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Research Article

Freedom of Speech in Islamic Rights, Islam Religious thoughts and Human Rights

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ABSTRACT

This essay at first states the importance and introduction of freedom of speech in Islam and human rights, and then analyze Islamic thoughts referring to freedom of speech in two speech ; At first elements like thinking, saying speech , principle of order to good deeds and prohibit of bad deeds , principle of consult ,right of criticism and giving advice to leaders as those who proof freedom of speech in Islam .In second speech there are some samples of religious leaders proof for freedom of speech

Keywords: social and individual freedom, freedom of speech, human rights, international rights

INTRODUCTION

The power of thinking and speaking are two great grace of god and god excelled human being in their beam from other creatures.

They are mentioned in holy Quran, (Asra soore third Aye),"human being created speech and by its' creation he can omit his inner thoughts, ideas and inform others of his goal.

He can inform others of his political, social, economical, and cultural believes by means of speech, writing, drawing and other ways to devote these to others .This is the very gift of speech that holy Quran speaks of it.

1.1. The importance, introduction and determination of borders of discussion:

Human fundamental freedoms are recognized by human rights chart and international promises. This right is of those social –political freedoms and is of the first generation of human rights that commitment of government to them is of that obligation of result.

It means members of that commitments must guarantee them and respect them regardless of existing social condition.

Regarding that Iran is one of the members and regarding the nine article of Iran civil law,

commitments that are signed between Iran government and other states, addressed as law. The principles of mentioned commitment are treated as usual laws and beside other laws are recognized as thematic laws. On the other side Iran rights are religious ones and based on forth article of constitutional law, all of the laws and principles must be based of Islam; Based on that the freedom of speech from the vision of Islamic thoughts is a discussion based on scientific and legal reality in Iran constitutional law.

1- Freedom of speech is" freedom of individuals to mention believes, state speech and saying without being afraid of government interference.

2-Freedom of speech means "statement of idea, saying, belief and feeling, in oral, written, drawing or other forms. In this essay the second explanation for freedom of speech is in mind. The 24th article of constitutional law that says: magazines and newspapers are free to say subjects; unless they are intruder of Islamic bases or common rights. Although it shows some samples of freedom speech but in general it can be referred as freedom of speech principle. This right has also came in175th article of constitutional law. In this essay the goal is not to persist on the agreement of human rights chart and Islamic laws; but the goal is to show in Islam

religion all of the freedoms including the freedom of speech were supported before creation of documents and charts for human rights. In Islam several principles operated this right and in some case, this obligation. The religion leaders deed and speech is affirm for this right. We continue this subject in two parts:

2.1. Freedom of speech bases in Islam:

In Islam there are several affirmations for freedom of speech. At first invitation for thinking and pondering that has great place in Islam. There are several Aye about thinking, search and research. When Quran address adversaries call them to state their reasons and those who obey the best speech receives the gift of God, to be his servant. These are those who God leads them and shows them the right path. These are owners of wisdom (Quran, zomar sure). It's obvious that "hearing" itself is not in mind but it is a way to choose and obey the best speech. Tabarsi state this goal to create his great book. "The prophet and his family never contested and let it for their assistants. I found it right to compile a book in which arguments and discussions of religious leaders with their adversaries are all collected. Religion leaders deprive those who did not have knowledge and were not able to state the religion goal; Based on this if we get in mind works like "Ehtejaj" as a document for freedom of speech, we are not wrong because in these works adversaries state their ideas and discuss with religious leaders with no fear.

3.1. Second: the principle of order to good deeds and prohibition of bad deeds:

From firm principles among Muslim is the principle of order to good deeds and prohibition of bad deeds.

