which ye hide.”

That was a great example of freedom of expression in universal history. That how beautifully Allah Exalted and the Glorious, elucidates and inculcates the fact for the creation of Adam (A.S).

iv) Prohibition of False Reports:

But Islam also warns that when a person informed someone about something, he should be very careful. For instance, in the Holy Quran Allah Almighty said,

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنْ جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَنْ تُصِيبُوا قَوْمًا بِجَهْلَةٍ فَتُصْحَبُوا عَلَيَّ مَا فَعَلْتُمْ نَادِمِينَ²¹

“O ye who believe! If an evil liver brings you tidings, verify it, lest ye smite some folk in ignorance and afterward repent of what ye did.”

¹⁶ Human Rights in Islam, Al-Tawhid Journal, vol.IV No.3 Rajab-Ramadhan, 1407

¹⁷ Al-Baqara 2: 30

¹⁸ Ibid

¹⁹ Al- Baqara 2: 31

²⁰ Al- Baqara 2:33

²¹ Al-Hujrat 49:6

News reporting is an important thing for impart knowledge but matter is that, is it, transferring with protection of truthfulness or not? If news is not spreading with caution, it would be cause of destruction and ruin. So, the news should be transferred with responsibility. That is why; Allah Almighty introduces the principle of the check and balance, because of giving protection to impart information freely to another.

v) Freedom of Religion:

Freedom of religion in its Islamic context implies that non-Muslims are not compelled to convert to Islam, nor are they hindered from practicing their own religious rites.

لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ²²

“There is no compulsion in religion. The right direction is henceforth distinct from error.”

The background of the verse is that some companions of the Prophet, P.B.U.H, among the helpers (ansar), asked the Prophet for permission to force their kin to embrace Islam. However, some of these had followed Christianity or Judaism, and a Jewish tribe of Madina, the Banu Nadir, had some people who were the Companions of the Prophet P.B.U.H, but were brought up by Jewish parents and were counted as Jews. Especially the time when orders were issued by the Prophet P.B.U.H. about the tribe Banu Nadir to be expelled from Medina. Some wish to compel their relatives towards Islam to avoid disputes between them and Muslims. There was a situation when it was revealed, and the Prophet guided his fellow believers not to impose the Islamic faith by force. He advised them to choose what religion they want to follow from the heart.

Islam imposes on the valid exercise of this freedom. Freedom of Expression in Islam is informative not only on the subject of the possibilities of freedom of expression within Islam, but also on the cultural tradition of Islam and its guidelines on social behaviour.²³

لَكُمْ دِينُكُمْ وَلِيَ دِينِ²⁴

“Unto you your religion, and unto me my religion.”

Islam came to launch the freedom of belief, freedom of thought, freedom of speech, especially at that time when people were oppressed intellectually, socially, religiously, politically and economically. Islam is against enslaving people mentally and physically.

vi) Face to face negotiation and disputation:

Islam allows Mubaehla (sort of solemn meeting in which both the partes should summon not only their men but women and children but also to earnestly pray to God and invoke His curse on those who should lie) the Prophet of Allah had such on occasion of solemn meeting or encounter with the Christians of Nijran, in the 10th of Hijra, but the later gave in and gave up the idea when they come face to face with the former.

In sura Al-e-Imran Allah said,

وَنِسَاءَكُمْ وَأَنْفُسَنَا²⁵ فَمَنْ حَاجَّكَ فِيهِ مِنْ بَعْدِ مَا جَاءَكَ مِنَ الْعِلْمِ فَقُلْ تَعَالَوْا نَدْعُ أَبْنَاءَنَا وَأَبْنَاءَكُمْ وَنِسَاءَنَا
وَأَنْفُسَكُمْ ثُمَّ نَبْتَهِلْ فَنَجْعَلْ لَعْنَتَ اللَّهِ عَلَى الْكٰذِبِينَ

“And whoso disputeth with thee concerning him, after the knowledge which hath come unto thee, say (unto him): Come! We will summon our sons and your sons, and our women and your women, and ourselves and yourselves, then we will pray humbly (to our Lord) and (solemnly) invoke the curse of Allah upon those who lie.”

