



*In the Name of Allah,
the Most Beneficent, the Most Merciful*

Respecting Others' Sacreds & Freedom of Expression

By A Group of Authors



**Center for Studies
& Responding to
Religious Doubts**
(Islamic Seminaries)

Book Title:

Respecting Others' Sacreds & Freedom of Expression

5 speeches and articles in response to the current of insulting the sacred things and religions under the pretext of freedom of expression

“ PASOKH ” Magazine Supplement

Publisher: Center for Studies and Responding to Religious Doubts in
the Islamic Seminaries of Iran

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Preface

Respecting What the Other Party Respect:

Everything that is valued, sacred and respectful to others whether religious, cultural, etc. should be respected. Compliance with these rules will cause the elimination of hostility and creating proximity of the hearts. With such a look, you can have a good and mutual relationship.

Respecting other's sacreds is one of the important topics in creating coexistence between Humans. Throughout history, whenever people of different nations have turned to respect other's sacreds, they have been able to bring a life of empathy and peace to the Society.

In the Holy Qur'an, the Almighty God says:

«وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ»

In this verse, God commands not to insult the god of those who worships other than God (idolaters, polytheists, etc.), because they also may insult God due to unawareness and ignorance. In this verse, it has clearly been ordered to respect others' sacraments.

Principle of Peaceful Coexistence:

In the contemporary era, respecting other's sacreds is one of the individual and social necessary. It is particularly important given the interconnectedness of today's world in various areas such as politics, economics, society and culture. Disrespect is not conducive to progress and development. It includes

being together, not interfering in others' private affairs, and respecting the rights of others.

Respecting other's sacreds is the idea that peoples of different religions and beliefs can live together in peace and harmony. It is just not a fantastical idea, but the stark reality of the way to establish a great society. Through history the societies with the most diverse peoples able to live together in harmony have been the most prosper societies.

Respecting other's sacreds seeks to eliminate, minimize or prevent problems which disrupt peace, such as war, bloodshed, violence, hatred and internal conflicts. Several factors are involved in the correct or incorrect framing of the Respecting Other Religions among the followers of different religions. It is important because, as it will be mentioned, it is considered as one of the most important elements of stability or peace of the human society.

Respecting other's sacreds is not one-dimensional. It is considered both from the perspective of the natural social needs of human being to achieve interests and the perspective of religion and faith to achieve the ideal society where justice spreads and the implementation of Divine teachings and instructions will be easier and more possible in the light of the expansion of peace in the society and both natural and religious dimensions are required for each other. Religious look at this issue in Islam is so fundamental and essential that it is considered as one of the highest social priorities of the human being, as this theory rooted in the human dignity.

A look at the teachings of religions and denominations shows that peaceful coexistence is emphasized in their teachings. This issue is more prevalent in the Abrahamic religions. Leaders of all religions try to portray a peaceful face of their religion. Eastern religions, such as Hinduism and Buddhism, also teach the principle of coexistence with others.

The language of respect and politeness:

It should not be with contempt, insult, denial or hostility to the other party. Whenever the language of the dialogue is such, this would be ideal in a dialogue. In fact, it is a sign of the personality of a person in terms of his morality. On the other hand, the beliefs of a person are not acquired by force and sword, but by thought and love.

Given this important fact, in this book we have tried to address the issue of respecting other's sacreds and Religions and its role in the peaceful coexistence of Humans.

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Sacrilege Opposes Rationality and the Universal Declaration of Human Rights

Sacrilege Opposes Rationality and the Universal Declaration of Human Rights

Ayatollah Reza Ramazani

Unfortunately, In the past years, several anti-religious and anti-human rights events occurred in some European countries, which caused discomfort for the followers of religions, especially Muslims, as well as concern for defenders of human rights and human dignity:

"Burning the Holy Qur'an in Sweden and the Netherlands by some extremist and anti-Islam Danish-Swedish people" and "Insulting Prophet Muhammad (s.a.w.s) and religious leaders in France by Charlie Hebdo magazine".

It is quite abnormal that in the modern time and where science and technology are at the peak of their development, from time to time, such unwise and backward actions cause inflammation and unrest in human societies, especially in countries that consider themselves the pioneers of wisdom and culture in the new centuries. The inappropriate actions of right extremists in Sweden and the Netherlands and the shameless insults of a publication in France, aside from religious and theological discussions, are clear examples of spreading hatred and, as a result, a clear violation of the right to freedom of religion, belief, and opinion.

Everyone should pay attention to the important point that both sides of extremism, i.e., religious extremism manifested in groups like “ISIS” and “Boko Haram” and anti-Islamic extremism like “Stram Kurs party” and “Charlie Hebdo magazine”, are two edges of the same blade, which have targeted rationality, security, democracy, peace, freedom, spirituality and tranquility of human societies.

Rationality and Spirituality: The Two Needs of Humanity

Today, human society is thirsty for rationality and spirituality. How come humanity feels so empty after so much progress and development, and western societies have realized that what they have built as civilization is one-dimensional and devoid of true rationality and spirituality? This question should be asked from the originators of the West and modernity. To fill the gaps that they themselves have caused, they should not resort to insulting and humiliating sanctities. In these events, not only did Muslims not play a role in creating this impasse, but also they have always looked for a way out of this crisis. The crisis of spirituality and the numerous crises the West faces are the most important reasons for people to turn to religion. The Western leaders themselves are the leading cause of these crises. Islam, and especially the school of Ahl al-Bayt (a.s), call for rationality, spirituality, and justice and do not sacrifice any of these for the benefit of the other.

Nevertheless, insulting the sanctities of religions (such as the Holy Qur'an and the Holy Prophet of Islam (s.a.w.s) is actually an insult to rationality, spirituality, and justice. Prophet Muhammad (s.a.w.s) is the prophet of kindness and love, and he came to spread love. The nature of the Holy

Prophet is the embodiment of the Holy Qur'an, and God testifies to the greatness of the character of the Holy Prophet.¹ God, who is absolute perfection, describes the Holy Prophet's morals as great. After all the persecutions of the polytheists, the Holy Prophet (s.a.w.s) asked Imam Ali (a.s) to promise not to shed a blood drop of people when conquering Mecca. The concern of the Holy Prophet (s.a.w.s) was the guidance of humanity. He was diligent in the matter of guidance and did so assiduously.

Some countries in Europe and America, which consider themselves progressive and human rights defenders, disrespect the Holy Qur'an. They attribute violence to the Holy Prophet (s.a.w.s) and Islam, while the Qur'anic verses speak of mercy, kindness, and compassion to humanity. According to the verse "we have sent you to all of humanity", the Holy Prophet (s.a.w.s) is in charge of spreading divine mercy to the entire human society and teaching moral virtues to all human beings.

Today, Islam and the school of Ahl al-Bayt (a.s) stand on the side of rationality and spirituality and advocate justice. Strangely, the modern world spreads hatred and violence. We ask all the thinkers and politicians of the world to act respectfully towards all religions and beliefs and observe the oppression of Muslims and Islamic countries with an impartial eye.

Freedom of Speech Is an Excuse for Sacrilege

These measures have been carried out under the pretext of "freedom of expression and opinion"; while the freedom of speech and belief is in

¹ Al-Qalam (68): 4 ; ﴿وَإِنَّكَ لَعَلَىٰ خُلُقٍ عَظِيمٍ﴾

complete contrast with “insulting the sanctities and beliefs of others”. Man is free in opinion because opinion cannot be imposed. Freedom of speech is one of the rights recognized by Islam.

Why does the president of a country that considers itself the land of freedom not pay attention to the fact that under the title of freedom of speech, he issues permission to insult the sanctities of religions? Expressing one's opinion is free, but insulting and humiliating the sanctities of religions is not a form of expression but a course of action. When a person insults someone in the street and uses obscenities, no sane person considers this freedom of speech because insulting is an action and is usually declared a crime. How can insulting an ordinary person be a crime, but insulting the highest figure of a religion and the holiest figure of Islam be within the framework of freedom of speech?

Unfortunately, for more than several decades, Islamophobic projects have been seriously discussed and implemented in various forms and with different excuses in scientific centers in the West; Freedom of expression is one of these excuses. Under the pretext of freedom of speech, we see countless insults and slanders against the Holy Prophet of Islam (s.a.w.s) and Muslims. The project of Islamophobia in the West has failed, but at the same time, some people are still trying to keep it alive.

The Conflict of Sacrilege with the Declaration of Human Rights

These behaviors are not only in conflict with rationality and morality but are not even compatible with the declaration of human rights. The cases of human rights violations in these actions are mentioned below.

a) These two examples, and actions similar to them, are a clear violation of article one which states: “All human beings are born free and with equal dignity and rights, and are endowed with the gift of wisdom and conscience, and must treat each other in a spirit of brotherhood.” Insulting the revered symbols of about two billion people in the world vividly contradicts this article.

b) Several actions in some European countries, such as Sweden and France, threaten the provisions of Article 18 of the Universal Declaration of Human Rights. This article clearly states, “Everyone has the right to enjoy freedom of thought, conscience, and religion. The right includes religious teachings and the performance of religious ceremonies. Everyone can enjoy these rights individually or collectively, privately or publicly.” However, the insult and attack of the respected symbols of hundreds of millions of people by these two countries aims to create Islamophobia. As a result, they are trampling the religious freedom of Muslims and restricting their teachings and ceremonies.

c) Article 26 of this declaration also considers the duty of education to be “spreading good understanding, tolerance, and friendship among all nations and racial or religious groups”. However, the inappropriate actions that

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occurred in Sweden and France are entirely against the provisions of this article and do not lead to its desired result “helping the United Nations' programs in the way of peacekeeping”.

d) Article 29 of this declaration makes every person “responsible before his society”.

According to the same article, “in the realization of individual freedom and rights, everyone should only be subject to the restrictions imposed by the law only for security to recognize and respect the rights and freedoms of others, for the preconditions of moral justice, public order and public welfare to be provided in a democratic society.” However, the burning of the Holy Qur'an in Sweden has endangered the security of the city of “Malmo”. In addition, the inhuman actions of Charlie Hebdo magazine have already led to numerous acts of violence in France and other countries.

Condemnation of Disrespecting Sanctities in the International Covenants

In addition to the Universal Declaration of Human Rights, which many countries have signed and are required to implement, the “International Covenant on Civil and Political Rights of the United Nations' General Assembly”, approved in December 1966, also condemns what happened in Sweden and France. According to Article 19 of this covenant: “The right to freedom of expression requires certain rights and responsibilities and is subject to certain limitations”, two of which have been specified:

A- Respecting the rights or dignity of others

B- Maintaining national security, public order, public health, or morals
Therefore, these unpleasant actions carried out in European countries, both in terms of their nature and their consequences, have violated Article 19 of the International Covenant on Civil and Political Rights.

The Root of Sacrilege

Insults to Islamic holy places are Islamophobic and destroy the image of Islam. The most important reason for the spread of Islam in today's world is its rationality and spirituality and the incompetency of the idea of modern civilization. Instead of humiliating and insulting Islamic holy places and harassing Muslims, the originators of modern societies should think again about the path they have paved and where they went wrong. Instead of fueling the hatred between religions, they should blame themselves for their mistakes.

The significant growth of Islam worldwide has caused some people to panic, and this is the reason for opposing Islam. Islamic rationality, which is equal to religion and spirituality itself, is the most pivotal reason for the spread of Islam. Opposing this rationality will only lead to the failure of the opponents' agenda. Since Islam is a logical and rational religion, all these attacks and insults only cause Islam to shine in the eyes of the world.

Western Governments' Double Standard Policies against Sacrilege

The conflicting double standards in the West have become a regular thing for us Muslims and Islamic countries. The modern West has long shown

that the factor behind its decisions and policies is not rationality and morality but its own interests and those of its allies. Although these decisions are constantly embellished with good and valuable titles, the truth of the matter is nothing but limitless exploitation and blackmailing of Muslim countries.

In the West, Roger Garaudy, who reached conclusions about the Holocaust based on scientific research, was executed. However, they claim freedom of speech when insulting the Holy Qur'an and the Holy Prophet of Islam (s.a.w.s). If Western presidents are offended, they take a stand but consider insulting the Holy Qur'an and the Holy Prophet of Islam (s.a.w.s) as examples of freedom of expression. We have seen this hypocritical behavior and policy in many regional issues and in facing the countries of the Middle East, naming which requires ample time. When these politicians' decisions and positions are motivated only by power and profit, no one will trust their honesty in defending the freedom of expression and human rights.

Sacrilege Causes Violence and Hatred

Insulting the sanctities of religions is one of the examples of promoting violence and hatred. Today's human society needs peace more than ever, but Western governments promote violence by insulting the sacred; They give slogans of peace and ethics, but they insult the Holy Qur'an, which is a holy book, and the Holy Prophet of Islam (s.a.w.s), who is a moral character. They also insult his religion, which is a religion of peace, security, and morality and seeks to create peace in human society. Insulting the Holy Qur'an and the Holy Prophet (s.a.w.s) insults ethics, justice, spirituality, peace, human

ideals, and values. In today's human society, which creates threats and terror in every way, we need to introduce such characters.

The West should not create causes for tension in human societies. Unfortunately, the western governments have made the ground for tension in the world with their positions. They do illegal work with various justifications and excuses and expect Muslims to remain silent. We hope that rational people and decision-makers will pay attention to the consequences of these insults and condemn this unpleasant and heinous act. It is natural that when the sanctities of any group are insulted, these insults will not go unanswered, and in this cycle of violence, one should go to those who started it.

Although the action of the French publication has hurt the hearts of Muslims, and although the irrational support of the French president doubles this damage, Muslims should be severe in condemning the act by adhering to the Holy Prophet of Mercy's way of life and refraining from any violence, lest their religious sentiments become prey to the media conspiracies of the enemies of Islam.

The Necessity of Promoting Rationality in the World

Intellectual, libertarian, and devoted figures, civil institutions, human rights organizations, and European governments should encourage rationality and logic and stand against spreading hatred.

Overall, what was stated before was only from the human rights viewpoint. However, if we look at these events through the lens of religious teachings,

we will find that all the world's religions will condemn these behaviors, which should be discussed extensively in further opportunities.

Respecting Others' Beliefs and Freedom of Expression in Islam

Respecting Others' Beliefs and Freedom of Expression in Islam

Huj. Seyed Hashim Moosavi

As an introduction, it is essential to emphasize that 'respecting others' beliefs' and 'freedom of expression' are rooted in divine teachings, especially in the Abrahamic religions, and I will mention a few examples here.

Islam and Respecting the Religions

According to the teachings of Islam, and especially from the perspective of the Holy Qur'an, respecting others' beliefs is one of the most valuable recommendations which a true Muslim does not deserve to ignore.

God the Almighty in the Holy Qur'an, says:

﴿لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ﴾

"Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly; surely Allah loves the doers of justice".¹

¹ Al-Mumtahanah (60): 8.

In another verse, the Holy Qur'an emphasizes:

﴿وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ...﴾

“And do not abuse those whom they call upon besides Allah, lest exceeding the limits they should abuse Allah out of ignorance ...”¹

Also, according to Islamic teachings, many customs of the followers of different religions which are rooted from the divine religion, such as marriage, are to be respected.

It is narrated that Imam Sadiq (a.s) had a friend who always accompanied him. One day the friend went with the Imam to the shoemaker's market, followed by his slave from India. Suddenly, the friend turned back and called for the slave, but he did not see him. The friend turned back three times and still, he did not see the slave until he turned back the fourth time. When the friend saw the slave he said: O illegitimate, where were you?

Imam Sadiq (a.s) raised his hand and slapped his forehead and said:

“Glory be to God! Do you accuse his mother of adultery? I thought you were self-controlled and pious, and now I see that you have no piety.

¹ Al-An'am (6): 108.

He (the friend) replied: His mother is a woman from Sindh and a polytheist.

The Imam (a.s) said: Did you not know that every nation has a respected marriage for themselves?”¹

This narration clearly reflects the due respect given both for this Hindu polytheist man as well as the holy institution of marriage.

It can be seen from these two verses from the Holy Qur'an and the example of the narration of Imam Sadiq (a.s), that slandering the followers of other religions is explicitly forbidden and that we have been advised as his followers to be kind and fair towards them.