Quran treat Muslim a one unit that speak well of each other and order each other to good deeds and prohibit of bad deeds (Quran, ale emran). In Islam individuals' responsibility is not separated of officials' responsibility. If government is running the society, people are members of that society. What is speak able about the relationship of the principle of order to good deeds and prohibit of bad deeds with freedom of speech is the contrast of right and duty. It means that freedom of speech is right but the principle of order to good deeds and prohibit of bad deeds is duty. In response, the two important relations in this duty must be separated from each other. At first the relation among individuals whom their relation is the control for law performance and support for ethics and social unity is treated as goal. And the other is the relation of government and people that its result for government is leadership and guidance and for the people is control and prohibition. In this relation, freedom of speech gets outside face if there is no obstacle. Based on this, performance of freedom of speech is depending of feeling of duty and necessity of saying thoughts

(Nasser katuzian and colleague). It's obvious that the Muslim can prohibit leaders and governors from bad deeds, if he is free to state his thoughts. For this, Islamic human rights chart resolutud by foreign ministers of Islamic conference organization in 1990 (known as Cairo chart); in 22 articles states the principle of order to good deed and prohibit of bad deeds beside the right of freedom of speech.

4.1. Third: the principle of consult:

The principle of consult is one of the most important principles in Islamic, individual, social and political affairs that naturally necessitate freedom of speech. Holly Quran calls prophet to consult with his assistants and then states that: "consult with them". To some of the contemporary Faghih (religious leader) this Aye has some prominent points. 1- Prophet himself as political leader is addressed for this Aye. 2- The reference in consultation is people. People are consulted directly or indirectly. 3- Political figure is prophet so the subject for order is political affairs. It is obvious if people cannot directly or indirectly state their ideas, they will miss their subject and goal. Consultation is real at the time that there is no fear of government.

Based on this performance of Islamic principle of consultation is guaranteed with recognition of human speech right. 4- The right of criticism and giving advice to Muslim leaders. Everyone can criticize political units in the country.

Recognition of this right, in action, forces leaders to do their best for being far from sharp look of people and wises in the society. It's mentioned that prophet in his last speech said to the leader after him: "do not close the door to the poor or rich people will eat them. Imam Ali (pbh) says for his leadership: "OH people I have some duties to you and you have some duties to me. My duties to you is to be good willing to you and your duty to me is to be loyal to your promise and do not miss to give advice and be good willing in covert and overt (Nahjol balaghe, speech 34). Imam Sadegh also says that: the best gift is to state bad points to friends. The result of criticism way is injustice and lawlessness in long term. The most important fruit of criticism is showing facts. "Giving advice to Islam leaders" also is way that is open to political Feghh (religious thoughts) of Islam.

In great book of "kafii", it is mentioned that: Muslims' heart does not hatred of three thing: genuine action for God, giving advice to Muslim leaders and strengthen of Islamic society.

In giving advice the goal is to transfer reality of political and social life to owners of power without fear, whether he is religiously allowed and justice or not. Now in the entire world everyone has this right to defend, individually or socially, in front of official deeds and country units in relation to rejection of human rights and political freedom.

2. Second speech: Religious leader's way of life and freedom of speech:

Looking back to life history of religious leaders we can get that they were against adverse thoughts about freedom of speech and they show this by both their behavior and action and promote freedom of speech principle. Prophet would let people state their speech, criticism and objection without fear.

God says to his prophet that: "if you were rigid and bad tempered people would leave you"(Ale Emran159).

History writers of Muslim have written that once prophet came to the mosque, three days before his death, and said to people: everybody that I owe to him can state now. Then a person called Savad Ebne Gheis stranded up and said: "once we were in the way back from battle you wanted to evoke your horse and your lash hit my body and I want to hit you.

Prophet ordered to bring the same lash and then took his shirt off for the retribution. At this time Savad hugged prophet and kissed him. For this action prophet prayed for him and said:"oh, God forgive him as he forgave me".

In Honein war when prophet gave some war prize to those who became Muslim, Ansar objected and state their criticism by their behalf, Sad ebne Obade, to the prophet; Then prophet said gather them and I want to speak to them. Logical speech of prophet satisfied them.

Then they said: oh God's prophet we are content to our share and have no objection.

Once somebody asked prophet to pay back his credit but he said in a bad way. Prophet said nothing but his assistants wanted to punish him but prophet said: "say nothing and let him speak of his right"(Mirza khani 1396:114).