²² Al- Baqara 2:256

²³ Kamali, Mohammad Hashim, Freedom of Expression in Islam, UK, Cambridge, Islamic Text Society, 1991

²⁴ Al-Kafirun 109:6

²⁵ Al-e-Imran 3:61

vii) Right to differ with Argument:

Besides, the difference of opinion in matters of principles and higher learning are very much appreciated in Islam. Once the Holy Prophet (P.B.U.H) said,

“Difference of opinion within my community is a sign of the bounty of Allah.”²⁶

It means differences in opinions are also accepted but it should be depending on healthy discussion. Because this is a difference in views and this type of discord and difference are allowed which is necessary to moral values.

viii) Freedom to Speak truth:

Once the Prophet (P.B.U.H) described that the expression of a word of truth before an oppressive ruler is the greatest Jihad. So, he said in following words:

It was narrated from Tariq bin Shihab that a man asked the Prophet (P.B.U.H) when he had put his leg in the stirrup: "which kind of Jihad is best?" He said: "A word of truth spoken before an unjust ruler."²⁷

It means Prophet (P.B.U.H) try to convey a strong message that an expression of the right thing should be freely express in front of any person who ruled over you even he unjust. If he unjust and cruel then it became more difficult to speak truth that is why Muhammad (P.B.U.H) declared this act of courageous as the greatest Jihad. According to above mentioned tradition, a message of freedom of expression can be exposed but here an important point came out that freedom to express emerged with the truth and righteous action. It would not be for wrongful act. Public should have dare to speak truth before an oppressive leader because it's his natural human right. Righteous expressions are always protected by Islam.

i. Apostasy and Blasphemy in the Light of Hadith & Quran:

The Laws about Apostasy and the Blasphemous act have made in the light of Hadith literature in Muslims countries. Following traditions refer for Apostasy death punishment. According to Ulema:

It was narrated that ‘Abdullah said: “The Messenger of Allah (P.B.U.H) it is not permissible to shed the blood of a Muslim who testifies that none has the right to be worshiped but Allah and that I am the Messenger of Allah, except in one of three cases: A married (or previously married) adulterer, a life for a life, or one who forsakes his religion leaving the Jama’ah (the congregation of Muslims)”²⁸

Historical evidence for the punishment of Apostates is founded after the death of Prophet (P.B.U.H), some of the tribes rejected Islam outright others did so under of non-payment of Zakat to Madina. Hazrat Abu Bakr (R.A) announced the holy war against all of them. Some of them were killed and some repented and convinced to accept Islamic teaching again. So, this is what, which later in history has been provided the death penalty.

That's why all schools of thought are agreed that the apostate should be asked to repent if he refuses to do so he should be put to death. But they differ to select specify period for repentance before put to death, some agree for three days and some for ten days.

But according to Muhammad Munir that, the war of apostasy (hurub al-riddah) in the days of Abu Bakr were not treated as such but as rebellion against the state. Musaylimah had actually asked the Prophet to share the prophecy (sovereign power) with himself. And the tribes regarded the payment of Zakat as a mark of subjection to Madina.²⁹

²⁶ Kashaf al Khafa, Hadith No 153, 1/66

²⁷ Ali un Nasai, Abu Abdur Rehman Ahmad, Imam, Hafiz, Sunan an-Nasai, Nasirddin al- Khatab (tr.), The Book of Al-Bayah (Oath of Allegiance), Ch. 37, Hadith No. 4214, 5/140

²⁸ Sahih Muslim, The Book of Oaths Retaliation, Ch. No 6, Hadith No 4375, 4/441

²⁹ Muhammad Munir, Islam in History, pp 98-99

He also stated:

“Theoretically it sounds simply ridiculous that on one hand Islam has granted freedom of conscience and on the other taken it back . . . if apostasy were allowed it would pose a serious danger to the integrity of the Muslim community. This is partly true. But if apostasy were forbidden by Christianity, Buddhism, Hinduism and Communism the door of the entire world would be closed for ever for the spread of Islam.”³⁰

Similarly, a Syrian authors, (who does not consider hadith) argues that how can Muslims justify Apostasy, while Quran says in surah Baqra that, there is no compulsion in religion. What are the sayings of Quran about apostates? Answer of this question would be clear after referring some verses of the Noble Quran. These are given below:

إِنَّ الَّذِينَ كَفَرُوا بَعْدَ إِيمَانِهِمْ ثُمَّ أَزْدَادُوا كُفْرًا لَنْ تُقْبَلَ تَوْبَتُهُمْ وَأُولَئِكَ هُمُ الضَّالُّونَ³¹

“Lo! Those who disbelieve after their (profession of) belief, and afterward grow violent in disbelief: their repentance will not be accepted. And such are those who are astray.”