Islam and Respecting Freedom of Expression

In order to prove the notion of freedom of speech and the respect it is due from the Islamic perspective, I am intending to quote some verses from the Holy Qur'an as well as some narrations of the Holy Prophet (s.a.w.s) and the Infallible Imams (a.s) from their practical lives:

¹ Sheikh Kolehini, *Usul al-Kafi*, vol. 2, p. 324 (Kitāb al-īmān wal kufr, Bab al-īza, hadith 5):

«عَنْ عَمْرِو بْنِ نُعْمَانَ الْجُعْفِيِّ قَالَ كَانَ لِأَبِي عَبْدِ اللَّهِ عَ صَدِيقٌ لَا يَكَادُ يُفَارِقُهُ إِذَا ذَهَبَ مَكَانًا فَبَيْنَمَا هُوَ يَمْشِي مَعَهُ فِي الْحَدَائِبِ وَ مَعَهُ غُلَامٌ لَهُ سِنْدِي يَمْشِي خَلْفَهُمَا إِذَا التَقَتِ الرَّجُلُ يُرِيدُ غُلَامَهُ ثَلَاثَ مَرَّاتٍ فَلَمْ يَرَهُ فَلَمَّا نَظَرَ فِي الرَّابِعَةِ قَالَ يَا ابْنَ الْفَاعِلَةِ إِنِّي كُنْتُ قَالَ فَرَفَعَ أَبُو عَبْدِ اللَّهِ عَ يَدَهُ فَصَكَ بِهَا جَبْهَةَ نَفْسِهِ ثُمَّ قَالَ سَبْحَانَ اللَّهِ تَقْذِفُ أُمَّهُ قَدْ كُنْتُ أَرَى أَنَّ لَكَ وَرَعًا فَإِذَا لَيْسَ لَكَ وَرَعٌ فَقَالَ جَعَلْتُ فِدَاكَ إِنَّ أُمَّهُ سِنْدِيَةٌ مُشْرِكَةٌ فَقَالَ مَا عَلِمْتُ أَنَّ بَكْلَ أُمِّهِ نِكَاحًا، تَنَحَّى عَنِّي قَالَ: فَمَا رَأَيْتَهُ يَمْشِي مَعَهُ حَتَّى فَرَّقَ الْمَوْتُ بَيْنَهُمَا»

A. Freedom of Expression in the Holy Qur'an

﴿الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ أُولَئِكَ الَّذِينَ هَدَاهُمُ اللَّهُ وَأُولَئِكَ هُمْ أُولُو الْأَلْبَابِ﴾

“Those who listen to the word then follow the best of it; those are they whom Allah has guided, and those it is who are the men of understanding”.¹

The reality of this verse makes it very clear to us that when we open the opportunity for dialogue and exchange of ideas as well as the possibility for proposition of opposing opinions, this will in turn increase the probability for the best opinion to be adhered to when several opinions can be shared and listened to. However, this will not be possible only unless there is freedom of expression and dissent where every individual can listen to every opinion and compare and choose to follow the best.

﴿ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِلْهُمْ بَالَّتِي هِيَ أَحْسَنُ إِنَّ رَبَّكَ هُوَ أَعْلَمُ مِمَّنْ ضَلَّ عَنْ سَبِيلِهِ وَهُوَ أَعْلَمُ بِالْمُهْتَدِينَ﴾

“Call to the way of your Lord with wisdom and goodly exhortation, and have disputations with them in the best manner”.²

We must be aware that in a society where it is not possible to express opposing views, it would be illogical to invite using wisdom and a

¹ Zumar (39): 18

² Nahl (16): 125

goodly exhortation, or a goodly preaching, as it is only possible to invite people through wisdom in a calm atmosphere of logical dialogue and reasoning.

Therefore, it can be concluded that the general atmosphere of the revelation of this particular verse was in a free society where there was the possibility for expressing opposing views and different opinions.

B. Freedom of Expression in the Narrations of the Holy Prophet (s.a.w.s) and the Infallible Imams (a.s)

Imam Baqir (a.s) has quoted Jesus (PBUH) to have said: “Take the truth even if it is uttered by the people of falsehood, but reject the word of falsehood even if it is uttered by people of the truth. Be the critics of speech.”¹

It is possible to use the verses of the Book of God to adorn delusion and misguidance just as copper may be mixed with impure silver, it may seem that they are alike (apparently indistinguishable), but it is clear to those who look at it with insight and attention.

Beneficial Points Understood from the Narration

First: “Truth” is the criterion for choosing an opinion, even if it is from the people of falsehood. Therefore, you cannot reject an individual simply because he is not with us from the People of Islam.

¹ Khalid al-Barqy, *Al-Mahāsin*, vol 1, p. 229 hadith 169:

«خُذُوا الْحَقَّ مِنْ أَهْلِ الْبَاطِلِ، وَلَا تَأْخُذُوا الْبَاطِلَ مِنْ أَهْلِ الْحَقِّ، كُونُوا نُقَادَ الْكَلَامِ»

Second: The value of a person is based on the truth of their words and so we must never take the opportunity for them to speak and discuss their opinion nor should they be opposed just because they do not share our beliefs.

Third: Members of the society must be selective and be allowed to critique. According to Islam, great value is given to critique and discussion; progressive growth is enabled through critique of opinions, through constructive criticism. Therefore, if there is no freedom in a society and it is prevented from expressing its opposing views, this will inhibit the development of a healthy and positive society which will lead to an absence of critical societies with nobody left to critique theology.

The Relationship between Freedom of Expression and Respecting Others' Beliefs

Given the above, it is clear that the issue of respecting others' beliefs is very closely related to the issue of freedom of expression, with the difference that the former is categorically from duty and obligation whilst the latter is categorically a matter of truth and righteousness. This means, when it comes to respecting religions, we are obliged to respect them and in cases where we disobey this obligation we may be punished. However, in the case of freedom of expression, we are free to exercise this right or forgo it.

Conclusion

Accordingly, to those who recklessly insult the sanctities of others by invoking freedom of expression (especially in some European countries), we say:

Firstly: All the wise men of the world agree that man cannot be absolutely free in his actions and behaviour, and according to a renowned western writer named Francis Neumann he says, “There does not exist nor is it possible for any political system to exist that accepts absolute freedom without any constraints or conditions”.

Secondly: Freedom of expression is an absolute right, not a mere duty that has no way out. Therefore, whenever you see in the exercise of freedom of expression that this right of yours restricts the freedom of others or questions their sanctity, common sense dictates that you have waived this right, otherwise, you should also give the same right to your opponent to restrict your freedom or violate your sanctities, in which case the law of the jungle will be far better than the law of humanity.

Thirdly: Freedom of expression is a general title and has many examples in human life, and if it is to be used absolutely and without any restrictions, the system of human life will collapse, and if it is to be disciplined and subject to certain restrictions, these restrictions must have a rational basis that is accepted by the wise of the world, not based on the taste or political pressure of a particular group.

Accordingly, today various leaders in certain countries are defending certain individuals who insult the sanctities of certain religious groups. This is both irrational and annoying as these religious groups cannot retaliate as the law of respect for divine religions obligates individuals to respect the so-called religious beliefs of the insulters. In cases where the aggrieved individual has the opportunity to retaliate, they do not have the right to freedom of expression otherwise they will be penalised in the worst possible way; this is one of the wonders of the modern and liberal world today.

**Explaining the Nature and
Limits of ‘Freedom of
Expression’ from the
Perspective of Jurisprudence
and International Law**

Explaining the Nature and Limits of 'Freedom of Expression' from the Perspective of Jurisprudence and International Law

Mahmoud Hekmatnia

Abstract

Freedom of expression is one of the most important institutions in international law and current world's political convention. One of the serious and sensitive challenges of Islam and the West in recent decades is to insult Islamic symbols and sanctities in the Western press and public opinion, as well as the Western governments' defense of those actions by referring to the institution of freedom of expression.

The main questions are as follows:

- What does freedom of expression basically mean?
- What are its bases in international law?
- Are there exceptions to freedom of expression?
- What is the position of Islamic jurisprudence regarding freedom of speech by reliance on the contents of the Holy Qur'an and the Sunnah?
- According to what bases and values can the inadmissibility and prohibition of insulting sanctities of religions be explained?

Although freedom of expression necessitates forbiddance of any kind of censorship and punishment by governments, the titles of harm or persecution of others and religious hatred are among its exceptions in international law.

In general, the Islamic jurisprudence has accepted freedom of expression, but with reference to interreligious and other reasons, it considers its scope as more limited.

Keywords: freedom of expression, insulting sanctities, Islamic jurisprudence, international law.

Note

The present article is a detailed report of an interview with Dr. *Mahmoud Hekmatnia* about freedom of expression and insulting religious sanctities in Islamic jurisprudence, international law and international conventions. In this interview, we have dealt with issues such as studying the concept of freedom of expression; philosophical, psychological and sociological foundations of freedom of expression; exceptions to freedom of expression; and freedom of expression in the Holy Qur'an and Islamic jurisprudence.

Q: As the first question and aiming at clarification of key concepts of the discussion for the readers, please explain the terms 'freedom of expression' and 'insulting sanctities'; indeed, are there any instances of freedom of expression and insulting sanctities or 'insulting' itself mentioned in the international conventions?

A: This is a proper and due question. Unless we do not know our key terminologies, we may practically make mistakes. Our central terms in this discussion is 'freedom of expression'. Upon entering the discussion on freedom of expression, we may put forward three types of questions:

1. How judicial is the freedom of expression and why has it been so much focus of attention by law?
2. How are the legal and judicial expectations in the legal systems of countries? (This pertains to the internal laws of countries).
3. What is the status of the institution of freedom of expression in the international documents whose members are countries?

[At first, I explain the freedom of expression and then, I will deal with studying its concept]. Thematically, we may explain the freedom of expression as follows:

There are two rules in the Islamic jurisprudence and law:

First: «الْعَزِيرُ فِي كُلِّ مَعْصِيَةٍ» “There is a punishment for any disobedience.”¹

Second: «الْعَزِيرُ بِيَدِ الْحَاكِمِ مَا يَرَاهُ مِنَ الْمَصْلَحَةِ» “Punishment is in the hands of the ruler according to what he deems expedient.”²

Now, regarding ‘expression’, it is said if it is also religiously illicit, ‘no punishment’ is expedient. Thus, we do not speak of something lawful; rather we speak of something illicit that, if we were and the morality, if we were and the situation wherein we would not justify freedom of expression, we should have face with it morally (moral rebuke) or legally (legal forbiddance and punitive prosecution); especially legal action; that is, law should have entered and restrict that kind of expression. Thus, the foundation of freedom of expression is justification of expressions that are possibly discreditable from moral perspective, but there is no guarantee to be legally exerted (for forbiddance of circulation and punitive prosecution). In other words, it is expedient that we do not punish anyone for such discreditable expression. This, however, does not mean indifference. We now speak just from the legal viewpoint. In other words, we create an atmosphere to have secure dialogues, and if someone has another expression [opposite to it], there will be more expressions. [we say if you do not

¹ Kadkhudae, Muhammad Reza. “*Barrasī Qāeida al-Tazīr fī Kull Maʿsiya*” *Fiqh Ahl al-Bayt* (a.s) Magazine, No. 54, pp. 91-142.

² Najafi Jawaheri, Muhammad Hasan. *Jawāhir al-Kalām fī Sharh Sharāyie al-Aalām*, vol. 42, p. 169.

accept this expression] you say your own expression and I also say my own expression.

Therefore, freedom of expression is the legal justification of no guarantee for [various] enforcements [related to forbiddance of expression] especially [guarantee of] punitive [enforcement] regarding the expressions that are probably considered discreditable from the moral viewpoint. We want to say that there is freedom from the legal perspective, although there may be a morally discreditable speech.

Q: In other words, can we say that the subject matter in freedom of expression is that this institution is discreditable from the viewpoint of initial decree, but we cannot consider it a crime as the secondary title?

A: Yes. The principle is not considering this a crime. The jurisprudential principle says any action is permitted unless it is declared as forbidden due to certain rational or religious or legal reasons. From the legal viewpoint, the discreditable action is also legal (that is, its circulation is not forbidden and will not be punished), but from the moral viewpoint, the speaker will be responsible, in the Judgment Day, for what he has said.

In the discussion on the limits of freedom of expression, when we say, “punishment is for any illicit action” and “punishment is in the hands of the ruler according to what he deems expedient”; and regarding

‘expression’, the principle is that it is expedient not to punish someone for expression. Now, is there any stronger expediency that – if it is found, we may –punish someone for expressing it, in opposition to the principle of no punishment? This is the very exceptions of freedom of expression. Again, the exceptions of freedom of expression may have themselves some exceptions. Is there any exceptions to those exceptions? This is a discreditable thing that the law says, ‘do not punish it’ and the exception says, ‘punish it’. And now, a third thing comes to say, ‘do not punish it!’

For example, suppose that according to freedom of expression, immoral expression is not followed by censor and punishment, but there is a forbiddance regarding display of one’s body [and this has been an exception in freedom of expression; that is, it must be both censored and punished if published]. Now, is there an exception on exception here as well? What does it mean? That is, there is something discreditable (porno and display of a woman’s body) that the law says it must not be punished (because of freedom of expression); the exception says, ‘punish it!’ (because it hurts the human dignity and the public chastity). A third thing comes and again says, ‘do not punish it!’ (because the purpose of its circulation was objection to oppression and sexual harassment of the prisoners by the jailor). To explain more, I say that suppose we say all kinds of expression are free and, accordingly, immoral expressions are not followed by censor and punishment. However, regarding porno and body display, because

there are strong reasons that forbidding them is expedient, we must restrict them (as the first exception).

Now if forbidding this body display is due to shocking the society – for example, if we want to say that there are cases of mistreating prisoners and there are cases of sexual harassment – if someone publishes the photos or drawings of those scenes – not for pleasure, but for revealing – is it an exception in freedom of expression or not? (second exception). Thus, we have four stages up to now.

Now, we return to 'expression' and start the discussion again. 'Expression' has a theoretical discussion. That is, when we speak of 'expression', first we separate it from sound. In other words, something that denotes [something] but has no content is a 'sound'. This is just like what we read in logics: 'signifier' and 'signified'. For example, smoke signifies the existence of fire. Or 'scream' is a sound. It has, of course, entailments. That is, I notice the annoyance of someone because of a scream. But, 'expression' is where the 'signifier' has some content as well. That is, I express something and intend to transfer a content. There is no need to have words at all. The action that signifies some meaning is an expression. I myself know that my action signifies some meaning. Thus, if you scream, in a certain place, that signifies a meaning, and this is 'expression'. Thus, we use expression somewhere that we intend some meaning with words or without words. Therefore, for example, a drawing is an expression, a statute is an

expression, and so on. Anything I use for expressing my intended content is an expression.

This expression has three pillars:

1. A content,
2. A speaker,
3. A listener.

In the sphere of speaker and listener, there is an important discussion on whether the axis of freedom of expression is the speaker or the listener or both. That is, which one has a centrality in the sphere of freedom of expression? If we say both, then the state must prepare the right to have access to expression, because in that case, the pillar of freedom of expression is 'listening to others'. Preparing the access means if the 'speaker' expresses and the other party, i.e. the listener, does not hear, this is not expression at all. When we say the state prepares the ground for freedom of expression, it means that it secures the 'speaking' and 'listening' as well as displaying and seeing.

Whether the other's being informed of the expression plays a role in freedom of expression is an important discussion. In my book entitled *Freethinking and Freedom of Expression*, I have related the statements of commentators under this verse of the Holy Qur'an ﴿عَلَّمَهُ الْقَبْيَانَ﴾ "taught him speech").¹ They say that – I don't know whether they had anything of the idea of freedom of expression in mind – 'expression' means 'expressing what is inside you'. Some say

¹ Ar-Rahmān (55): 4.

that 'expression is expressing what is inside you to others'. What matters is whether 'to other' is important as the subject or not.

If yes, which is in my view, 'expression' is where it has some content, there is a speaker, and there is a listener. Just as the state must prepare the ground for speaking, it must not hinder the hearing of others as well. Thus, freedom of expression means freedom in listening and speaking. It is not just 'speech'; rather, it is necessarily 'expression'. Freedom is 'revelment'. Thus, that the law enters the freedom of expression returns to revelment. In other words, the philosophy of freedom of speech is the very revealment and nothing else.

Q: Thus, here enters the foundations of freedom of expression.

A: Yes. The Europeans say 'freedom of expression', which means freedom of revealment. The philosophy of freedom of expression is this very revealment. That is, the man is free in revealing himself. One of the translators of the Holy Qur'an has explained the verse 4 of Surah ar-Rahmān. He says: "God has granted the blessing of self-expression to the man; that is, I can express myself".

Some go more to the social aspects and the social benefits of freedom of expression, and speak of the 'speech' itself. That is, they say there is a benefit in freedom of 'speech' itself."

