

## Islam between free speech and hate speech

The execution of apostates should be annulled but insulting religion should be recognised as a crime, writes Iranian cleric Mohsen Kadivar.



First of all, there should be a differentiation between Islam which is based on the principles of the Qur'an and the authentic tradition of the prophet and the sharia-oriented Islam. In the first, the freedom of speech and religion has been recognised. In the second, such freedom is faced with numerous limitations.

### *1. The restrictions of freedom of speech in sharia*

In sharia-oriented Islam, an apostate will be executed. The insult and mockery of religious beliefs is punishable by death. Some jurists place the responsibility upon the masses to recognise and execute the two. In this version, punishments such as *Ta'zir* and forceful imposition of adherence to religious obligations and abstinence from religious prohibitions are permissible. Publicising any other kinds of religions and thought, even other Islamic sects and some philosophical and spiritual thoughts of Muslim thinkers, are considered harmful and therefore prohibited. The same is true of publicising books and other cultural products, which are in any way considered publicising of this sort.

### *II. Principles of freedom of speech in Islam*

On the contrary, Islam that is based on the principles of the Qur'an and the authentic tradition of the prophet and his family adheres to the following principles:

- a) Though Islam considers itself the rightful divine religion, it has accepted the diversity and plurality of religions and thoughts, regardless of truth or false, even blasphemy, polytheism and atheism as a reality in this world. It has therefore left the qualification of their truthiness to be determined on the Day of Judgment.
- b) People are free to choose their beliefs and their religion and no one can be forced to accept or deny any faith.
- c) No one is to be punished in this life for believing in any given religion. A crime is associated with an action and not a particular faith or belief.
- d) No one is to be punished for changing religions or leaving a faith such as Islam. Placing any sort of worldly punishments, such as execution, for apostasy is against Islamic principles.
- e) No one can be forced to observe Islamic obligations and abstain from the prohibited.
- f) Criticising religious beliefs is inherent within a free Islam and holds no punishments, neither in the worldly life nor in the afterlife.
- g) Insulting, ridiculing and scorning religious beliefs, including Islam, is unrighteous and a violation of the integrity and dignity of its believers. According to the Qur'an, insulting atheistic beliefs is also prohibited.

### *III. Insult of religion as a hate speech*

According to Article 20 of the International Covenant on Civil and Political Rights, "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law" and insulting religious beliefs is a case of "hate speech" that disparages believers, and should be considered as a crime. Those who have committed such criminal offences shall be prosecuted in a civil court of law and in the presence of a jury. Undoubtedly, the punishment for these crimes is not execution.

There is an international consensus that "hate speech" needs to be prohibited by law, and that such prohibitions override or are irrelevant to guarantees of freedom of expression. The US is unique among developed countries in that under law, hate speech regulation is [incompatible](#) with free speech. In the UK, for example, several statutes protect several categories of persons from hate speech. The [statutes forbid](#) communication, which is hateful, threatening, abusive, or insulting

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and which targets a person on account of religion. The penalties for hate speech include fines, imprisonment, or both.

The lack of boundaries between criticism on one side and the insult, mockery and scorning of religious beliefs on the other side on the part of aggressive atheists has resulted, and will continue to result, in radical violent clashes on the part of the conservative believers.

The requirement of a sane world is mutual respect among humans. It is not possible to insult and ridicule the beliefs i.e. the holy book and the prophet, of one-fourth of the world population without having to bear the consequences of the violent and extremist reactions of some conservative adherents to that faith.

In order to sanitise the rivalry between faith and apostasy, lines need to be drawn between criticism and insult. These boundaries depend on the location and the degree of cultural maturity. In underdeveloped countries, many criticisms are seen as insults and in developed countries many insults are seen as criticisms. Therefore the settings of these boundaries demand serious fieldwork and theoretical research. However, a dynamic and matured world can only be achieved with respect to both religious beliefs and free speech.

If a traditional believer does not have the right to impose his religious views on others, then an atheist also does not have the right to impose his specific beliefs as universal norms. Along with the Universal Declaration of Human Rights, we are also in need of a Universal Declaration of Duties and Responsibilities to Religious Beliefs and Irreligiousness, such as convention on the elimination of all forms of violence, insult and hate speech.

Just as the execution and punishment of an apostate should be annulled, the insult and mockery of religion by atheists and non-believers should be officially recognised as a crime. Believers and atheists should recognise freedom of criticism, which benefits them both. A healthy competition based on mutual respect is the only defensible conduct between Muslims and followers of other religions and thoughts.

### *IV. Three principles*

I believe that the three principles below are, on the one hand, the prerequisites of “respecting the believer and not the belief” and, on the other hand, the prerequisites of a belief in both Islam and free speech:

1. The freedom to criticise religious beliefs.
2. The prohibition of insulting religious and atheistic beliefs as hate speech.
3. The annulment of all punishments for apostasy, particularly execution.

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