When we look at the prophetic practice as recounted in the sirah biographies, we do find a precedent that may initially seem to support the death penalty for blasphemy. This is the killing of Ka’b ibn al Ashraf, a Medinan who composed poetry opposing the Muslims. After the battle of Badr, Ka’b recited verses praising the Meccan Quraish whom the Muslims had slain and mocking the Muslim victors. He was slain by Muslims acting according to the Prophet’s (P.B.U.H) instructions.

“the apostle said . . . ‘who will rid me of Ibn al Ashraf?’ Muhammad ibn Maslama said, ‘I will deal with him for you, O apostle of God, I will kill him.’ He said, ‘Do so if you can’ (The Life of Muhammad: A Translation of Ibn Ishaq’s Sirat Rasul Allah, page 367, by Alfred Guillaume).

But in some conditions Hadith did not support death penalty. For instance, a related Hadith in which a Jew had not punished with death because of saying the “As-Samu Alaika.” (Death upon you) while the right word is “As-Salamu Alaika” (Peace be upon you). But due to his shameful saying he had not punished by death. He had replied with the same words.

The Last Sermon of Prophet PBUH:

Several historians point out the concept of Freedom of Expression from the last address of Prophet PBUH in Hijat al Widah. Khulfa-e-Rashdeen always act upon these human rights which expressed by Prophet PBUH.

As Moulana Safi-Ur-Rahman said in his Book:

“It was delivered in 632 AD / 10 AH at the Last Hajj of the Holy Prophet (Sallalloho Alaihe Waalihe Wasallam).”³²

The Important Human Rights of the Last Sermon are given below:

These rights are derived from the famous book of the Seerah of the Prophet (Sallalloho Alaihe Waalihe Wasallam) Rahmatul-lil-Alameen written by a famous author Qazi M Selman Mansur Puri.³³

1. Equality of Human rights
2. Obedience of Rights
3. Right of life
4. Eradication of Ethnicism

³⁰ Ibid, p100

³¹ Al-i- Imran 3:90

³² Mubarakpuri, Safi -ur-Rahman, Araheeq al-Makhtoom, Maktaba Salfiah, Lahore, 1995, pp. 614

³³ Mansurpuri, Muhammad Selman, Rahmatul-lil-Alameen, Maktaba Islamiah, Lahore, PP.229

5. Right of Property
6. Right of Society Members
7. Rights of Slaves and Servants
8. Eradication of Lawlessness
9. Economic rights
10. Right of inheritance
11. Newborns Right of ancestral sanctity
12. Right of social Identity
13. Right to receive the Debt
14. Right of Ownership
15. Woman's Rights
16. Husband's Rights
17. Constitutional Rights
18. Rights of State
19. Right of law observance
20. Rights of Justice
21. Right of awareness
22. Divines Rights (Rights of Allah, Book and the Prophet (PBUH)).

According to another Islamic Scholar:

“Islam legislated for the principle of human rights fourteen centuries ago. Its legislation was thorough and profound. Islam gives all assurance and protection to human rights on the basis of stipulation of Islamic Sharia’h.”³⁴

The Constitutional Charter in Madina:

A famous Constitutional Charter in Madina issued by Prophet (P.B.U.H) also has acknowledged all the natural human rights. It was a great paragon of equality and liberty in Islamic history. This is a document and an important treaty between Prophet P.B.U.H and the Believers, Muslims of Quraysh, Yathribites and those who followed them and fought with them. Some clauses of this document are pointed out here.

Clause no 30 of the document of Meethaq-e-Madina guaranteed the freedom of religion. Text of this clause is following as,

“The Jews of Banu Auf are one community with the Believers. The Jews have their religion and the Muslims have their religion.”³⁵

It means Jews were free to profess their religion. This clause shows the equality and religious freedom in the state of Madina. Similarly, clause no 16 of the same documents accepted the rule of equality not just for Muslims but for all nations.