Americans say 'freedom of speech'. They discuss the benefits of what is 'spoken' and 'said' in the society when it is circulated. This is the very beautiful statement of the Holy Qur'an in Surah az-Zumar:

﴿... فَبَشِّرْ عِبَادِ الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ ...﴾

“... So announce the good news to My servants; those who listen to the Word, and follow the best (meaning) in it ...”¹

What benefits the society takes from freedom of speech matters. Of course, we can discuss both foundations. These are the philosophical foundations of freedom of speech, which we do not want to discuss in detail. We have dealt with them in the book entitled *Freethinking and Freedom of Expression*.

Our discussion centers around whether I reveal myself with freedom of speech or it means creating beneficial speech with positive results for the society. This is related to what is common in jurisprudence.

The question is whether it is beneficial to be able to express oneself. Is it expedient to say something that may be – in some cases – insulting? Is this speaking and hearing beneficial? Is this expediency so big to cover my errors so that I will not be punished if I make a mistake and transgress? Thus, the philosophical discussion is on ‘to others’. That is, expression in its broad sense; what is the instrument for ‘**saying what is in inside one to others**’ does not matter. It may be art,

¹ Az-Zumar (39): 17-18.

writing, saying, etc. What is said matters, the expressed thing without any stipulation and provision. This is the subject of freedom of speech.

Well! We first clarify the 'expression'. It means the instrument for expressing 'what is inside us to others' without any provisions. Thus, in the legal language, we see that the instrument is absolute: it means anything that can be the instrument for expression.

When we add 'freedom' to 'expression', it would mean that the immoral expression – such as a movie – must not be censored or punished.

Q: Neither censoring nor punishing? Does the state guarantee not to censor or punish expression?

A: Yes. But nothing is said on whether these expressions are absolutely moral. You may say something, and I explain and criticize you, saying that what you said is insulting, and you must not say that. And I defend myself morally. These are respectful in their place. But here, we have a legal discussion. Indeed, we discuss two provisions. One is the action before expression, which is censor in – say – the press, books, magazines, etc. that must not be censored. Second is the guarantee for enforcement after publishing, which is related to the punitive issues; that is, there must be no punishment. This is the first point.

The second point is that our discussion refers to the state's action. That is, the state must not do censorship and punishment. But do the individuals and institutions in the society have the duty to give me services related to freedom of speech? No.

Let me give an example. One day, a judicial friend of mine who had read my book (*Freethinking and Freedom of Expression*) called me and asked, "If there is freedom of expression from the viewpoint of international law, why does Twitter limit some individuals or contents?" I replied, "This is not related to freedom of expression. It is related to organizational restrictions. That is, [Twitter] says I as an organization publish some expressions and do not publish some others." Thus, we speak of 'freedom of expression', not of freedom of organizations in relation to freedom of expression. Any organization has a goal. For instance, you may say, "We in the Center for Studies and Answering Doubts publish just the content of answers to doubts." Thus, you do not have the duty to publish everything in the name of freedom of expression. You publish your own speech and do not publish that of others.

Q: Does the state decide just not to prevent publishing something?

A: Yes, you do not prevent, but you have no duty to publish it either. Or, for example, someone may say I do not publish your expression and have no duty to publish it. Thus, organizations such as Twitter

that close some pages and censor some contents do this in view of their organizational structure, not for preventing freedom of expression. They say we publish your content with this certain stipulation. You are free to express and I am free to hear, but they may say we are not the medium to transfer what you say and you cannot impose this on them. Of course, if it wants to transfer my speech, it must not distort it, which is another issue. Thus, here the press come to the scene and become the medium for transferring an expression between the speaker and the listener; that is, both is expressing and receiving a message.

Now, we want to specify the limits of the press in relation to the speaker and the listener. Should we make the press responsible there and say you are responsible if the speaker's expression is problematic; or just the speaker is responsible?

Now, if we give the press an immunity in relation to publishing individuals' expressions, this is freedom of expression. That is, they publish the individual's expression with his/ her own responsibility. Nobody can ask them why you have done that. This is the freedom in Radio and TV.

Regarding the freedom of expression, we speak of expression. Thus, the meaning of expression is "expressing what is inside someone to others in any possible way". The expression stuck to freedom means that the state must not interfere, censor or punish.

Now, the question arises as follows: “Should people be indifferent to individuals’ statements?” No. freedom of expression has nothing to do with people’s indifference. Of course, people must not transgress. Transgression has a certain sense. That is, there must not be physical contact with the speaker. However, others may also have expressions opposed to it.

Q: Can you introduce some Qur'anic verse regarding this foundation?

A: To clarify our discussion more, I refer to this verse of Surah Ghāfir of the Holy Qur'an. According to the Holy Qur'an, when the Pharaoh's men wanted to execute Moses:

﴿وَقَالَ رَجُلٌ مُؤْمِنٌ مِنْ آلِ فِرْعَوْنَ يَكْتُمُ إِيمَانَهُ أَتَقْتُلُونَ رَجُلًا أَنْ يَقُولَ رَبِّيَ اللَّهُ وَقَدْ جَاءَكُمْ بِالْبَيِّنَاتِ مِنْ رَبِّكُمْ وَإِنْ يَكُ كَاذِبًا فَعَلَيْهِ كَذِبُهُ وَإِنْ يَكُ صَادِقًا يُصِيبْكُمْ بَعْضُ الَّذِي يَعِدُكُمْ إِنَّ اللَّهَ لَا يَهْدِي مَنْ هُوَ مُسْرِفٌ كَذَّابٌ﴾

*“Said a man of faith from Pharaoh’s clan, who concealed his faith, ‘Will you kill a man for saying, “My Lord is Allah,” while he has already brought you manifest proofs from your Lord? Should he be lying, his falsehood will be to his own detriment; but if he is truthful, there shall visit you some of what he promises you. Indeed, Allah does not guide someone who is a transgressor and liar.”*¹

¹ Ghāfir (40): 28.

Indeed, he said to them why do you want to execute Moses? What has Moses said? He has just said something. If he is a liar, it will return to himself and you will not suffer. And if he is truthful, then you will receive the punishment he promises, and you will be saved with his words. Now, why do you want to execute him?

Note that God does not reject or criticize the believer in Pharaoh's clan; rather, He confirms it implicitly. That is, the phrase 'a man of faith from Pharaoh's clan' refers to this confirmation.

Q: Can we also refer to the verse 18 of Surah az-Zumar:

﴿فَبَشِّرْ عِبَادَ الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ﴾ *in this regard?*

A: Yes. Of course, we must provide an explanation. In *Freethinking and Freedom of Expression*, I have discussed the same verse and said that using it for freedom of expression depends on the fact that the word *aḥsanah* (أَحْسَنَهُ) does not mean a superlative adjective. And I maintain that it does not mean so. otherwise, the goodness of the speech – before hearing it – must be definite.

In my book *Freethinking and Freedom of Expression*, I have discussed that *aḥsan* here does not mean a superlative adjective. Otherwise, the verse does not refer to the freedom of expression, and this concept – as accepted by us – will not be accepted by the Holy Qur'an. And that freedom of expression will be in the domains of speeches whose goodness is definite.

We want to include not only the erroneous speech but also the speech entailing enormity in the sphere of freedom of expression. In that book, I have explained that *aḥsan* in this verse does not mean a superlative adjective. That is, it is not the case that I listened to good words and chose the best.

Q: Indeed, when there is no expression, we cannot judge it as good, let alone as the best.

A: Yes, you are right. These are philosophical discussions. Precisely, these are among our reasons. I have presented around fifteen philosophical reasons¹ for stating what the expediency is in the issue of freedom of expression. One is that the men should be able to express themselves. When I easily speak with you, I reveal my inside and I'm not involved in hypocrisy, and you also can help me.

Q: Can I identify my errors when I am allowed to speak freely?

A: Yes, exactly. Many of the philosophical foundations of freedom of expression return to this.

¹ Hekmatinia, Mahmoud. *Āzād Andīshī wa Āzādī Bayān*, (*Philosophical Foundations and Arguments of Freedom of Expression*), chapter 2, pp. 95-172.

Q: Are there psychological and sociological expediencies?

A: Yes, all these can be discussed. In my book (*Freethinking and Freedom of Expression*), I have mentioned fifteen philosophical reasons that there are both individual and social benefits in freedom of expression. For instance, Imam Ali's (a.s) saying that "The one who is absolutist in his opinions will be ruined"¹ is in the same line. How does absolutism occur? One must listen to others; otherwise, there would be absolutism. Absolutism is opposite to consultation, and consultation means listening to others. Regarding dialogue, there are many religious judicial discussions. One discussion proposed by political sociologists is the rulers' slippery slope. They say that if freedom of expression is prevented and the rulers do not allow people to have dialogues in the political domain, we may feel in short term that the society is at peace; but this is a slippery slope for the rulers, because their faults are not told and those fault are accumulated and disturb the society. Or they say that preventing freedom of expression has a disappointing effect; that is, if I say something and the state wants to punish me, I prefer not to speak any more. Since I do not know what the criteria for the state's judgment are, it produces laws and says your speech is opposing the law, etc.

The feature of expression is that its nature as being 'expression' is presumed.

¹ Nahj al-Balagha, Wisdom 161.

That is, at least, you do not lose or win financially. If I am supposed not to be free in expressing my opinions (i.e. not free of punishment), I do not know how to act strategically. I do not know what is Mr. A's opinion (does he agree with me or not?)

Thus, I tell myself, 'do not speak in front of Mr. "A"! In that case, Mr. "A" and the society lose. In that case, the society gets involved in disappointing effect.

In this situation, hypocrisy grows. Hypocrisy afflicts harms to the society. In early Islam, hypocrisy was there in two important social discussions: one was in wars, because wars were not as today's military model. For example, there was no guild as army whose members get salaries from the state. All men would go to battlefield, would fight, would take spoils of war and would divide them and return to their houses. It's as easy as that. And all were glad and contented.

For enjoying the spoils of war, the hypocrites were interested in entering the war, but they did not believe in fighting with polytheists. Accordingly, they would do three things against Muslims: they either would weaken themselves, or strengthen the enemy or would spy. All these are crimes. The jurists propose the laws for them using the jurisprudential method in the chapters on limits of jihad. The phrase *murjifūn fil-Madīna* in Surah al-Aḥzāb of the Holy Qur'an which reads as follows is about this issue:

﴿لَنْ لَمْ يَنْتَهُ الْمُنَافِقُونَ وَالَّذِينَ فِي قُلُوبِهِمْ مَرَضٌ وَالْمُرْجِفُونَ فِي الْمَدِينَةِ...﴾

*"If the hypocrites and those in whose hearts is a sickness, and the rumormongers in the city do not desist ..."*¹

The *murjifūn* (i.e. rumormongers) were seemingly those who circulated rumors in the city [Median]; however, this may mean something more. In chapters on jihad, the jurists have regarded three classes of people as deprived from spoils of war:

- (a) Those who transfer war information to the enemy, who are the spies;
- (b) Those who pretend to be weak;
- (c) Those who strengthen the enemy, who are the *murjifūn*.

Indeed, *irjāf* was a psychological warfare. The jurists say that the spoils of war do not go to those three groups. The hypocrites wanted to go to battlefield to take spoils of war. Thus, they would pretend to be pious and would leave the Holy Prophet (s.a.w.s) alone in war. Since the behavioral style of the hypocrites would disturb the Holy Prophet's military plans, it has been explicitly and severely mentioned in the Holy Qur'an. Due to the existence of the hypocrites, the Holy Prophet (s.a.w.s) did not know whether he has enough number of companions and troops or not; similarly, he did not know what they were coming for. Therefore, the verses admonish the hypocrites that we will reveal your nature. Of course, there were objective rules for that revelation. It was not the case that the Holy Prophet (s.a.w.s) would come and

¹ al-Aḥzāb (33): 60.

alert – through revelation – that there are hypocrites among Muslims. Meanwhile, the hypocrites would do things that revealed their non-belief in war. However, the one that was careful and assiduous would understand that. Now, it was possible that some news about hypocrites was revelational and their internal intentions were revealed by the Holy Qur'an and Gabriel.

Well, I want to say if there is no freedom of speech, the spirit of hypocrisy will grow. Thus, one of the benefits of freedom of expression is preventing the growth of hypocrisy and insincerity. Of course, some level of hypocrisy is something that all societies are involved in. When I say something that you enjoy and give me money, this hypocrisy naturally occurs everywhere. However, the hypocrisy we speak of is the one occurring for fear of punishment. Now, can you do something to prevent this? That first level of it cannot be prevented at all. The second method is so easy: allow that person to speak freely and do not punish him! If in the first type of hypocrisy you allure the person (to speak what you wish), we cannot do anything for that, but do not punish him (so that the second type of hypocrisy may not occur). This is the least you can do; that is, the lowest level of security for preventing hypocrisy, because hypocrisy disturbs the social plans. Accordingly, you should not have so much judicial and punitive considerations in the sphere of 'expression'.

Q: Do you mean if there is freedom of expression, there will be no doctrinal and no motivational hypocrisy?

A: Yes. I want to say that when there is freedom of expression, there is no need for hypocrisy. Freedom is created when I sit before you and speak and you – in return – can say, 'I do not accept what you say'. Now, if I know that you are annoyed of what I say, I may not say what I want due to being enticed or fear of punishment, or I may speak as you wish. This is hypocrisy. Freedom of expression means we must not frighten someone not to speak. Of course, I cannot do anything for your being allured. One part of hypocrisy is clarified with expression. Thus, if someone does not speak, we cannot understand whether he is with us or not.

Another important discussion is the social arrangements. That is, what must we do to decrease the related effects over the individuals' expression? We have some social straits. For instance, you may trust my words in the process of being employed. I tell you, 'you are free to say anything and you will not be punished. But I am free to employ you or not'. These are social straits. Now, the question arises as follows: "Must the social structure be such that we consider an effect for the individuals' situation in the sphere of 'expression' or not?" This is one discussion.

Q: Sometimes, the individual's action is not just an expression. Rather, it may be along with a criminal action. Is that expression liable to freedom of expression?

A: When we speak of 'expression', we mean that kind of expression. If something else is added to that expression, it is called "*Speech Plus*"; that is, Expression plus action. If action is added to speech, it will be an expression from one angle and a non-expression from another. For example, it may be an expression from one angel, and closing the way from another. It may be an expression from one angel, and splashing paint from another. Those expressions may sometimes be verbal and sometimes non-verbal or behavioral. Which one of these behaviors – whose verbal form follows that behavior – are expressions? This must be discussed, because we, in the sphere of freedom of expression, do not speak of *speech plus*. Of course, we do not ignore it; rather, we separate that subject. The limits of *speech plus* are different. You give me freedom in expression and in the type of expression. But, can we write in the streets *Down with X*? Here, we have practical action and manipulation, and it is out of the mere expression. I cannot write mottos on people's walls. Of course, I express myself, but if that action is appropriating others' properties, it is no longer merely 'expression' and will be liable to another verdict. Thus, we must pay attention to this. Let me give an example. For instance, you have seen in America that police treat people very badly, despite the fact that freedom of expression is absolute in American constitutional law; that is the state cannot set limits for it. However, I – as an American – am just allowed

to hold demonstration in pavements. Police says if you go to the street, you will not be punished for your expression; rather, I will even lash you for your action (closing the way). So, the lash blows are for *speech plus*, not in relation to freedom of expression. Indeed, they say you have not observed the rules of behavior.

Thus, when we speak of freedom of expression, we must exclude the physical behavioral aspect of the story, which may have other special rules. They are liable to different laws, just like what jurists say that an issue may be proposed under two titles. Therefore, when we speak of 'freedom of expression', if it is accompanied by an action, that action must be discussed separately.

Q: Please explain the concept of sacrilege or insulting the sanctities.

