

ABSTRACT: Principles and Limits of Freedom of Expression from the Islamic Jurisprudential Perspective

This presentation provides a descriptive and analytical study of what is freedom of expression and what are its principles and limits in Islamic jurisprudence. Freedom of expression is a principle that supports the freedom of an individual or a community to articulate their opinions and ideas without fear of retaliation, censorship, or legal sanction. The right to freedom of expression is recognized as a human right in most legal systems, including Islamic law.

The article proceeds in two parts. In the first part, we identify the jurisprudential principles of freedom of expression. According to this study's findings, these principles are the principle of permissibility (*al-asl al-ibahah*), enjoining the right and forbidding the wrong (*amr bi al-Maruf wa'l-Nahy an al-Munkar*), the obligation to state the truth and the prohibition of concealing it, the obligation to fight oppression. According to these principles, expressing opinions is not only a legal right but, in many cases, a legal duty.

In the second part, our main claim is that freedom of expression is not an absolute right but limited to several limits. Some of these limits are common to the limitations set in contemporary legal systems; for example, Islamic jurisprudence, similar to French and British law, restricts freedom of expression to hate speech. But some of these restrictions are confined to Islamic jurisprudence. These limits are those acts that are themselves forbidden in Islamic jurisprudence. For example, if freedom of speech leads to insults to others who are respected, it should no longer be considered a human right. However, the fundamental limits and restrictions on freedom of expression are as follows: prohibition of apostasy (*irtidād*) and denial of religious certainties when they are not based on reason and are mere claims, prohibition of hate speech, prohibition of profanity, etc.

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