“Those Jews who follow us will be helped and will be treated with equality.”³⁶

Battle of Badr:

For instance, in the Battle of Badr when the news came to Hazrat Muhammad (Sallallohu Alaihe Waalihe Wasallam) that Quraysh had get weaving to protect their carven. Then the Apostle of Allah (PBUH) decided to consult with public. He asked their advice and Hazrat Abu Baqr and Hazrat Umar spoke well. Then Al Miqdad got up and gives assurance to fight against Quraysh with Prophet (PBUH). Then the Last Prophet (PBUH) thanked him. But the Messenger of Allah (PBUH) wanted to know the opinion of the Ansar. So, Muhammad (Sallallohu Alaihe Waalihe Wasallam) said,

³⁴ Al-Hagheel, Suleiman, Dr. Human rights in Islam and their application, kingdom of Saudi Arabia, Riyadh, 2001, pp. 123

³⁵ Ibn Ishaq, The life of Muhammad (P.B.U.H), A Translation of Ishaq's Seerat Rasul Allah, p 232

³⁶ Ibid, p 231

“Give me advice, O men, by which he meant the Ansar.”³⁷

Similar situations occurred in other battles such as the battles of Uhud and the Ditch. The Prophet P.B.U.H preferred to hear his companion's opinions on matters related to war. An excellent illustration of uniformity can be seen in the Battle of Muta. It demonstrates complete equality. Because Zayd Ibn Harithah was the commander of the battle however he was just a slave and there are several dignified companions were under his command.

Caliphate Period:

The Prophet of Islam and his four pious Caliphs founded a society and later on a state, in which toleration, justice and security were organised on the principle of this verse:

“There is no compulsion in Religion”.³⁸

Kulfa-e-Rashdeen's era was based on democratic values and freedom of Expression, speech, opinion, thought and suggestions are the beauty of democratic society.

Dr. Shafique Ali Khan stated that,

“In a Muslim state and society each and every individual is given the option, choice, discretion and liberty to choose any way of life one likes to follow, without becoming a source of trouble to others and without creating nuisance value for oneself.”³⁹

The first address of the Caliph Hazrat Abu Bakr (R.A) shows the complete panorama of the democratic peculiarities. After elected on the post of Caliph Hazrat Bakr (R.A) rose and said after praising God:

“I have been given authority over you but I am not the best of you. If I do well, help me, and if I do ill, then put me right. Truth consists in loyalty and falsehood in treachery. . . Obey me as long as I obey God and His apostle, and if I disobey them, you owe me no obedience. Arise to prayer. God have mercy on you.”⁴⁰

Hazrat Umar's period was an exemplary time of the democratic values. He gave surety of freedom of expression and become it stronger and firm. In his era not only suggestions and opinions were allowed at the meeting of “Shura” but also on all occasions.

Fore said speech by Hazrat Umar (R.A) was not only theoretical but also practically approved by different events. For instance, once a person in a public meeting stood up and said,

“O Umar fear Allah”, the audience tried to stop him but Hazrat Umar said, let him say, he is free to give his opinion. If people do not give their opinion they are useless and if we (the rules) do not listen to them, we are useless.”⁴¹

Hazrat Usman (R.A) also sent a delegation to China 651 A.D. that based on human welfare, equality and non-interference in religion.

Amir-al-muminin Hazrat Ali (R.A) said, one who follows only his views perishes, and one who consults with others shares their wisdom.

مَنْ اسْتَبَدَّ بِرَأْيِهِ هَلَكَ، وَمَنْ شَاوَرَ الرِّجَالَ شَارَكَهَا فِي عُقُوبِهَا

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³⁷ Ibn Ishaq, Life of Muhammad: A Translation of Ishaq's Sirat Rasul Allah, Guillaume A.(tr.), Lahore, Pakistan Branch Oxford University Press, 1967, p294

³⁸ Al-Baqara 2:256

³⁹ Khan, Shafique Ali, Dr., Freedom of thought and Islam, Karachi, Royal Book Company, 1980, p 38

⁴⁰ Ibn Ishaq, Life of Muhammad: A Translation of Ishaq's Sirat Rasul Allah, p 687

⁴¹ Ibn Jozi, Jamal-u-din, Imam, Hiyat-e-Farooq-e-Azam (R.A), Allama Shah Hassan Ata (tr.), Krachi, Nafees Akedmi, May 1983, p 258

⁴² Ali, Ibn Abu Talib, Imam, Nahjul Balagha, Sayed Zeshan Haider Jawadi (tr.), Karachi, Mahfooz book Aejenisi, March 1999, p. p690, Quot. No161

“He who acts solely according to his own opinion gets ruined, and he who consults other people shares in their understanding.”⁴³

Hazrat Imam Husain (R.A)

Once Hazarat Imam Husain (R.A) addressed on the night before the 10th of Muharram,