A: In our religious literature, we say sometimes things have an aspect of *ḥaqq al-nās* (people's right). For instance, someone may announce false news about another person, with some legal effect for that news – like *Qadhf*.¹ Someone says something about someone else, accusing him of sexual offense, and if it is proved, the civil relations of that person are disturbed. For instance, when we say someone is adulterate, this means he will not receive inheritance from his father. It also means

¹ *Qadhf* means falsely accusing someone of adultery or sodomy.

that his *mahrams*¹ are different. His/ her marriage is different. Thus, the one who does *Qadhif* attributes something to the *maqdhūf* that disturbs his/ her legal life. This is called *ḥaqq al-nās*. That is, you are not allowed to cast doubts on someone's rights that – if proved – may disturb the individual's social life. This is because in the social relations, there are sometimes contacts that – if denied – those relations are disturbed. Thus, we cannot insert those cases in the sphere of freedom of expression, saying that these persons are free to accuse others as they wish. But whether that accusation is true or false is another issue. And if someone accuses (*Qadhif*) another one, he/ she must prove it. Otherwise, he/ she will be liable to the *Qadhif* punishment. This is because what the person has done is not merely an expression. Rather, he has expressed a 'fact'. We do not say to the *qādhif* (accuser) why you have stated that. Rather, we say, "go and prove it!" If the person cannot, he/ she will be punished and whipped. This punishment comes where the accusation disturbs the other party's private life. In effect, this is called *idrār bi ghayr* (i.e. harming others). That is, this has deprived the person from some of his rights, like the right to receive inheritance. In other words, the *qādhif* has done something entailing such effects. Here, the experts of law say you must respect others' legal relations. Thus, disturbing those legal relations is 'harming others'. Thus, if we say something on the private

¹ Literally 'confident' or 'intimate'. In religious terminology, it means a close relative or congenial person with whom one can intimately associate without religious limitations and under some certain laws regarding – inter alia – marriage.

sphere of others' life that leads to a disruption in their individual rights, we must prove it. And thus, we say you must respect the individuals' private relations and social character, and not enter that sphere. Otherwise, you must prove your claim.

Now, sometimes we discuss if someone is annoyed by my expression, what is the verdict? Since the *Qadhf* is harm, is it a bother? Should we prevent bother as well? Bother can also be discussed from the legal point of view. That is, not only I must avoid harming others, but also I must refrain from bothering them. For example, I must not insult others. Whether bother must be legally forbidden or punished was, of course, under discussion for some times. Now, it has almost been accepted that bother is also a form of harm.

Q: Can we consider 'bother' as an instance of the concept of 'harming'?

A: No. This is a detailed discussion. There are also many books written about it.

Q: Is it a kind of psychological harm to the individual?

A: No. if bothering leads to mental disorder, it will become harm. Now, suppose I get angry of someone's speech. Well, this is not considered a harm. But sometimes what you do makes me sick. That is a harm.

Q: Is jurisprudential discussion also pursuable in justified and unjustified Qadhf?

A: Yes. It can be pursued through the discussion on bothering. Up to now, we accept that we must not permit bothering. The third discussion is that my expression is not 'bothering'. It is annoying others, because I make a social discourse that you dislike and it makes you annoyed. There are so many social discourse that some dislike. This is annoyance. From the legal viewpoint, annoyance is not supported. But, if it becomes forbidden, the door of dialogue is closed. Anyway, everything I say may be disliked by someone. Thus, annoyance is not legally supported.

Q: Are there criteria for bothering and annoyance?

A: Yes. The directness or indirectness of the speech and the speech's being insulting or not are some criteria. For instance, we (people of Yazd city) have no singular form of 'you' (*tu*) in Persian. But people of North Iran have that form. Now, if you say *tu* to Yazdi people, they are annoyed. For instance, we may say, 'Have you (*tu*) done this?' These are conventional discussions. Is this an insult? Does it involve an insult? These are the elements; that is, we must discuss their external existence. The meanings of bothering and annoyance are clear.

Q: So far, our discussion was round the issues of personal bothering and private sphere. What about the sphere of sanctities?

A: Yes. That was for insulting the person. But as for insulting the sanctities, it is said that we must not insult persons because it is a kind of bothering. But is insulting sanctities a type of bothering and annoyance? That is, if I tell someone who worships trees, 'this so-called sacred tree is much useless', I have not offended him/ her; however, I have offended the person's belief. So this is in the sphere of bothering as well.

Suppose that you respect a temple very much, and I come to say that it has a faulty history. You are annoyed with my statement. I never want to insult you. I put forward just a historical discussion. Here, it is annoyance. But sometime, I may insult your beliefs as they are, not for stating a reality. Suppose I say, 'How ridiculous are your beliefs!' This is the definite level of sacrilege. Now, why is it discussed so much? It is said when you insult someone's sanctities, you close the door of formative dialogue. That is, you scorn someone. Thus, you cannot speak about his/ her beliefs. You have closed the door of dialogue and discovering the truth from the very onset. Indeed, you open the door of dispute and struggle when you insult. This is basically not considered an 'expression'. This is, in effect, insulting and mocking others. Thus, when we speak about others' sanctities, we may either criticize them or insult them. Speaking about the rightness or

wrongness of sanctities means discovering the truth. But insulting sanctities is indeed where we do not want to discover the truth. Here, we are facing the individuals, not their beliefs. Of course, we must discuss on what is an instance of dialogue and what is an instance of insult. For example, I may say that caricature is an insult to sanctities, and another person may not have the same idea, maintaining that the way to discover the truth is through art. One of the discussions between us and the westerners is that they say our behaviors towards your beliefs are instances of expression; that is, they say we express some facts about your beliefs, saying that your religion is the religion of sword, but we express that fact through the language of art. There is an extra-religious question on whether the criterion in specifying the type of expression is our convention or their convention. They, according to their convention, claim that they are not insulting anyone; rather, they are expressing some fact. But we say that your language is insulting for us.

The legal discussion is that if an action is considered an insult for your addresses – whether you are intending to insult or not – it is an insult. For example, you go to a city you know people there dislike a word, but in other cities people do not dislike it. Now, if in the former city you use that word, they would tell you that's an insult to us. We have such disputes with westerners.

Something may not be an insult for you, but it may be an insult for us; it may be an insult that disturbs all our beliefs. That is an insult to a

population whose beliefs have been mocked. But if your statement is discovery of reality, for instance if you say your prophet had committed polygamy which we do not accept, this is not considered an insult. When we face criticisms to our religion, we must answer and defend our religious foundations on the basis of moral findings. Now, our discussion with westerners is that we say your criticisms has nothing to do with [real] criticism; rather, they are bothering. That is, they close the door of dialogue and open the door of scorning, dispute and struggle.

Q: Does the forbiddance of sacrilege have any other foundations in the international law?

A: Yes. Another foundation is related to creating hatred. One of the limitations of freedom of expression in the Universal Declaration of Human Rights is creating religious hatred. That is, no expression must – at least – create religious hatred.

The next point is that we may legally discuss that if we regard some behavior insulting in our legal and jurisprudential system and consider a punishing verdict or it, we may exert it. For example, one law may allow me to physically confront you, and I consider it morally and legally right. As an instance we can – from the legal viewpoint – punish those who insult our Prophet. Can they ask us to remove that verdict? Since in the international law any country can have its own domestic

legal system, can we insert a stipulation in the international legal system to the effect that 'if in the religious laws, insulting religious beliefs is followed by physical confrontation, we may exert it for preserving public order, not for preventing hatred'? This will be both for preservation of order and preventing hatred. If properly explained, it seems that we may discuss it for both.

Thus, it is not disputable that others can criticize our beliefs, whether as a belief or as historical accounts. But if they want to create religious hatred and do something that creates disorder, it may be answered based on legal foundations.

Regarding the historical accounts, they may say that there are historical reports that your religion is the religion of sword. We separate two discussions: either we may report an event or we may report an opinion. 'I believe that your religion is the religion of violence'. This is an opinion and free. That is, I can have a dialogue with you.

But you may report a historical event for me. For example, 'you killed so many people in a certain battle.' These are facts, not opinions. These are historical reports. Regarding historical reports, some countries consider them free; but if you do not accept them, you must prove your claim.

For instance, consider Holocaust. Holocaust is not an opinion; rather, it is a historical report. That is, there occurred an event of murdering

Jews in Europe and especially in Germany. That is a fact, a historical account. Someone may say the number of those who were killed in holocaust was 200 thousand, not one million. Killing them was not done by guillotine; rather, they were poisoned. In other words, various dimensions of that event may be doubted. There may be a state for whom the veracity of that account is important. It says, 'you published lies. Thus, you must prove your claims or pay the cost for it.'

The person may say I am not a historian. If you claim that, come to prove it. There was a discussion in France. Of course, they were founded by Jews. They came to discuss philosophically that there has been a historical event called holocaust. We accept the event in principle, but we may not involve in discussing how it occurred. They created a rule saying that 'The police is not responsible for past issues'. Thus, they said nobody is allowed to speak about holocaust because we cannot pursue the case repeatedly as it is related to the past. They said it will be costly for us to open cases for it everyday and pursue the claims that affect the society.

Sometimes, in our country, it is asked, 'how the westerners claim to have freedom of expression, but they do not allow anyone to speak about holocaust?' Holocaust is a fact and news. Thus, stating anything contrary to it will be 'publishing lies'. There are different policies for confronting it in various countries. All countries have laws to confront publishing lies. It is up to the state to decide what policy to take. Therefore, we cannot accuse the French of not allowing people to

speak about holocaust. Of course, you may have your own 'opinion'. You may say that their thoughts were so and so, and my analysis is a social and psychological one. These are opinions. But when you enter the sphere of 'fact', you are to give news; and this is different from opinion.

Q: Thus, we may give political analysis. Is it right?

A: Yes, you may present political analysis. But you may not give historical factual analysis. They say, 'we cannot pay the cost'.

They say that Jews have founded that law. That is, they do not speak in a way to be accused of violating freedom of expression. They claim to manage the sphere of 'publishing lies' in that way. That forbiddance is due to publishing lies, not opinions. In our domestic literature, many times we see that error, and we think that giving comments on holocaust is forbidden. They manage publishing lies in that way. Of course, they may extend that and prevent publishing opinions as well. This needs some contemplation.

Really, a Jewish man started this trend, and he wrote a two-volume book about it, making it institutionalized in French law. Thus, if 'expression' finds a news aspect, it is still expression, but its news aspect becomes publishing lies. And this may have certain regulations. You may have an expression that nobody must understand. Stating it becomes revealing secrets. It is not necessarily true. It may be false and

I may want others not to know it. This is the plan of a regime. Thus, these are not in the domain of freedom of expression.

Q: How is the situation of freedom of expression regarding sacrilege in the international law and domestic law in our country?

A: In the sphere of our domestic laws, the jurisprudential rules govern. That is, we discuss the Holy Prophet's personality and Lady Fatima (a.s) and the Infallible Imams (a.s), in a separate domain. Insulting these personages is a quite different issue.

The states have rules regarding respect for governmental symbols. Respecting for Islamic Republic or its leader is an example.

The British have proposed a good discussion, saying that the king has two aspects: a person and a personality. Respect for the king's personality is necessary like respecting the flag of the country. Another example is burning the flag, which was forbidden in USA previously, but now it is free. They would say it is insulting the country's symbol. Thus, if someone insults the symbol of a country, he/ she will be punished. However, criticizing the officials and their decisions is free, but there must be no insulting. The flag is the symbol of a country and its government. Thus, it must not be insulted. And the highest official of the country can be criticized but with some respect, without insulting. Nobody is immune from critique, but insulting the highest official is equal to insulting the symbol of the country. They say it will

be punished due to preserving public order and morality. Of course, freedom of expression is very limited.

In the international level, we have two important rules. One is related to harm, bother and creating hatred. These are limitations mentioned in the international documents. If you refer to my book *Freethinking and Freedom of Expression*, you find a series of writings there. There were correspondences between two Islamic scholars and two of those accepting freedom of expression. I have quoted their correspondences there. They have presented arguments in the framework of international law on what basically our issue is from the legal viewpoint. What are the instances of them? I related the verdicts and said that the rules of freedom of expression has some limits on international level, that is the forbiddance of creating religious hatred, stated in the Declarations. The countries are also allowed – based on their moral principles – to state their moral stipulations clearly in their internal sphere. Thus, we have some standards and some latitudes. Standards are those stated in declarations. But the latitudes of the states may be stated in the form of stipulations in a clear language.

Suppose, for example, we believe – for any reason – that it is forbidden to critique and investigate war in the present situation wherein we and USA are involved, and announce that – say – for two years we do not speak in that sphere. We can suspend freedom of expression on the basis of some clear rules. We do not state the rules so much clearly; otherwise, we can ban the discussion of some issues in the National

Parliament or the Supreme National Security Council for a while, because it gives code to the enemy. We must discuss the model of execution, suspension and the like rightly.

Q: You know there are many discussions in our press regarding Bahaism. While we consider some level of freedom for some religions such as Judaism and Christianity, we do not consider any freedom for Bahaism. How is the situation in our country?

A: When we say that religion is free, we do not speak of a mere belief. Indeed, we speak of acting according to the doctrines of that religion and expressing them. When we say we recognize Judaism, Christianity and Zoroastrianism, it means that they can organize their social behaviors based on their doctrines. Of course, we may ban even those and say that all must obey the same law. The states can decide on what laws must govern their citizens. Regarding the freedom of Bahaism, we have not made such a decision and cannot do that. This is because we consider it as a religious deviation. As to recognizing them – meaning that they can have their relations on the basis of certain laws – it is up to the states to decide. Except for the five denominations and three religions, recognized in our constitutional law, we do not allow other religions to be free. So, we have accepted a legal pluralism in our constitutional law. Of course, the states are not obliged to accept legal pluralism. However, we have done that for respecting minorities and ethnicities. We allow them to act according to their own laws. That

is, we say the followers of the three religions and the five denominations can act freely in their social relations. Their marriage is based on their law; their will is based on their law; their inheritance is based on their law; their education is based on their law. We have given them such freedoms on a broad basis.

Regarding Bahaism, such freedoms are not given. That is, they cannot have such behaviors in a form entailing legal consequences. The courts do not recognize that, because they are opposing the [constitutional] law. But the Baha'is can have their specific beliefs in their private life as citizens without expecting the courts to support them legally.

You may ask, 'Why are there discriminations in occupations?' Yes, the governmental offices are different from private occupations. In governmental jobs, we may have some general stipulations due to social expediciencies. For instance, we may say that we want to appoint a sheriff that must be Shiite. The states are free in setting the expediciencies of the society and the political system. Thus, we can exert sovereignty and set condition of being a Muslim or a Shiite. Of course, we must not investigate in the Baha'is' private businesses at all. For example, if Baha'is want to build a building, work as a laborer, establish a company, do business, and the like, they are free.

In my view, where it is related to government, there must be stipulations and limitations. That is, not all individuals have the right to exert sovereignty. The state discerns those who do that and employ them. I do not have the right to be a sheriff, a governor or a judge. I

can introduce myself for being a judge. If the state accepts me, it will employ me, because it wants to exert its sovereignty through me. But if I want to establish a company, work in the private section, commerce, do international business, and the like, these are not considered exerting sovereignty. Thus, the state must not investigate about them, but for exerting sovereignty, the state has the right to set stipulations and limits.

Of course, there may be some unnecessary strictness in some cases. However, any state has the right to exert sovereignty based on its expediencies and interests. For example, consider being Iranian as the [necessary] condition for presidency. Suppose you are Iranian but your father was from another country. You cannot become an Iranian president. We do not give the right to exert sovereignty to everybody.

The discussion is about exerting sovereignty. We may not have the absolute freedom. Of course, there must be no unjust and unfair stipulations. They must be defensible.

You may ask, 'Why are Baha'is not allowed to express and propagate their beliefs freely?' Well! This is another discussion regarding them. We have discussions in religious spheres that "if something is a distortion in religion, as most Muslims agree upon it, we do not allow them to propagate their beliefs. There is a consensus among thinkers that Bahaism is a certain deviation in religion.

Insulting the Sacred from the Perspective of the Abrahamic Religions and Western Legal Systems

Insulting the Sacred from the Perspective of the Abrahamic Religions and Western Legal Systems

Reza Kazemi Rad

Abstract

In the history of the Abrahamic religions and their Holy Scriptures, there are numerous allusions to the condemnation of blasphemy. There are many warnings against disrespect to “Jehovah” in the Old Testament. The New Testament forbids insulting “Jesus Christ”, “the Holy Spirit,” and “Saint Mary” as the Mother of God more than others. In Islam, the boundaries of “sanctities” are more comprehensive than in the other two religions. In contrast with the exclusive view of the other two religions, insulting the sanctities of other religions is also a crime and punishable in Islam. The same approach exists in the Islamic legal system and Islamic countries where the divine sanctities of other religions are also respected. Whereas in the common law system, as the forerunner of Western legal systems, only insulting the sanctities of Christianity is criminalized; however, even this amount has been canceled in most Western countries such as the United Kingdom, the United States, Scotland, and so on. This study examines the issue in the Holy Scriptures and the conduct of the three religions of Judaism, Christianity, and Islam by means of content analysis.

Keywords: Blasphemy, Sanctities, Abrahamic religions, the Bible, Legal system.

Introduction

One of the world's contemporary problems, especially in the last three decades, is the desecration of sanctities, which is opposed by religious factors and values. Therefore, one of the challenges religions have faced, especially in the last few decades, is insults toward the sanctities of different religions, specifically Islam. There is an undeniable truth that all religions and sects have sanctities respected by their followers. This is not limited to the revelatory and Abrahamic religions, but even in primitive religions, there have been holy places, people, or things.¹ The holy nature of sanctities necessitates respecting them. Yet at times, these sanctities are violated by currents and people. In many cases, there is a tension between the need to respect the sanctities of religions and freedom of speech, particularly in literature, cinema, etc., which contain disrespect to religious rituals or insults to sanctities. The amount of these tensions and conflicts differs in various cases in different parts of the world; of course, in the relevant laws, the law prohibiting blasphemy or insulting sanctities is a law that limits freedom of speech regarding offending religious figures, concepts, customs, and beliefs.

Interpretations and perceptions of insult also vary. Sometimes insulting is considered to mean blasphemy (such as *Sabb al-Nabi*²), and sometimes even expressing that a religious authority has made a mistake is considered an insult by the followers of that religion. Therefore, insult has various

¹ Noss, John B., *Man's Religion*, p. 13.

² Using curse words for the prophets

forms and includes various examples, such as denying sacred affairs, using disrespectful language, creating offensive paintings or other works of art, etc., which will be discussed later.

Although many laws prohibiting blasphemy have long been repealed, specifically in Western countries, they have remained in many jurisdiction systems. Even though laws prohibiting blasphemy still exist in some countries, they are not enforced.

The holy books of all three Abrahamic religions have talked about the prohibition of insulting sanctities and, at times, their punitive measures. Established laws, such as the international ones like common law and intra-religious laws of Islamic punishment, insulting the sacred is considered a crime. Of course, despite this commonality, there are differences between these laws in determining the examples and the scope of inclusion, some of which will be discussed.

Concepts

In examining the issue of insulting sanctities, with its different aspects, the three concepts of “insult”, “offence,” and “sanctities” play a key role and are considered the main concepts of this issue.

A. Insult and Offence

In discussing this issue, both concepts of insult and offence are used; sometimes, it is described as insult, other times as offence. Although these two concepts have the same meaning at first glance and they are generally close in meaning, in fact, the roots of these two concepts in Arabic are

different from each other because insult (توهين) is derived from “wāw, hā, nun”, while the root of offence (إهانة) is “hā, wāw, nun”.¹

As most famous lexicographers have said, the most important meanings of insult are undermining and weakening.² Some other meanings have also been mentioned for this concept, such as degrading, humiliating, and dishonoring.³ Offense also has a meaning similar to insult and means to belittle and downgrade.⁴ Of course, offense may be done in the form of speech, action, or writing, and the rules for recognizing it vary according to the customs of the society at any time and place. Finally, the court determines the perpetrator's crime.⁵

B. Sanctities

The word “Moqaddasāt” is the plural of the word “Moqaddasah”, which is a derivative of “Moqaddas”, and its root is the word “Quds”. In its

¹ Anwari, Hasan, *Farhang Bozorg Sokhan*, vol. 1, p. 664; Dehkhoda, Ali Akbar, *Dehkhoda Dictionary*, vol. 3, p. 3653.

² Zamakhshari, *Asas al-Balaghah*, p. 511; Raghīb Esfahani, *Al-Mufradat fī Gharīb al-Qur'an*, vol. 1, p. 535; Farahidi, *al-'Ayn*, vol. 2, p. 94; Ibn Manzūr, *Lisan al-Arab*, vol. 13, p. 453.

³ Amid, Hasan, *Farsi Dictionary*, p. 219.

⁴ Tarihi, *Majma al-Bahreyn wa Matla' al-Nayyerein*, 1416 AH, vol. 6, p. 331.

⁵ Goldouzian, Iraj, *Special Criminal Law*, p. 148.

infinitive form, the word Quds means purity and blessing.¹ Technically, it refers to the things that are respected by God, respecting, which is obligatory for adherents, desecrating which is forbidden; Be it people such as prophets, or places such as the Ka'aba, Masjid al-Haram, Bayt al-Maqdis, and other mosques, or objects such as Holy Books.²

In authentic Christian encyclopedias, insulting the sanctities is discussed with three key words: defamation, blasphemy, and sacrilege. All these three have equivalent concepts similar to blasphemy in Farsi, and they are interpreted with the same meaning in legal sources. In fact, it can be said that in the Christian context as well as in legal systems, the concept of blasphemy is a general term for any insult to the sacred, regardless of whether or not it leads to disbelief in God or other sanctities. In this atmosphere, whenever insulting sanctities is discussed, the term blasphemy is used as an equivalent to "heresy" in Persian; Therefore, it may be possible to distinguish between insulting the sanctities in Islamic and Christian literature because in Islamic literature, insulting sanctities and blasphemy are not the same, but in Christian literature and legal systems, at least in the literal sense, it can be deduced that they are equal.

In the literature of the Bible, especially in the Old Testament, in many cases, insulting the sacred is expressed in the form of blasphemy, for

¹ Khuri Shartuni, Saeed, *Aqrab al-Mawared fi Fosh al-Arabiyyah wa al-Shawared*, vol. 1, p. 411.

² Hosseini Dashti, Seyyed Mostafa, *Ma'aref and Ma'arif of Islamic Comprehensive Islamic Encyclopedia*, vol. 4, p. 331.

example, taking God's name in vain is considered an insult to "Jehovah"-the holiest of sanctities.

C. Blasphemy

Britannica considers blasphemy as disrespecting the sanctities, such as God, by using curse words.¹ Explaining this concept, it states that in Christianity, blasphemy is similar to heresy but with the slight difference, disbelieving in God's existence is not considered blasphemy. However, moral theologians consider blasphemy a sin, and in the Mosaic Law, stoning is the appropriate punishment for blasphemy and insulting sanctities.² However, some consider only using disrespectful expressions towards God as an example of this term.³

D. Sacrilege

This term is equivalent to desecration and it includes any sinful action against sacred matters such as religion and any insult to a holy person, place, or thing.⁴

The encyclopedia of the Catholic Church considers desecration of people as either including or limiting to people whose service to God has

¹ Safra, Jacob, E, *Britannica Encyclopedia of World Religions*, p. 133.

² *ibid.*, p. 13.

³ <https://www.yourdictionary.com:blasphemy>.

⁴ Marthaler, Berard L., *The New Catholic Encyclopedia*, p. 520.

sanctified them, and any physical or linguistic disrespect to those people is an example of desecration.¹

Desecration of places also includes disrespecting all places God has made holy or are holy in people's eyes, such as churches, mosques, and cemeteries.²

Thomas Aquinas considers insulting the sacred to be a direct insult to God, because he believes that every holy matter is related to God in some way.³

In the seven laws of Noah, which is known as "Noah's Law", insulting the sanctities is defined as insulting God's name.⁴ In Judaism, desecration means intentional or accidental violation of sanctities. The Torah issues the death penalty (Karet) for anyone who intentionally blasphemes the name of God⁵ or desecrates the temple, or deviates from any of the laws or rituals related to its services.⁶

¹ *ibid.*, p. 521.

² *Ibid.*

³ Aquinas, St. Thomas, *Summa Theologicae*, p. 99.

⁴ Neusner, Jacob, *Encyclopedia of Judaism*, p. 721.

⁵ Exodus 7:20; Deuteronomy 11:5.

⁶ Neusner, Jacob, *Encyclopedia of Judaism*, p. 741.

Abrahamic Religions and Sacrilege

There are mentions of insulting the sanctities in the traditions of the three Abrahamic religions and their scriptures. However, there are differences between the three books in the quantity of these affairs. Blasphemy and insulting the sanctities are generally mentioned in 35 places in the Bible.

A. The Old Testament and Sacrilege

If we consider the scope of the sanctities to be a bit wider than what it seems, and based on that, we call everything that is considered holy in the Old Testament and the Jewish law genuinely holy, then the violation of all these things can be considered an example of insulting the sanctities. The Bible also mentions the violation of these teachings in many verses and it has determined punishments for them.

Insulting God is one of the most prominent examples of insulting sanctities and blasphemy. In some verses of the Old Testament, it is forbidden to insult God; for example, in Exodus chapter 22, we read, “Do not curse God and do not curse the leader of your people”.¹

In addition to the prohibition of this action, in some other verses of the Old Testament, the death penalty has been declared. In Leviticus chapter 24, it is clearly mentioned that one who, in the name of God, insults Jehovah must be executed.² It states: “the son of an Israeli woman, whose father was an Egyptian man, came out among the Israelites, and he fought

¹ Exodus 28:22.

² Hiers, Richard H., *The Death Penalty and Due Process in Biblical Law*, p. 771.

with an Israeli man in the camp; and the son of the Israelite woman blasphemed and cursed the name of God. So, they brought him to Moses, and his mother's name was Shelomith, the daughter of Debari from the tribe of Dan. And they threw him in prison to be addressed by God; And God spoke to Moses and said: Take the one who cursed outside the camp, and let all those who heard put their hands on his head, and let the whole congregation stone him. And he addressed the Israelites, saying: He who curses his God will bear his sin".¹

In Daniel, another punishment for blasphemy against God is recorded; he says: "A decree was issued from me that every nation, and language that utters an indecent word against the God of Shadrach, Meshach, and Abednego, will be torn to pieces and their houses will be turned into garbage, because there is no other God who can deliver in this way." ²

In addition, in chapter seven of this book, in the description of the fourth beast of the four beasts that Daniel saw in his dream, we read that one of his characteristics is that he blasphemes:

"He will speak words against the Most High, and will humiliate the saints of the Most High, and will intend to change times and laws, and they will submit to him for a time, two times, and half a time".³

¹ Leviticus 24:10-15.

² Daniel 29:3.

³ Daniel 25:7.

In verses similar to what was mentioned in the Old Testament, insulting God, taking God's name in vain, and insulting the temple and rituals are also mentioned as examples of insulting Jewish sanctities, and punishments have been determined for them.

B. The New Testament and Sacrilege

Like the Old Testament, the New Testament mentions many cases of insulting the sanctities and their rulings but in more detail. In the New Testament, insulting the sanctities is depicted as blasphemy. As explained at the beginning, blasphemy is a common term here, and insult and offense are examples of it, though it also includes the term blasphemy. Blasphemy against God, the Father, and the Holy Spirit, and denial of Jesus Christ are mentioned in the New Testament. No forgiveness is the most critical punishment for blasphemy in the New Testament.

1. Blasphemy against the Holy Spirit

The 12th chapter of the Gospel of Matthew is about those who denied the miracles of Jesus, which were done through the Holy Spirit. According to the interpretation of these verses, they denied the Holy Spirit as a result. In this chapter, it states:

“Therefore, I tell you that every kind of sin and blasphemy will be forgiven from man, but blasphemy against the Holy Spirit will not be forgiven from man, and whoever speaks against the Son of Man will be forgiven.

But whoever speaks against the Holy Spirit will never be forgiven in this world and the world to come”.¹

The content of the mentioned two verses is blasphemy against the Holy Spirit as an example of insulting the sanctities. Based on these two verses, Jesus criticizes the Pharisees for knowingly and deliberately denying the deeds that they knew were done by God.² Because they could not deny the reality of what the Holy Spirit was doing through Jesus, they attributed it to Satan. Therefore, those Pharisees could not be forgiven because they witnessed Christ’s miracles first-hand and knew his claims to be true. Even still, they blasphemed the Holy Spirit.³

Similar to the ruling mentioned above can be seen in chapter twelve of the Gospel of Luke. It states: “Whoever speaks a word against the Son of Man, let him be forgiven. But whoever blasphemes the Holy Spirit will not be forgiven”.⁴ And the same interpretation is mentioned in Mark: “Whoever speaks against the Son of Man will be forgiven, but whoever speaks against the Holy Spirit will never be forgiven in this world or in the world to come”.⁵

¹ Matthew 12:31-32.

² John 11:48; Acts 4:16 and Mark 3:22.

³ MacArthur, John, *New Testament Commentary*, p. 105.

⁴ Luke 10:12.

⁵ Mark 32:12.

2. Blasphemy against God

Blasphemy against God is mentioned as another example of insult and blasphemy in Paul's Epistle to the Romans. In the second chapter of this epistle, Paul writes in his rebuke to the Jews:

“You are proud of the divine law, are you not insulting God by violating the Sharia? Because of you, the name of God is blasphemed among the nations, as it is written”.¹

In this chapter of the epistle, Paul addresses the Jews in a sharp tone and asks them questions. Among these questions and reproaches were the ugly acts the Jews committed when looting the idolaters' temples and selling their property for themselves, which caused others to insult Jehovah, the God of the Jews, and take God's name in vain.

3. Blasphemy against Jesus Christ

One of the aspects of blasphemy narrated in the New Testament is the Jewish priests condemning Jesus Christ to blasphemy because of his words and deeds. In the Gospel of Mark, it is stated that the old Jewish leader said to everyone during the trial of Jesus Christ and the declaring of Jesus to be the Son of Man, “You have heard his blasphemy! What do you think is best?” So, they all judged him as worthy of death.²

¹ Romans 2:23-24.

² Mark 64:14.

The same narrative can be seen in Matthew chapter 26, verses 60 to 66, where Jesus is sentenced to death. The blasphemy attributed to Jesus Christ in these verses and similar verses stems from his disregarding the set of Jewish sanctities that the scribes and Pharisees insisted on, and also blasphemy in the technical term.

This story is narrated similarly in the tenth chapter of the Gospel of John. There we read: "Jesus answered them: "I have done many good things for you from my Father. Which one of them are you stoning me for?" The Jews answered: "We will not stone you because of a good deed, but because of blasphemy because you are a man and you call yourself God".¹

In all these verses, Jesus Christ is accused of blasphemy and condemned to death because of it; on the other hand, it shows that in the eyes of the Jews, blasphemy against God was punishable by death.

In addition to the above, the Jews have also accused Jesus Christ of blasphemy for doing something that is considered specific to God. This issue has been narrated in several places in the New Testament, including in chapter 9 of the Gospel of Matthew, where it says: "Suddenly they laid a paralytic on a bed and brought him to Jesus. When he saw their faith, he said to the paralytic: "My child, remember that your sins are forgiven".

¹ John 10:32-33.

Then some of the scribes said to themselves: “Is this person blaspheming?”¹

We see a similar issue in Luke chapter 5, verse 21, where the Jews considered the divine actions of Jesus Christ to be blasphemy. In Mark chapter 2 verse 7, the Jews ask who the person who blasphemes is.

Other similar verses can be found that have the same theme and accuse Jesus of blasphemy and deserving of death.

C. The Verdict of Blasphemy in the Christian Tradition

In the Christian tradition, insulting the sacred was prosecuted and punished more objectively and practically. The history of Christianity, especially in the Middle Ages until the Age of Enlightenment, is full of people who were excommunicated, tortured, and even executed for insulting Christian sanctities. Undoubtedly, the history of Christianity will not forget the era of the Inquisition.

1. Punishment for Insulting Jesus Christ in Church Councils

In addition to the Bible, in the Christian tradition, including church councils and popes' votes, blasphemy and insulting the Christian sanctities have been regarded, and punishments have been considered. In

¹ Matthew 9:1-3.

the act of the First Council of Nicaea,¹ which was formed in 325 AD with the presence of nearly 320 Christian bishops² and is known as the ‘**Creed**’, it is stated regarding insulting Jesus Christ:

The Holy Catholic Church and the apostles curse those who say the following words: ‘There was a time when the Son did not exist’ and ‘He did not exist, and then he came into being’ and ‘He came into being out of nothing.’ The Catholic Church also curses those who believe that his existence came from a nature or existence other than the nature or existence of the Father or that he was changeable and subject to change and transformation.

The main examples of these curses were Arius, one of the ascendants of Alexandria, and his followers, who had such views about Jesus Christ.³

In addition, in the Second Council of Constantinople, which was formed in 553 AD, those who believed in two separate natures for Jesus Christ were cursed. In the relevant clauses of the agreement of this council, it is stated: Cursed is the one who uses the term ‘in two natures’ in order to separate the natures of Christ with the word ‘two’ or to introduce the two natures as two separate characters!

¹ The decrees of this council are recognized by almost all Christians, including Catholics, Protestants, and Orthodox. Rack: (Weaver, Mary Jo, *Introduction to Christianity*, p. 446).

² Lane, Tony, *Exploring Christian Thought*, p. 51.

³ Noss, John B., *Man’s Religion*, p. 634.