“I set you all free from your oath of loyalty to me, and I give you full permission out of my own free will, to betake yourselves whenever you may like. Utilise the cover of night and go.”⁴⁴

Actually Imam Husain (R.A) wanted to give those who were associated with him yet another opportunity to search their hearts, and to impress upon them once again that whoever of them wanted to part company with him was completely free to do so, in order that in the hour of trial not a single soul be left who might feel that he had been forced against his will to cast his lot with him.⁴⁵

Five Islamic schools of thought and Freedom of opinion:

But in all schools of thought there is existed only an intellectual difference in opinion but in spite of that they respect others thought and did not create any conflict. Because they always give respect each other. Imam Shafi is the student of Imam Muhammad and he is the pupil of Imam Abu Hanifa. An example is quoting here for prove that all schools of thought try to respect each other even they have different views and believes. I translated it in my words as, once Imam Shafi came in the tomb of Imam Abu Hanifa, and in that time, he has to offer prayer ba jamaat along with other people because it was a time to prayer. Often, he did not step forward for the Imamate of prayer but here he steps forward by himself and standing up for Imamat. But he did not continue Raf ulYadain (simply raise the hands during prayer) however he believes on Rafayadain because it is important according to his school of thought while according to Hanafies it is not important. When he free from prayer someone ask him that why you did not perform prayer according to his own school of thought. He just said that,

“I did not like to perform here against the Hanafi and ignored Rafayadain; therefore, I also stepped forward for Imamt because according to my school of thought I cannot recite Fatiha behind Imam on account of that I prefer to do Imamat myself.”⁴⁶

WESTERN HISTORY

In old age what is the position of freedom of expression in west? What are the sources of their ideologies? How they change their ideologies with the passage of times? How much the importance of freedom of expression had approved by the greatest scholars in ancient time? The answers of these questions are depended on their pioneer ideologies.

According to ancient philosophers the freedom had been taken in different senses. How they considered the concept of freedom, the elaboration of this point is discussing now.

Socrates:

As an idea, freedom of speech arguably dates back to Socrates. He said to his prosecutors, "If you offered to let me off this time on condition, I am not any longer to speak my mind... I should say to you, 'Men of Athens, I shall obey the Gods rather than you.'" Although Socrates

⁴³ Ali Ibn Abu Talib, Imam, Nahjul Balagha Peak of Eloquence, Sermons, Letters and Sayings, Sayed Ali Reza (tr.), New York, Tahrike Tarsile Quran, 1984, p 605, Quot. No 161

⁴⁴ Ali Akhtar S., The Martyr of Karbala, English translation of Allama Ali Naqi Naqvi's "Shaheed-e-Insaniat", Karachi, Islamic Culture and Research Trust, 1984, p 287; Tabari Vol. VI, p 238

⁴⁵ Ibid., p 286

⁴⁶ Usmani, Muhammad Rafih, Mufti, Akhtalaf Rahmat hai, Firqa bandi Haram, Karachi, Idara Maraf al Quran, 2006, p 17

was advocating for it more than 2000 years ago, freedom of speech as a legal right did not exist until the 17th century.⁴⁷

Socrates acknowledged the freedom of thought and expression in his own life even he sentenced to death because of the expression of his thought. He was convicted for three charges, corrupting the youth, committing treason against Athens, and blaspheming the gods. Wondrously a book explodes the theories of Socrates and Karl Marx. It has written on imaginary dialogues between both after their death. Even both were belonged to the different periods. But very beautifully author pointed out the Socrates' notion freedom of thought and expression.

Socrates says to Marx in this book as,

“So, there is no freedom for anyone at all, according to your philosophy?”

Marx replied that is not so. But in order to understand We use the same word but not the same meaning. When you say “freedom”, you are thinking of bourgeois freedom, not Communist freedom.”⁴⁸

Aristotle adopts Plato's stance about excessive liberty with proper license, claiming that it ensures a large body of support for demagogues. Therefore, the negative conception of liberty is not introduced by the modern world, which is characterized by personal freedom in opposition to the state.

Aristotle explicitly acknowledges the existence of such a conception 'to live as you like' and argues against it: 'from it has come the ideal of 'not being ruled', not by anyone at all if possible, or at least only in alternation. This [to be ruled by alternation] is a contribution towards that liberty which is based on equality.⁴⁹

Aristotle is concerned to properly define liberty so that it is distinguished from licence. In reconciling the freedom of each and all to enhance overall freedom, Aristotle rejects the two definitions of democracy, the 'sovereignty of the majority' and 'liberty' as 'doing what one wants' as 'bad'. Living according to the constitution is not 'slavery' but 'self-preservation.