It is also stated in another paragraph: Cursed is the one who uses the terms 'of two natures' or 'the one individuated embodiment of the word God' and does not understand these terms in the way that the holy fathers taught, but rather, tries to mix the divine and human essence of Christ.

Furthermore, in another paragraph, it is stated: If anyone does not confess that our Lord Jesus Christ, who was crucified in the flesh, is the true God and the Lord of glory and one of the members of the Holy Trinity, let him be cursed.¹

In addition to excommunication and rejection from the church, the punishment for some insults was also a public curse from the church, which also contained legal statements and a strong tone.²

In the Council of Ephesus held in 431 AD, Pelagius was considered blasphemous and was condemned as a heretic due to his views on the incarnation and death of Jesus Christ.³

Insulting Jesus Christ as a clear example of insulting Christian sanctities was accompanied by severe punishment in the courts of the Inquisition in addition to the church councils. It can even be said that it was considered

¹ Lane, Tony, *Exploring Christian Thought*, p. 117.

² Durant, Will, *The Story of Civilization*, vol. 4, p. 1015.

³ Ogridi, Javan, *Christianity and Heresies*, p. 177.

the worst and most dangerous crime, and therefore it was followed by the most severe punishments.¹

The Catholic Church published a list of books under the title “List of prohibited books” in different periods and editions.

Its twentieth and final version was seen in 1948 and their ban was officially finalized on June 14, 1966, by Pope Paul VI.² The critical point in this regard is that the most crucial reason for banning them was insulting the sanctities of Christianity.³

2. Excommunication of Those Who Insult Saint Mary

Mary is one of the saints of Christianity. In Christian beliefs, Mary is considered the holy Mother of God. The Church has officially announced five facts about Mary, which are being the Mother of God, being free

¹ Van Voorst, Robert E., *Readings in Christianity*, p. 336; Martinelli, Franco, *History of the Inquisition, History of Brutalities, Tortures, and Sadisms*; pp. 45&103; Bachrach, Deborah, *The Inquisition*, pp. 18&55; White, Michael, *The Pope and the Heretic*, pp.19 & 27; Flowers, Sara, *The Reformation*, p. 24; Eliade, Mircea, *Gnostic and Manichaeic Religion*, p. 79.

² Donovan, J., *Catechism of the Council of Trent by Catholic Church*, p. 168.

³ Bachrach, Deborah, *The Inquisition*, pp. 132-136.

from the original sin,¹ virginity;² having immaculate conception and ascension to heaven.³

The Council of Ephesus approved these matters in the year 431 AD, and opposing these matters is considered an insult to her personality and deserves punishment. In the Second Council of Constantinople in 553 AD, the subject of Mary's eternal virginity (that is, before and during the birth of Jesus and until the end of Mary's life) was included among the official beliefs of the church.⁴

Nestorius, bishop of Constantinople in the fifth century, rejected the title of Mother of God for Mary. Cyril of Alexandria wrote a strong letter to Nestorius and requested him to sign the twelve anathemas. It meant to condemn the twelve chapters that Cyril considered to be signs of heretical thoughts; But Nestorius refused. The Council of Ephesus deposed him from the episcopal position.

The first “cursed” is in the matter of Mary being the mother of God, and it states: If anyone does not confess that the Holy Virgin is the mother of God and also does not confess that she gave birth in her body to the

¹ In the Council of Trent in the 6th century AD, Mary was recognized as free from sin (Lane, Tony, *Exploring Christian Thought*, p. 360; Zibaii Nejad, Muhammad Reza, *Comparative Christianity*, p. 28).

² Donovan, j., *Catechism of the Council of Trent by Catholic Church*, p. 53.

³ Lane, Tony, *Exploring Christian Thought*, p. 97.

⁴ Moland, Inar, *Christianity World*, p. 52.

incarnation of the word God, then let him be cursed.¹ In general, in the list of crimes and accusations of prisoners and those who were punished in the holy court of the Inquisition, insulting the Holy Mary was a huge and dangerous crime, like insulting Jesus Christ. This crime was punishable by imprisonment, torture, burning alive, and crucifixion.²

In the examination of the New Testament and the approvals of councils and decrees issued by popes and inquisition courts, insulting Christian sanctities (at least before the Enlightenment era) was a crime, followed by heavy punishments.

D. The Holy Qur'an and Islamic Sunnah and Sacrilege

In Islam and its noble book, the Holy Qur'an, like the Holy Bible, the subject of insulting sanctities and blasphemy is mentioned. In both the verses of the Holy Qur'an and also the sayings of the Prophet Muhammad (s.a.w.s) Infallible Imams (a.s), humans are prohibited from doing this act.

1. Prohibition of Insulting in the Holy Qur'an and the Sunnah of the Holy Prophet (s.a.w.s)

In the Holy Qur'an, God Almighty addresses Muslims, forbidding them from insulting other people's sanctities:

¹ Lane, Tony, *Exploring Christian Thought*, p. 95.

² Lon, Van, *Inquisition*, p. 27; Alister McGrath, *Christian Theology*, p. 214.

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

“Do not insult what they invoke besides Allah, or they will insult Allah spitefully out of ignorance. This is how We have made each people’s deeds appealing to them. Then to their Lord is their return and He will inform them of what they used to do.”¹

The philosophy of this prohibition, as can be understood from the denotation of the verse, is to prevent others from insulting God Almighty.

In addition to the Holy Qur'an, the teachings of Ahl al-Bayt (a.s) also prohibit insulting, which includes objects and even Satan:

The Holy Prophet (s.a.w.s) said: *“Do not disrespect the winds, for they are agents, and do not disrespect the mountains, neither the hours nor the days, nor the nights, for you will sin and this insult will be returned to you”.*²

Not only does the Holy Prophet of Islam (s.a.w.s) forbid insulting the wind, the mountains, time, etc., he even forbids his followers from cursing the devil: *“Do not insult the devil and seek refuge in Allah from his evil”.*³

When insulting things and Satan is prohibited, it is clear that insulting people will also be primarily prohibited; for this reason, the Holy Prophet

¹ Al-An'am (5): 108.

² Sheikh Sadouq, *Eilal al-Sharayie*, vol. 2, p. 577.

³ Motaqi Hendi, *Kanz al-Ommal fi Sunan al-Aqwal wa al-Afa'al*, p. 484, H.2120.

(s.a.w.s) also orders humans: “Do not insult people lest you incur enmity among them”.¹

Perhaps these Hadiths can be considered the most comprehensive manifesto of Islam and Muslims in understanding their position on insulting sanctities. The concept of “people” mentioned in the Hadith is a general title that includes all human beings, even those who do not believe in the one and only God. Therefore, it primarily includes the holy figures of other religions.

2. Punishment of Disbelief and Denial of Sacred Things in the Holy Qur'an

In addition to the advice mentioned above, many verses in the Holy Qur'an mention many punishments for non-believers. These punishments can be classified into different categories, the three most important of which are:

2-1. God's Condemnation and Deprivation of Mercy

As we read in this verse:

﴿أَفَكُلَّمَا جَاءَكُمْ رَسُولٌ بِمَا لَا تَهْوَىٰ أَنفُسُكُمُ اسْتَكْبَرْتُمْ فَفَرِيقًا كَذَّبْتُمْ وَفَرِيقًا تَقْتُلُونَ﴾ ﴿وَقَالُوا قُلُوبُنَا غُلْفٌ بَلْ لَعَنَهُمُ اللَّهُ بِكُفْرِهِمْ فَقَلِيلًا مَّا يُؤْمِنُونَ﴾

“... Isn't it the case that whenever a prophet brought something contrary to your desires, you became arrogant (and refused to believe in him); So,

¹ Majlesi, *Bihar al-Anwar*, vol. 75, p. 173.

you denied some and killed some others? (They mockingly) said: Our hearts are unreceptive! God is the one who has condemned them and deprived them of his mercy”¹

2-2. Suffering from Losses in the Hereafter

As in verse:

﴿وَمَنْ يَبْتَغِ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ﴾
“... and whoever asks for a religion other than Islam, it will never be accepted from him, and he will be among the losers in the hereafter”²

2-3. Divine Punishment in the Hereafter

This type of verses has the largest share among the verses that refer to the punishments for all manners of disbelief in God. Some of these verses are:

﴿وَأَنَّ الَّذِينَ لَا يُؤْمِنُونَ بِالْآخِرَةِ أَعْتَدْنَا لَهُمْ عَذَابًا أَلِيمًا﴾
“And those who do not believe in the Hereafter, we have appointed for them a painful punishment”³

﴿فِي قُلُوبِهِمْ مَرَضٌ فَزَادَهُمُ اللَّهُ مَرَضًا وَلَهُمْ عَذَابٌ أَلِيمٌ مِمَّا كَانُوا يَكْذِبُونَ﴾

¹ Al-Baqarah (2): 87-88.

² Ale 'Imran (3): 85 and similar to this theme in other verses such as in al-Baqarah (2): 27 & 121; al-Anfal (8): 36.

³ Al-Isra (17): 10.

“... in the hearts of the infidels, it is a kind of disease; God added to their illness; And because of the lies they were telling, a painful punishment awaits them”¹

﴿أُولَئِكَ الَّذِينَ كَفَرُوا بِآيَاتِ رَبِّهِمْ وَلِقَائِهِ فَحَبِطَتْ أَعْمَالُهُمْ فَلَا تُقِيمُ لَهُمْ يَوْمَ الْقِيَامَةِ وَزَنًا﴾ ﴿ذَلِكَ جَزَاؤُهُمْ جَهَنَّمُ بِمَا كَفَرُوا وَاتَّخَذُوا آيَاتِي وَرُسُلِي هُزُوًا﴾

“It is they who reject the signs of their Lord and their meeting with Him, rendering their deeds void, so We will not give their deeds any weight on Judgment Day, That is their reward: Hell, for their disbelief and mockery of My signs and messengers.”²

In addition to the three categories of punishment mentioned, many other punishments are also cited in the Holy Qur'an, such as the command to fight with the infidels, going astray and not being guided by God, not accepting their good deeds, etc.

3. The View of Shia Scholars and Sacrilege's Scope

According to Shia jurisprudence, insulting the fundamentals of Islam, such as God, the Holy Qur'an, the Ka'aba, and other Islamic holy places, is considered a crime, and the perpetrator should be punished (although this punishment varies in severity).

¹ Al-Baqarah (2): 10.

² Al-Kahf (18): 105-106.

The consensus view of all Shia scholars is that insulting the fundamentals of religion, such as God, the beloved Prophet of Islam (s.a.w.s), or the Infallible Imams (a.s), are among the prominent examples of insulting sanctities as well as denying the principle of prophethood or resurrection.¹ Based on the prohibition of insulting sanctities in their entirety, the ruling is that they are forbidden.² At the same time, the criminality of such an act is evident and unquestionable.³ Some jurists also decree the apostasy of the offending person, although all the effects and consequences of the ruling of apostasy are not imposed on it.

Most Shiite scholars consider insulting Lady Fatima (a.s) to be associated with the Holy Prophet (s.a.w.s) and the Infallible Imams (a.s).⁴

The criterion for the prohibition and the criminality of insulting sanctities is that the sanctities are a part of Islam's fundamentals. In this case, all sanctities of other revelatory religions that are parts of the fundamentals of Islam will fall under this ruling, namely the divine prophets and Saint Mary.

¹ Alam ul-Hoda, Seyyed Mortaza, *Al-Intisar*, p. 480; Majd yusefi, Zeyn al-Din Abi Ali, *Kashf al-Romuz fi Sharh al-Mukhtasar al-Nafea'*, vol. 2, p. 567.

² Mousavi Bojnoordi, Seyyed Hasan, *Al-Qawaed al-Fiqhiyyah*, vol. 5, p. 257.

³ It should be noted that proving the crime of insulting sanctities that are not part of the fundamentals of religion requires independent proof in addition to the general ruling on the prohibition of insulting sanctities.

⁴ Moqaddas Ardabili, *Majma' al-Faidah wa al-Borhan fi Sharh Irshad al-Azhan*, vol. 13, p. 174.

In this regard, some Shia jurists, including Shahid Thani, put insulting other divine prophets on the same level as insulting the Holy Prophet of Islam (s.a.w.s) and the Infallible Imams (a.s) and ordered a similar punishment for insulting them.¹ Abu Salah Halabi also has a similar point of view to Shahid Thani and decrees punishments for insulting the prophets.² The philosophy of such a view is that the need to respect other prophets is one of the fundamentals of Islam, and therefore insulting them cause's apostasy. This may be why Ibn Zohre claimed consensus in this regard.³

4. Islamic Sects and Sacrilege

Alongside Twelver Shiism, other Islamic sects, such as Sunni ones, also have an expansionist and inclusive view of insulting the sanctities. Their ruling also expands beyond the Holy Prophet of Islam (s.a.w.s) and includes other prophets and the sanctities of other religions. In the jurisprudence of the Zaydiyya sect, the punishment for insulting the Holy Prophet of Islam (s.a.w.s) is execution.⁴ In the Maliki sect, insulting other prophets is the same as insulting the Holy Prophet (s.a.w.s) and is punishable by death.⁵ The Hanbalis also consider anyone who insults the

¹ Hurr Amili, *Wasa'il al-Shia*, vol. 28, p. 211.

² Abu Salah Halabi, *Al-Kafi fi Fiqh*, p. 416.

³ Ibn Zohre, *Ghonyat al-Nozua' Ela Ilmaye al-Usul wal Forua'*, p. 623.

⁴ Hadi, Yahya Ibn Hossein, *Al-Ahkam fi Halal wal Haram*, vol. 2, p. 282.

⁵ Qurtubi, *Al-Kafi fi Fiqh Ahl al-Madina al-Maleki*, p. 585.

Holy Prophet of Islam (s.a.w.s) or other prophets as sacrilegious, and their ruling is death.¹

Sacrilege in Western Legal Systems

One of the European countries' most important legal systems is the “Common Law”. The name of this law is because this law was common and implemented in all the courts of the kingdom of England.²

In the “Common Law” legal system, which is derived from and influenced by the set of religious and legal laws of the Church,³ insulting the sanctities are described with the keywords “blasphemy” and “sacrilege” and has explicitly been recognized as a crime.

The history of the blasphemy law as part of the common law, especially in England, which is the birthplace of this law, dates back to the Middle Ages.

Nevertheless, it is worth noting that the implementation of this law, i.e., the criminalization of sacrilege, was canceled in 2008 in England and Wales and in 2021 in Scotland by the decree of the Parliament.

¹ Maqdisi, Abd al-Rahman Ibn Muhammad, *Al-Sharh al-Kabir ala Matn al-Moqna'*, vol. 10, p. 75; Ibn Qudama, Abdullah, *Al-Moghni*, vol. 9, p. 33.

² Langbein, John H.; Lerner, Renée Lettow; Smith, Bruce P., *History of the Common Law: The Development of Anglo-American Legal Institutions*, p. 4.

³ The Codes of Common Law.

Efforts to decriminalize blasphemy continue in Northern Ireland as well. The argument of humanists defending the cancellation of this law is that such a law is an example of human rights violation.¹

What we have from the history of this law is that in 1378, by order of Pope Gregory XI, John Wycliffe, and Lollard were tortured for blasphemy.

From the 16th century to the mid-nineteenth century, blasphemy against Christianity and Christian sacraments was considered a crime according to the common law. In the 1530s, when Henry VIII was compiling the creed of his new church in England, he considered it a crime to say or print anything that contradicted the six articles.²

Blasphemy was also used as a legal tool to persecute and harass atheists, Monophysites, and others.³

According to the common law, religious insults against God, including denying his existence or providence, insulting and attributing obscene titles to Jesus Christ, and mocking religious sacraments (even a part of them), led to the death penalty, imprisonment and physical torture by temporary courts. In 1656, two people by the names of William Bond

¹ En.wikipedia.org/wiki/Blasphemy law in the United Kingdom.

² Temperman & Koltay, *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre*. p. 121.

³ "Q & A: Blasphemy law". BBC News. 18 October 2004. Retrieved 7 June 2018.

and Thomas Heybord were convicted for their blasphemous statements in Wiltshire. In May of the same year, Alexander Egno was convicted and hanged for holding blasphemous beliefs in Dumfries.¹ Taylor's case in 1676 was the first reported case of blasphemy in that year.²

Two points should be mentioned in this regard. Namely, since the emergence of the law punishing blasphemy until its repeal, there have been countless cases of people who have been punished for this crime. The cases mentioned above were merely examples and are never limited to these cases.

The second point is that in this crime, the meaning of "sacred" is the beliefs of the Church of England, and since 1838, if something was merely against the beliefs of the Church of England it was an example of blasphemy and was considered a crime. This issue caused the protest of some experts, and they considered it as a kind of unacceptable religious discrimination.

However, as mentioned at the beginning, this law was repealed even for the sacraments of Christianity more than a decade ago. These laws were abolished in America even earlier, in the 20th century. The most important justification for the abolition of the law prohibiting or

¹ Gray, Zachary, *An Impartial Examination of the Fourth Volume of Mr. Daniel Neal's History of the Puritans*. pp. 92-95.

² The Law Commission. Offences against religion and public worship. Working Paper 1981, no 79, p. 5.

criminalizing blasphemy in America was stated to be its contradiction to the country's constitution. However, some states still need to repeal the previously established laws in this regard,¹ although these laws still need to be actually implemented. In Scotland, where the blasphemy law still exists on paper, the government passed a new bill on April 24, 2020, according to which the criminalization of blasphemy would be removed. Finally, this law was utterly canceled in 2021.

Perhaps the most crucial reason for removing these laws is the growing diminution of the place of religion in the culture and politics of the western world. The two categories of freedom of expression and the separation of religion from politics have caused religion to lose its place in the culture and politics of western societies and the attachment to religion and religious sanctities to lose their value. It is obvious that in such an atmosphere, insulting religious sanctities will not result in hurting the feelings of Christians, and even if such a law exists, it will not be enforced.

In addition, there is a fundamental problem with this law, which is that it is only limited to the sanctities of Christianity and does not include other religions, such as Islam. Perhaps this is why no stance or reaction from the West has been seen against offence towards Islamic sanctities in recent years. However, in the laws established in most Islamic countries,

¹ Freedman, Samuel G. (20 March 2009). "A Man's Existentialism, Construed as Blasphemy". The New York Times.

blasphemy is used as a general term, and any insult towards the sanctities that offends the followers of a religion is considered a crime and carries penalties.

Conclusion

The most important point in comparing the contents of the holy books of the three religions of Judaism, Christianity, and Islam, i.e., the Old Testament, the New Testament, and the Holy Qur'an, is that the prohibitions and punishments cited in the first two, i.e., the covenants, are intra-religious. In the Old Testament, what causes God's punishment is insulting Jewish sanctities and disrespecting Jewish rituals. Of course, insulting "Jehovah", which leads to the most significant punishments, is common in all three religions, but its importance is because it is the God of the Judaism and nothing more. In Christianity, all the punishments and condemnations revolve around the "Holy Spirit" and "Jesus Christ," and nothing is mentioned regarding the sanctities of other religions. The same exclusive procedure is seen more concretely in the traditions of both religions. In the common law legal system, as the most crucial current legal system, only insulting the Christian sanctities had been criminalized, which was canceled significantly over time during the last decade. However, in Islam and the Holy Qur'an, God, the Almighty, addresses all and prevents everyone from insulting others. The Holy Prophet of Islam (s.a.w.s) has also clearly forbidden people from insulting each other, objects and phenomena, and even Satan. This is a unique feature of

Islamic teachings, the prohibition of which extends to the sanctities of other religions.

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The Strategic Analysis of the Reasons for Insulting Islamic Sanctities in the West

The Strategic Analysis of the Reasons for Insulting Islamic Sanctities in the West

Ali Mojtaba Zadeh

Abstract

The Blasphemy against Islamic sanctities has always been used by the enemies of Islam, throughout history, as one of the tactics against Islam. In the present era, after the victory of the Islamic Revolution of Iran and the revival of pure Shia Islam, we are witnessing a wide wave of insults to Islamic sanctities in Western countries, accompanied by the support of politicians, which shows a preplanned project implanted by them. In analyzing the reasons for such actions, the followings are considered among the measures taken by enemies: enmity and hatred towards Islam, preventing the growing tendency towards Islam, desecration, passivity of Islamic countries, distraction of the minds of the Islamic *Ummah* (i.e. 'nation') from their plans for the Middle East and completion of the anti-Islamic project.

It seems that the main factor is the growing spread of Islam and the helplessness of the West in controlling it. In facing this cruel approach, Muslims and Islamic countries must introduce and portray the true face of Islam while maintaining and strengthening unity in the defense of the sanctities, avoiding confrontation with other religions and pursuing legal demands.

Keywords: Blasphemy, Islamic sanctities, the Holy Prophet (s.a.w.s), Islamophobia, anti-Islamism.

Introduction

The blasphemous and shameful action of insulting Islamic sanctities like the Holy Qur'an as well as the Holy Prophet (s.a.w.s) in the Western countries, who consider themselves the center of rationality and claim to be civilized and logical, along with the politicians' toleration, and support of such bawdy actions, arise the question of why these countries take such costly measures and what goals they pursue. No doubt, frequent repetition of such blasphemous actions cannot be considered accidental, and regarding such blasphemies restricted to some individual cases is oversimplification. Considering numerous instances of sacrilege and insulting Islamic sanctities in Britain, America, France, Denmark, Netherlands, and some other European countries confirms the claim that such actions are not merely the product of the minds of some writers or individual measures taken by some insane persons. Rather, we are facing a preplanned project and policy from those countries. In this article, we catch a glimpse of the background of insulting Islamic sanctities on the part of the enemies of Islam and, while exploring the reasons for insulting Islamic sanctities and the Holy Prophet (s.a.w.s), we refer to the central factor for inclination towards such actions and reread the effective ways to confront them.

The Background of Insulting Islamic Sanctities by the Enemies of Islam

Insulting Islamic sanctities and the Holy Prophet of Islam has always been, throughout the history, one of the reactions of the enemies of Islam in facing the strong and clear logic of Islam since the advent of Islam. Once upon a time, the polytheists and Jews would call the Holy Prophet a magician, a lunatic, and a votary. And today, the enemies of Islam – while claiming to be civilized, knowledgeable and rational – pursue the same line of action with the same nature, although their tactics and methods have altered.

After Renaissance and the advent of the modern material civilization in the West, in the light of the Muslims' inertia and the colonialists' dominance, the secular thought found itself totalitarian and unrivaled. However, the formation of Islamic revolution, in an era when religion was introduced as the opium of the masses, caused the revival of Islam and its return to the social and political arena. The Islamic revolution offered a model of governance to the mankind that challenged the Western models and raised the alarm for them. Anthony Giddens, the well-known sociologist, says that in the past, the three great intellectual of sociology, i.e. Marx, Durkheim, and Max Weber, more or less with some differences, would see the general universal process as going towards secularization and marginalization of religion. However, in the early 1980s and with the Islamic Revolution of Iran, we saw an opposite process; that is, the general universal process has started an opposite direction towards becoming religious. One cannot

perceive the Islamic revivalism just in accordance with religious considerations. That movement shows somewhat a reaction against the West and is a movement for expressing the national or cultural identity. What has happened is a complicated thing. The traditional manners and method of life have been revived, but they are along with interests specified to the modern age.¹

Richard Nixon, the former president of US, considers the Islamic world in the 21st century as one of the most important fields for American foreign policy.²

Revival of Islam after the Islamic revolution in the scientific and cultural circles and in public assemblies as well as leaning towards Islam caused the enemies of Islam to return to their fixed approach in insulting Islamic sanctities and the Holy Prophet. This process started in particular with Salman Rushdie in 1989, which led to Imam Khomeini's historical decree for his heresy, a decree that showed the Islam's solidity in defending Islamic values and prevented insulting Islamic sanctities for long years.

After Salman Rushdie's sacrilegious action, Theodore van Gogh (a descendant of Vincent van Gogh's brother), a Dutch filmmaker and

¹ Giddens, Anthony; *Sociology of Religion*, p. 75.

² Nixon, M. Richard; *Seize the moment: America's Challenge in a One Super Power world*, p. 256.

journalist, made a film entitled “Submission” in 2004 in which he insulted Islam.

In 2005, a Danish magazine published insulting caricatures of the Holy Prophet (s.a.w.s), which were printed later on in the Danish press under the pretext of freedom of expression. A year later, in 2006, a Dutch filmmaker made the short documentary film entitled “Sedition”, focusing on those caricatures, wherein he insulted the Holy Qur'an and the Holy Prophet of Islam.

In 2010, on the anniversary of the 9/11, some American fanatics burned the Holy Qur'an, which incited the rage of wrath among the Muslims. This aroused the wave of attention to the Holy Qur'an among the Muslims, and increased the sale of the Holy Qur'an in the Western countries. In the same year, there emerged various disputes regarding the burning of the Holy Qur'an. The anti-Islam American pastor Terry Jones was the one who started burning the Holy Qur'an, but faced with oppositions from various individuals and institutes. In September 11, 2010, he said, “We will definitely not burn Qur'ans; Not today, not ever again.” On March 2011, however, he burned the Holy Qur'an in his church, again faced with severe objections from Muslims. One year later, in 2011, Terry Jones, the American pastor who had previously burned the Holy Qur'an in his church, made a film entitled “Innocence of Muslims”.

In January 2015, the French magazine “Charlie Hebdo” published offensive cartoons of the Holy Prophet of Islam once again. Similar

actions were repeated during these years, and – from time to time – news still comes from European and American countries about insulting Islam and the Holy Prophet. On one occasion, some extreme rightists, insulted the Holy Qur'an and burnt a copy of it in Malmö, Sweden.

Ensuing that event in Sweden, an anti-Islamic group held an anti-Islamic rally in Norway, during which they desecrated the Holy Qur'an and the Holy Prophet of Islam (s.a.w.s).

After that, the French magazine Charlie Hebdo, under the pretext of holding a court hearing the accusations of the individuals accused of attacking the editorial staff of that magazine, republished its offensive cartoons, which was supported by the French President Macron under the pretext of freedom of speech. This is while in this country researching about the Holocaust and casting doubt on it are considered as crime.¹

Exploring the Reasons and Goals Followed by Enemies of Islam in Insulting Islamic Sanctities

Insulting Islamic sanctities and the Holy Prophet of Islam (s.a.w.s) is a project pursued by enemies of Islam with the following goals:

¹ www.mashregnews.ir/news/1114932; 2020/09/06.

1. Consolidating and Promoting Their Value System in Opposition to Islamic Values.

The Western secular world is seeking to spread and extend its own value system to other countries all over the world. It sees Islam, the Islamic culture and the values governing it in the opposite side of it culture, regarding it as an obstacle in the way to achieve its goals. Thus, it has started to struggle Islam, beginning with destroying the Islamic values.

Insulting the Islamic sanctities is a sign of the depth of the hostility, anger and malice of the enemies of Islam, showing their inability to confront and control Islam; and since they lack the power to confront it, they start to insult Islamic sanctities. The Holy Qur'an describes the deep hatred and hostility of the enemies as follows:

«قَدْ بَدَتِ الْبَغْضَاءُ مِنْ أَفْوَاهِهِمْ وَمَا تُخْفِي صُدُورُهُمْ أَكْبَرُ»

“Hatred has already shown itself from their mouths, and what their hearts hide [within] is even worse.”

The part “Hatred has already shown itself from their mouths” shows that their hostility towards Muslims is so high that they cannot hide it; rather, their inner enmity has affected their tone of voice.²

¹ Al-Baqarah (3): 118

² Tabataba'i, Seyed Muhammad Hussain; *Tafsir al-Mizān*, vol. 3, p. 599.

Regarding the consequences of Salman Rushdie's story, Imam Khomeini, with his acuity and intelligence, said:

“We find the enmity of the Western world towards the Islamic world from these points. What they do is not just defending one person. Their case is supporting an anti-Islamic trend launched by the Zionist agencies as well as the United Kingdom and the US. Indeed, they have put themselves, with their stupidity and hastiness, in front of the whole Islamic world... insulting the Muslims' sanctities has always been there from the advent of Islam up to now and from now forever in the history. It is the result of infiltration of strangers in the Islamic culture; and if we ignore this, it is the beginning of the story. And the colonialism has readily so many of these dangerous snakes and hired writers.”¹

The great Imam Khomeini considered Salman Rushdie's story as a sample of deep hatred and enmity of the enemies of Islam and the Islamic regime, and regarded it beyond the policies and functions of Islamic Republic. In answering some individuals and domestic trends who would request to improve relations with those countries and a withdrawal from previous positions as well as a change in some policies to prepare the ground for that, Imam Khomeini said:

¹ Imam Khomeini, *Sahifā Imām, Collection of Works, Statements, Interviews, Decrees, Legal Permissions, and Letters*, vol. 21, pp. 290-291.

“[For] those who still believe and analyze that we must revise our policies and diplomatic principles and that we must not repeat our former mistakes, and those who believe that harsh mottos or war cause the pessimism of the West and East towards us, leading to country’s isolation; and if we act realistically, they will treat us humanely, showing mutual respect for our nation, Islam and Muslim, this is an example that God wanted to happen at this time after the blasphemous book ‘Satanic Verses’ was published, and the world of pomposity, arrogance and barbarism reveals its real figure and its long-standing enmity with Islam, so that we may put aside simplicity and do not attribute everything to mistakes, mismanagement and inexperience, and understand whole-heartedly that the issue is not our mistake; rather, it is the superpowers’ goal to destroy Islam and Muslims, and the personal issue of Salman Rushdie is not so important for them that all the Zionists and arrogant powers are behind him.”¹

2. Preventing the Growing Spread of Islamism

The growth of the Muslim population and the inclination towards Islam in European and American countries has become a serious threat to the domineering system. Therefore, they do not give up any

¹ *ibid.*

efforts in confronting Islam, even taking irrational and illogical actions.

According to the recent studies and predictions on populations in Pew Research Center, the Muslim population in the world will have the highest growth rate, compared to all other religious groups, in the coming decades. That is, during the years 2010 to 2050, throughout the world, the rate of population growth will be 35% among Christians, 34% among Hindus, and 16% among Jews, while the rate of population growth during the same period of time will be 73% among Muslims. Thus, the Muslim population will increase to about 8.2 billion in the world in 2050. In other words, in the next three decades, the Muslim population will be nearly equal to the most populous religious group in the world, i.e. the Christian population; and Muslims will form almost a third of the world's population.¹

Just in America, statistics suggest that, for the first time, the Muslim population has outnumbered Jews in most of the western, central, and southern parts of America; and on the contrary, most synagogues have lost their followers. In this regard, Dale Jones, one of the researchers in charge of the Center of Religious Statistics in America, says that the number of those who have converted to Islam in America has increased from one million people in 2000 to two million and six

¹ Foroutan, Yaqub; "Demographic Survey of Muslims in the Contemporary World" in *Political Researches of Islamic World Quarterly Magazine*, year 5, No. 3 pp. 70-71.

hundred thousand in 2010. According to the New York Times, 25% of these individuals are those who converted to Islam from other religions. According to this report, the number of mosques has also increased in the last few months in America, amounting to 2016 mosques. Compared to the year 2000 when there were just 1209 mosques in America, this shows a 74% growth.

Similarly, France is the most populous Muslim-dwelling country in Europe, and some sources estimate the number of Muslims in this country to be eight million. There is no accurate statistics because of the fact that the head-count of religious followers is prohibited according to French law.

In view of the fact that the number of Protestants and Jews in France is low, Muslims are considered the greatest religious minority in that country. The Muslim population in France has a higher growth rate compared to non-Muslims, and they are increasing in number. The French government, like other European governments, is in fear of the growth in the number followers of Islam in that country. Thus, it makes use of various levers such as expelling veiled girls from schools and deporting congregational imams from France. Besides, it exerts discriminations against Muslims, putting pressure on their subsistence and economy. The reason for impatience of the French government in relation to Muslims is traced back to its ideology. The laic French feel that Islam endangers the generality of the Western and liberal thought; thus, they fear the spread of Islam in that country and

throughout Europe. In addition, Paris has close ties with Zionist regime and Zionist agents are much influential in the French politics and society. Therefore, it is quite natural that the strategy of French government is confronting Islam and Islamism. However, some individuals like Adrian Michaels believe that Muslims will outnumber non-Muslims in France by the middle of the 21st century.¹

3. Affronting Muslims and Destroying the Motivations for Islamic Uprisings in the World

To belittle Muslims and destroy their motivation for Islamic uprising and isolating them, the enemies of Islam insult Islamic sanctities. Regarding the necessity to implement Imam Khomeini's decree about Salman Rushdie, the Supreme Leader of the Islamic Revolution of Iran, Imam Khamenei, said:

“Imam Khomeini's monumental and unchangeable decree regarding the author of the blasphemous book ‘Satanic Verses’ and the Muslims’ commitment throughout the world to implement that Islamic decree show its first results in the scene of confrontation between Islam and the global blasphemy; and the Western arrogant superpower who attacked the sanctities of one billion Muslims in the world as a prelude to humiliating Muslims and destroying the motivations for Islamic uprising in the world was forced to retreat step by step in a disgraceful way; and God's willing, with the continued resistance of Muslims of

¹ www.basirat.ir/fa/news/248192; 2012/09/29.

the world, from now on, no one will dare to insult the Holy Prophet (s.a.w.s) and the Islamic sanctities.”¹

4. Desacralizing and Desensitizing Islamic Values among Muslims

Facing the logical and strong culture of Islam, the enemies of Islam – due to lack of theoretical themes in facing it – have started the project of insulting Islamic sanctities with the aim of desacralizing and desensitizing along with schism and casting doubts to weaken the status of Islamic values and sanctities among Muslims, because these sanctities and values are the greatest obstacle for enemies in consolidating and promoting their culture among Islamic countries and societies. Thus, they must destroy that obstacle to be able to infiltrate in those countries. The Supreme Leader said:

“Behind the scene of this evil movement, there are hostile policies of Zionism, America and other arrogant powers of the world, who have the fancy to lower the position of Islamic sanctities among youths in the Islamic world and put off the zeal of religious emotions in them.”²

5. Creating Passivity and Surrender among Islamic Countries

The malfunction of some Islamic countries in going away from Islamic values and following domineering system, and selling their dignity and honor have caused the enemies of Islam to dare to Insult Islamic

¹ <https://www.leader.ir/fa/content/417>; 1990/12/26.