Aristotle thus rejects democratic freedom as leading to the licence of individualism 'divorced from law and justice' ⁵⁰

Classical and Political Liberalism of individual Enlightenment thinkers is linked with the Intellectual awakening of the 18th century, advocating the movement of self-rule instead of the power of aristocrats. It highlighted the self-administration and placed the nation at the core of law, politics, and economics rather than the supremacy of the state or religion.

Voltaire:

A column in the Daily Telegraph of February 2006 on freedom of speech referred to 'Voltaire's famous paraphrased,

"I disapprove of what you say, but I will defend to the death your right to say it."⁵¹

According to Voltaire it is necessary to speak freely. He said by this maxim that everybody has right to criticise. He said I have my opinion and it can be possible that my opinion is conflicted but it does not mean that we have no right to speak.

Rousseau's idea on Freedom:

Rousseau's famous dictum

"Man was born free, but everywhere he is in chains" ⁵²

⁴⁷Sara Henderson, When Did Freedom of Speech Start? <http://classroom.synonym.com/did-freedom-speech-start-13646.html>

⁴⁸ Peter Kreeft, Socrates Meets Marks: The Father of Philosophy Cross examines the Founder of Communism: A Socratic Dialogue on the Communist Manifesto, Paris, Ignatius Press, San Francisco, 2003, p 68

⁴⁹ Harmon Judd M., Political Thought from Plato to the present, London, p.28

⁵⁰ Ibid, p 27

⁵¹ http://www.voltaire.ox.ac.uk/www_vf/about_voltaire/didnt_say.pdf

It means Rousseau accept that an absolute freedom is totally myth and cannot possible.

Thomas Jefferson: (1743–1826)

He was the third President of the United States and author of the Declaration of Independence. He also wrote Notes on the State of Virginia and the Virginia Statute for Religious Freedom. He was a champion of inalienable individual rights and the separation of church and state. His ideas were repeated in many other liberal revolutions around the world, including the (early) French Revolution.

The Holy Scriptures and the Freedom:

Once in the verse of the Bible,

“Live as people who are free, not using your freedom as a cover-up for evil, but living as servants of God.”⁵³

Similarly in another place it says,

“And, having been set free from sin, have become slaves of righteousness.”⁵⁴

Punishment for the Apostate in Bible:

Death penalty is suggested by Old Testament without distinguish man and women, small and old.

“All who would not seek the LORD, the God of Israel, were to be put to death, whether small or great, man or woman.”⁵⁵

Even women are not allowed to speak in Churches,

“Let your women keep silence in the churches: for it is not permitted unto them to speak; but they are commanded to be under obedience as also saith the law.”⁵⁶

Current Theories:

What is meant by freedom of expression in West today? To know the answer of this question, it is necessary to approach over the five theories on the first amendment. The first amendment of the United States creates a new dispute on freedom of expression. Different theorists, jurists, philosophers and scholars explain the First Amendment according to their understanding.

Don Pember stated that,

“If we are not certain what the First Amendment meant in 1790, do we know what it means today? More or less. The First Amendment means today what the Supreme Court of the United States says it means.”⁵⁷

Historian corroborates the fact that the important contributions were made by ancient China, Greece and Rome, Imperial Spain, and by the British Empire. Today the concept of freedom of press is considered as an American idea but it is not a real perception. The words of an American author about the chronological freedom as given below,

“Freedom of the press is not, and was not, exclusively an American idea. We did not invent the concept — in fact, no one invented it. Like Topsy, it just grew from crude beginnings that can be traced back to Plato and Socrates.”⁵⁸

⁵²Dr.Syed Waheed Akhtar, the concept of freedom in Islam and western ideologies, <http://www.imamreza.net/eng/imamreza.php?id=5245>

⁵³ New Testament, The Book of 1st Peter 2:16

⁵⁴ New Testament, The Book of Romans 8:1-4

⁵⁵ Old Testament, The Book of 2nd Chronicles 15:13

⁵⁶ New Testament, The Book of 1st Corinthians 14:34

⁵⁷ Pember Don R., Freedom of the Press, p, 45

⁵⁸ Pember Don R., Mass Media Law, Fifth edition, United States of America, WcB Wm.C. Brown Publishers, 1990, p 38

Origination of natural freedoms according to western history emerged from the Renaissance period to the age of enlightenment. It will be shortly expressed with the arrangement of time periods.

i) Middle Ages:

Freedom of expression is the part of the human rights. It is the right which protects several basic human rights. That's why it is necessary to ascertain the chronological development of human rights. The fundamental human rights became in the history of west from the British Charter of Magna Carta. It is presented by King John, 1215. This charter is about basic human rights. 13th century can be declared as a starting point for human liberties in occidental history.