² <https://www.leader.ir/fa/content/9838>; 2012/09/13.

sanctities. When the Islamic sanctities are devalued by the Islamic countries and, contrary to the explicit teachings of the Holy Qur'an, the enemies are chosen as their ideal support, they would allow themselves to mock the Islamic sanctities and values. The followers of a religion whose main advocates do not adhere to their own values and sanctities, not having the necessary respect, cannot expect others to respect those values and protect their sanctity.

When enemies of Islam and the Islamic nation see that the rulers of Saud Arabia, UAE and Bahrain bow down to the enemies of Islam, spend their oil dollars for equipping terrorist of Takfiri groups like ISIS, make efforts in line with enemies to weaken the resistance front, launch genocide among the Islamic countries, befriend with Zionist regime, do their best to create schism among Muslims, etc., it is quite natural that they dare to insult Islamic sanctities.

6. Distracting the Minds of Islamic Nation from the Evil Plots of Arrogant Powers in the Region

The enemies of Islam – who have been designing and implementing various plots, since long ago, for dominating over the very important region of Persian Gulf; and, in that line, they have taken measures such as bringing their dependent and obedient governments to power, fueling ethnic and religious differences, creating discord among Muslims, generating crisis through creating and supporting fanatic

groups like ISIS, etc. – are seeking, by various tricks including insulting Islamic sanctities and making marginal issues for Muslims, to distract the minds of nations from the main enemy and make opportunities for accelerating their plots in order to inflict a blow to a large part of the Islamic world. In this regard, the Supreme Leader points out that: “the deeply anti-Islamic policies of the Zionists and arrogant powers are the cause for such hostile movements that occur from time to time. This movement, in the present time, can have the motive of distracting the minds of nation and states of West Asia from the ominous plots of America and Zionist regime for this region.”¹

7. Completing the Anti-Islamic Project

Anti-Islamism and Islamophobia are among the central policies of the domineering system and international Zionism in line with confronting Islam. To realize that policy, they have designed and are implementing various scenarios – from promoting and propagating anti-Islamic discourses to educating and equipping Takfiri groups, presenting a violent figure of Islam and Muslims, reinforcing reactionary Arab countries, promoting licentiousness under the pretext of social freedom, using great propaganda machinery and media as well as using art and cinema in order to destroy the figure of Islam and spread out Islamophobia – all as a part of this policy. Insulting Islamic sanctities are also evaluable in this line. The enemies of Islam, who have felt unable to logically confront this strong and

¹ <https://www.leader.ir/fa/content/24607>; 2020/09/08,

reasonable religion, resort to anything to deface Islam among people. Insulting the Holy Prophet of Islam (s.a.w.s) and other Islamic sanctities, burning the Holy Qur'an, attacking mosques, insulting and affronting Muslims, presenting a negative figure of Islam in media, making derogatory movies and animations, and the like are a part of seemingly cultural measures taken along with military, political and economic measures such as terror, sanction, subornation, waging war, reconciliation and transaction purposefully being implemented by the West, in line with the anti-Islamic and Islamophobia projects, in order to manage the wave of spiritualism and seeking spirituality in the Western world.

The Supreme Leader said:

“As you can see today, the western world, global imperialism and the owners of oil companies and big financial cartels and trusts are spending money and hatching plots for creating Islamophobia. They burn the Holy Qur'an, they insult the blessed name of the Holy Prophet (s.a.w.s), they draw caricatures, they publish books [against Muslims] and they provoke ethnicities against Muslims in big capitals of European countries. As you can see, these are clear things. What does this mean? It means Islamophobia. Today, Western enemies have drawn their swords against Muslims.”¹

¹ <https://www.leader.ir/fa/content/10773>; 2013/06/08,

However, we must put a distinction between the Western citizens and the Western politicians and leaders of Islamophobia, and we must not extend their rancor and anti-Islamic actions to all levels of Western societies. The ordinary people living in those countries are not hostile towards Islam and Muslims, wishing to have peace and justice and live a peaceful life.

What we mentioned above are the most important reasons for starting to insult Islamic sanctities by the enemies of Islam.

The Main Factor for the Enemies' Insulting Islamic Sanctities Is the Growing Spread of Islam and Their Helplessness in Confronting It

Although the abovementioned reasons and goals each has a role in the enemies' insulting the Islam and the Holy Prophet, it seems that the main factor causing them to do such illogical and unwise actions is the ever-growing spread of Islam and the wave of leaning towards it, especially in the America and European countries, as well as losing their control over Islam and the challenge it poses against their value system, and the West's inability to control it. Other reasons fall under this main category.

Accordingly, insulting the Islamic sanctities is not an active measure taken by the anti-Islamic front; rather, it must be evaluated as a passive reaction against the soft power of the Islam.

The Supreme Leader said in the sermon of Eid Fitr prayer:

“Today, the Islamic world is facing an all-out political, cultural and propaganda invasion from the enemies of Islam... Today, the invasion against Islam and the Muslims’ sanctities is an all-out one, and this is not because the enemy has become strong; rather, it is because the enemy feels weak against the great Islamic movement. Thus, it resorts to all kinds of psychological wars, various invasions, scaring Muslim nations and countries from one another and propaganda against each other. The way is for the Islamic world to maintain its unity.”¹

Islamophobia and anti-Islamic actions of the enemies, while apparently an invasive move against Islam, are indeed the reflection of the power of pure Islam and its challenging the foundations of material civilization of the West. In effect, the domineering system is, in facing with spread of the culture arisen from Islam, in the state of helplessness and, to implement their project of Islamophobia, it has aimed at – along with threats, distortions, formation and support of terrorist groups in the name of Islam, and insulting the Holy Qur'an and the Holy Prophet (s.a.w.s) – defacing Islam so that they may prevent the transfer of Islam’s message of peace and friendship to the hearts of people. Unfortunately, this movement makes use of the capacities and resources of some Islamic countries as well as cooperation of some heads of Islamic countries to pursue its goals.

As the Supreme Leader has stated:

¹ <https://www.leader.ir/fa/content/4072>; 2008/10/01,

“Islamophobia is a translation of powers' fear and anxiety in the face of Islam. This is the truth of the matter.

You members of this Assembly really made efforts. The people of Iran made efforts as well. They showed diligence and they established and brought to power the Islamic government. They strengthened its foundations and they immunized and secured it against different matters. They strengthened it on a daily basis. This frightens global bullies. The Islamophobia that exists today is, in fact, a reflection of their anxiety and nervousness. It shows that you have managed to move forward.¹

Effective Solutions in Confronting the Enemies' Insulting the Islamic Sanctities

In facing these actions from the enemies, applying some principal solutions by the Muslims and Islamic countries can be effective.

1. No Passivity and Introducing the True Figure of Islam

By insulting the Islamic sanctities, the enemies of Islam are seeking to make the Islamic nation passive and inactive. Thus, in facing this plot, Muslims must take an active position and show their zeal in defending their religious values and sanctities. In confronting these evil actions, they must introduce and display the true right figure of pure Islam. Of course, taking active position does not mean involving in struggle with fanatic behaviors and the like; rather, it means defending the Islamic

¹ <https://www.leader.ir/fa/content/12932>; 2015/03/12.

values through logic and rationality. As the Supreme Leader has stated:

“In my opinion, we should not at all adopt a passive outlook towards the phenomenon of Islamophobia. Islamophobia exists. Some individuals are frightening peoples, societies, youth and minds of Islam... We should attempt to introduce the kind of Islam that supports rationality and that opposes partiality, fossilization and foolish delusions – these are characteristics that some people advocate in the name of Islam. We should say that Islam is this. We should say that Islam is committed to fighting against decadence.”¹

With the same look, following insulting the Holy Prophet (s.a.w.s) in France and in line with breaking the grandeur of widespread propaganda in Western media against Islam and following anti-Islamic action, the Supreme Leader addressed the European and American youth as follows:

“I would like to talk to you about Islam, particularly the image that is presented to you as Islam. Many attempts have been made over the past two decades, almost since the disintegration of the Soviet Union, to place this great religion in the seat of a horrifying enemy. The provocation of a feeling of horror and hatred and its utilization has unfortunately a long record in the political history of the West...Now, I would like you to ask yourself why the old policy of spreading

¹ <https://www.leader.ir/fa/content/12932>; 2015/03/12.

“phobia” and hatred has targeted Islam and Muslims with an unprecedented intensity. Why does the power structure in the world want Islamic thought to be marginalized and remain latent? What concepts and values in Islam disturb the programs of the superpowers and what interests are safeguarded in the shadow of distorting the image of Islam? ... I would like you not to allow the derogatory and offensive image-buildings to create an emotional gulf between you and the reality, taking away the possibility of an impartial judgment from you. Today, the communication media have removed the geographical borders. Hence, don’t allow them to besiege you within fabricated and mental borders.”¹

2. Preserving and Reinforcing the Islamic Unity and Avoiding Discords

Muslims and Islamic countries must preserve and reinforce Islamic unity and solidarity and avoid any discord and schism, not allowing enemies to take such measures. Despite existence of intellectual disagreements among Muslims, the Islamic countries can, on the basis of common principles, aim at the common goals in facing the enemies and eliminate the grounds for the enemies’ abuse.

In a meeting with the participants in the International Qur'an Competition, the Supreme Leader said:

¹ <https://www.leader.ir/fa/content/12784>; 2015/01/21.

“Those who are taking the Islamic world away from unity and integration today, while the need for integration is greater today than ever, they are working for the benefit of the devils. As you can see today, the western world, global imperialism and the owners of oil companies and big financial cartels and trusts are spending money and hatching plots for creating Islamophobia. They burn the Holy Qur'an, they insult the blessed name of the Holy Prophet (s.a.w.s), they draw caricatures, they publish books [against Muslims] and they provoke ethnicities against Muslims in big capitals of European countries. As you can see, these are clear things. What does this mean? It means Islamophobia. Today, Western enemies have drawn their swords against Muslims. So, what is the duty of Muslims here? Muslims must return to their own elements of power; Muslims should increase the factors of authority and ability within themselves day by day. One of the most important factors of authority is this unity and coincidence. This is a lesson for us, it is a lesson for Muslim nations.”¹

3. Interaction with Other Religions and Avoiding Conflict with Them

Muslims must distinguish between this evil trend and the true followers of celestial religions. While interacting with other religions and displaying proper manifestations of Islamic rationality and culture, they must avoid any action that prepares the ground for conflict

¹ <https://www.leader.ir/fa/content/10773>, 2013/06/08.

between followers of religions with one another. Just as the Supreme Leader has emphasized in a piece of advice:

“The incident of September 11 gave the criminal president of the United States, in that time, an excuse to invade Afghanistan and Iraq, and he announced a Crusade War; and according to reports, the same person has announced that this Crusade War was completed when the church entered the scene. The purpose of the recent hateful act (burning of the Holy Qur'an) is, on the one hand, to bring the confrontation with Islam and Muslims in the Christian society to the public level, and with the intervention of the church and the priest, it will take on a religious tint and find support from religious prejudices and affiliations; and on the other hand, to make Muslim nations, who are enraged and hurt by this great audacity, ignore the issues and developments of the Islamic world and the Middle East...

“We should all know that the recent incident (burning of the Holy Qur'an) has nothing to do with the church and Christianity, and the puppet actions of a few idiot and mercenary priests must not be attributed to Christians and their religious men. We Muslims will never do the same with the sanctities of other religions. The conflict between Muslims and Christians at the public level is the desire of the enemies and designers of this crazy show, and the lesson of the Holy Qur'an to us is at the opposite point.”¹

¹ <https://www.leader.ir/fa/content/7253>; 2010/09/13.

4. The International Legal Demand on Insulting the Sanctities

According to paragraph 3 of Article 19 of the International Covenant on Civil and Political Rights, it is explicitly forbidden to insult sanctities. In paragraph 2 of this article, the freedom of expression requires specific duties and responsibilities and it is considered as subject to certain restrictions. This article considers freedom of expression necessary for important matters such as respecting the rights or prestige of others, maintaining public security and order or health or public morals. Clause 2 of Article 20 of the International Covenant on Civil and Political Rights also mentions limitations for freedom of expression and stipulates that any propaganda for war is prohibited by law, and any invitation and incitement to national, racial or religious animus and hatred that causes and incites violence is also prohibited by law. Articles 18 to 20 of the Declaration of Human Rights deal with freedom of expression and opinion and state its limitations in Article 29.

Similarly, according to Article 32 of the Law of Freedom of the Press in France, insulting the sanctities of other religions is considered a crime. Countries that consider themselves as the cradle of civilization, freedom of expression and respect for human rights must be held accountable for this crime and insulting and hurting the feelings of more than one and a half billion Muslims. The Islamic world must also pursue its rights through legal and international tools, and must

not allow enemies to repeat such scenarios by holding them accountable.

The Supreme Leader considers the consequences of these insults as directed towards the leaders of the domineering system and their hostile policies against Muslims and stresses on the need to seriously demand the fulfillment of the rights of Muslims and punish those responsible for it. In this regard, he said:

“The first culprits in this crime are the Zionism and the American government. The American politicians, if honest in claiming of having no role in those insults, must punish the agents involved in that heinous crime and their financial supporters who have offended Muslims.”¹

Clearly, such desperate and bawdy actions by the domineering system cannot cover the brilliant figure of pure Islam, and the shining truth of Islam will capture the pure hearts of people and awakened consciences; and the enemies of today Islam, just as the polytheists in early years of Islam, will get nothing from such actions. As the supreme leader said:

“The incidents related to insulting the Holy Qur'an and the Holy Prophet (s.a.w.s) have frequently occurred in western countries – in both the US and European countries – but such incidents cannot damage the honor, magnificence and greatness of the Holy Prophet

¹ <https://www.leader.ir/fa/content/9838>; 2012/09/13.

of Islam (s.a.w.s) in the slightest manner. It is completely clear that the enlightened personality of the Messenger of Mercy cannot be damaged with these actions. By Allah's favor, this sun shines more brightly on a daily basis. Just as the thugs in Mecca and Taif could not erase the name of the Holy Prophet of Islam (s.a.w.s), despites all the efforts that they made, these ominous attempts will not be able to damage the Holy Prophet's grandeur and honor either.”¹

Conclusion

The project of insulting the Islamic sanctities on the part of the enemies of Islam is pursued with a variety of reasons. The main factor that caused the enemies of Islam to take such an illogical, expensive and unwise measures is the growing spread of Islam and the wave of inclination towards Islam, especially in American and European countries, and losing their control over it as well as their helplessness and desperation in controlling it. Other reasons and goals are subsidiary ones. Accordingly, insulting Islamic sanctities is not an active practice performed by the anti-Islamic front; rather, it should be considered as a passive and helpless reaction in facing with the spread of the culture arising from Islam and its soft power, challenging the material foundations of Western thought and civilization. The effective solution for dealing with it is to display the true face of pure Islam, to maintain and strengthen unity on the part of Muslims and

¹ <https://www.leader.ir/fa/content/24667>; 2020/11/03.

Islamic countries, to avoid confrontation with followers of other religions, and to defend its sanctities and demanding it on legal and international levels.

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