First time the printing press had introduced in England on 1476. His name is William Caxton who introduces the printing books. He was the first English retailer of printing books.

“In 2002 he was named among the 100 Greatest Britons in a BBC poll.”⁵⁹

ii) Early Modern Age:

16th and 17th centuries can be announcing as a beginning stage of freedom of expression in the modern occidental history.

“The modern history of freedom of the press really began in England during the sixteenth and seventh centuries as printing developed and grew.”⁶⁰

Day by day liberal progress is accelerated in western history. A site tells the history record in following paragraph,

“In Europe, Sweden was the first country to abolish censorship in 1766, followed quickly by Denmark and Norway in 1770. Reflecting the egalitarian spirit of its revolution, the French National Assembly's Declaration of the rights of Man in 1789 included not only the right to free expression, but also the right to own a printing press.”⁶¹

Ishay acknowledged in her book that the English, American and the French revolution are basic events for development of the human rights in western world. She stated,

“These developments laid the foundations for four great historical events in the Western world: the Reformation and the English, American and French Revolution.”⁶²

In the 19th century, the idea of a liberal press was spread across the English empire, because the liberal creeds started forcefully by John S. Mill on Liberty (1859).

On 1948 the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. European convention on human rights declares freedom of expression in article 10 in 1950. Regional Human Rights Treaties held in 1953. American Convention on Human Rights declares in (1969). UNESCO General Conference and UNO announce the world press Freedom Day on 3rd may 1991. Freedom of expression has been given by The Human Right Act in 1998. That was given a legislative recognition UK. The First Joint Declaration by the Rapporteurs for freedom of expression in 1999.⁶³

The British Great Charter, French Revolution and American Revolution are played the basic role in Western history for fundamental human rights. Therefore, all of these should be

⁵⁹“100 great British heroes”, BBC News world edition, Wednesday, 21 August, 2002, 23:48 GMT 00:48 UK retrieved from www.news.bbc.co.uk/2/hi/entertainment/2208671.stm

⁶⁰Mas Media Law, p 38

⁶¹Op. cit

⁶² Ishay Micheline R., The History of Human Rights: From Ancient Times to the Globalization Era, London, University of California Press, 2004, p 65

⁶³ www.oas.org/en/iachr/expression/basic_document/declaration.asp

discussed in detail here, to know that, what type of rights have granted under these revolutionary charters.

The First chapter of Magna Carta gives the right to the national church, canonical election, it also declares civil and political rights.

“The freedom of elections, which is reckoned most important and very essential to the English church, we, of our pure and unconstrained will, did grant, and did by our charter confirm.”⁶⁴

Universal Declaration of Human Rights adopted on 10 December 1948 by the General Assembly of the United Nations. But the Articles of UDHR will be discussed in next chapter. Because UN General Assembly represents the membership of 193 countries of the United Nations in which all western and eastern countries has been included. But the Council of Europe just representative of the European countries because of this reason it should be part of this present discourse. This part is about the western history that is why only ECHR should be explained. Shortly description on ECHR is following as,

“The European Convention on Human Rights and Fundamental Freedoms (ECHR) is an international agreement (a “treaty”), adopted in 1950 which entered into force on 3 September 1953. It was created by the Council of Europe, not to be confused with the European Union.”⁶⁵

The UK played a significant role in creating and writing the ECHR. Winston Churchill was a leading figure who spoke out about the need for the ECHR, calling for a ‘Human Rights Charter’ in the aftermath of World War II.⁶⁶ According to the section 1 “Rights and Freedoms” Article 9 protected the freedom of thought, conscience and religion.

Analytical Review:

According to the above said historically background, it drives out, that Muslim’s and Western’s societies have strong historical precedents of freedom of expression. But it is a little bit difficult, to point out that, who introduces the term freedom of expression? Is it the invention of west or Islam? Modern scholars consider that it is invented by west. Even they claim that Islam did not introduce the fundamental human rights. For instance, Jack Donnelly stated,

“Islam is not in actual introduce human right.”⁶⁷

But after study the history of both societies, it becomes prove that Islamic history has several evidences of freedom of expression. No doubt Islam did not use the term “freedom of expression” theoretically, but soul of this term discovered by Islamic values. All fundamental human rights are protected by Islam in practically form. West borrowed it from the ancient philosophers, but in incomplete form. They have been struggling to achieve basic natural rights with the passage of time. After all, the French Revolution and the American Revolution introduces it in western history.

On the other hand, 15 hundred years before, The Constitutional Charter of Madina and the Last address of Hijatal widda declare fundamental human rights, including freedom of religion. The modern term “freedom of expression” did not introduce in Islamic history on documents, but the structure and the nature of freedom of expression retained in Islam, from 15 hundred years ago. Terminology of freedom of expression has introduced by west during 18th century on constitutional charters.

⁶⁴ John Roland, Liberty Library, retrieved from <http://www.constitution.org/eng/magnacar.htm> /text version

⁶⁵ http://www.bihr.org.uk/sites/default/files/BIHR%20ECHR%2060%20Ann%20Factsheet_0.pdf

⁶⁶ The European Convention on Human Rights, British Institute of Human Rights Factsheet, 2013, p1,

⁶⁷ Jack Donnelly, Universal Human Rights, p75

Final Conclusion:

After keen research It concluded that practically Islam introduces freedom of expression before West but not supportive to an absolute freedom. According to Islam everyone is free to express his thoughts and opinion but with respect of others' rights. It always welcoming the human beings to speak or express ideas for truthfulness. But about Apostasy and Blasphemy the attitude of Islam is a bit contradictory regarding freedom of expression. This is highly controversial topic at that time. Because the Holy Quran don't talk about the worldly penalty about apostate but it described the heavenly punishment. Only the hadiths literature decided the death penalty for apostates and some of them allow clearly punishment on the other hand some are contradict to the context and some are questionable regarding about their authenticity.

While West failed to define properly the idea of freedom of expression because they consider it an absolute freedom however, they know the idea is just a myth. West also introduces the idea of Freedom of expression but late in 13 centuries in the shape of Charter 'Magna Carta'. Several Western authors and dictionaries completely agree with an Islamic ideology. That freedom of expression means to express ideas and thoughts freely without pressure but just for truth and with logical argument. Regarding Apostasy issue Western Holy Scriptures are totally support the death penalty. Even their idea regarding apostasy is more dangerous and conservative then Islam because it clearly approved by Biblical verses.

Likewise, Islam against the blasphemous act but not only for the protection of their own religious but also for protection of others dogmas because of the peace.

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيْنًا لِكُلِّ أُمَّةٍ عَمَلُهُمْ ثُمَّ إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ⁶⁸

“And, (O Muslims,) do not abuse these (false gods) that these (polytheists) worship besides Allah, lest these people should (also, in retaliation,) revile against Allah's Glory wrongfully due to ignorance. Thus, have We made the conduct of every sect (and faction) seem attractive to (their own eyes and they regard only that as truth). Then all have to return to their Lord, and He will inform them of (the results of) their deeds which they used to do.”

Recommendations and suggestions

- * **Integrate Islamic Principles in Education:** Incorporate teachings on responsible freedom of expression from the Quran and Hadith into school and university curricula to foster ethical awareness and balanced use of this right among youth.
- * **Develop Media Ethical Codes:** Establish guidelines for media and social platforms based on Islamic ethics, promoting truth verification and prohibiting harm while allowing constructive criticism and debate.
- * **Promote Interfaith and Intercultural Dialogue:** Encourage dialogues between Muslim scholars and Western institutions to clarify Islamic views on expression, reducing misconceptions and highlighting its balanced nature globally.
- * **Reform Legal Frameworks:** In Muslim-majority countries, refine laws to protect against abuse (e.g., blasphemy or defamation) while ensuring space for legitimate political, academic, and social critique without excessive censorship.
- * **Empower Scholars and Community Leaders:** Urge religious scholars to actively promote positive uses of expression (e.g., hisbah, nasihah) and condemn misuse, building societal consciousness and encouraging accountable discourse.

⁶⁸ Al-Anaam 6:108



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