"Abdolah Ebne Obi was leader of Monafeghin; He saw prophet as a hurdle for getting power, he refused to attend war because Prophet did not accept his ideas. Prophet assistants wanted to kill him, even his son was ready to kill him, but Prophet (pbh) did not let and when he got sick, visited him and prayed for him when he died.

In sixth year of Hejrat prophet signed peace treaty with Kefirs ,according to its' second article if someone of Ghoreish run out of Mika and became one of Muslims they commit to accept him, but if someone of Muslims run to Mika ,Ghoreish did not have any commitment to accept him. Muslims and second khalife criticized this article and said that "this make unjust qualifications".

Prophet said logically that: "Muslim who runs to Kefirs and prefers to worship idol rather than God is not Muslim completely and is not good for us". This shows that prophet even let people to criticize logically of peace treaty that is a proof for national safety.

1.2. Imam Ali and freedom of speech:

Imam Ali (pbh) said to Malek (Imam Alis' army commander) that:" be so kind to people, lest count the hours to eat them, owing that they are two group; they are whether your brother in your creed or humans like you and the same as in creation"(Nahjol Balaghe, speech53).

He continues: "Let your guards and veterans go out, so that individual can speak without any fear"(Nahjol Balaghe, speech53).

It's obvious that Imam Ali was seeking a kind of leadership that was in shadow of freedom of speech. He also gave advice to Malek to choose right of people to him. Imam Ali did not stand in front of those who refused his government. He tried to not battle with those who break their promise (like Talhe and Zobeir). They attended to conferences and criticize to the situation.

2.2. Imam Reza and freedom of speech:

Imam Reza era is known as expansion of knowledge era. For this, Imam arranged some discussions with leaders of other religions like Judas, Christians, and Zoroastrians. Some assistants of Imam prevent him to attend to those conferences but he did not accept. He attended to the conference and at last satisfied them by logic.

3. Conclusion:

Life history of other religious leaders is a proof for tolerance of other ideas and thoughts; from which we can mention Imam Sadegh behavior with individuals like Ebne Abel Oja who was one of the scholars in that time. Imam would listen to adverse thoughts and ideas but would respond logically.

So freedom of speech as a principle was in religious leaders' life and they took it into action. What is expected from an Islamic society is that all of people look at religious leaders' way of life and refer to it. Based on this Imam Khomeini said that: Islam is based on logic and reason and does not afraid of freedom of pencil (Sahife Noor, 9th volume). At the end, the goal is to show the place of freedom of speech as a principle in religious bases and thoughts; But this right is not absolute in any juristic system or international document; But it is at least restricted when it is interfering .with others freedom. Ethics and public orders are also other hinders of freedom of speech; But needs a course because it is not in field of this paper

REFERENCES

1. Holy -Qran.
2. Imam Ali ibn Abi Talib, Nahj, 2002. translated by Mohammad Dashti, Tehran: Office of History and Islamic Studies.
3. Amam Khomeini, 2006. the end, Tehran Imam Khomeini Office of publication, 9.
4. Altbatbayy, Seyed Mohammad, Al Mizan, 1983.

- Alkhamsh house, Alalmy Institute, Beirut, 19.
5. Qabkhshy, Ali, Culture, 1996. Political Science, Tehran: Iranian Scientific Information and Documentation Centre, 985.
 6. Mehrpour, Hussein, human rights and administrative procedures, Tehran: Publication of information.
 7. Consistory, N., 2004. freedom of thought and expression, Tehran: Tehran University School of Law and Political Science.
 8. Altbrsy, Alahtjaj, 1983. Llmtbvat Alalmy Institute, Beirut.
 9. Alzlmy, Mustafa Ibrahim, 1998. on Al-shariati Alaslamyh parachute rights and governmental Alqanvn bit Alhkmh, al.
 10. Mrft, M.H., mutual rights of the people and the government, Tehran: Institute for Culture and Thought, 5.
 11. Alhmyry Baghdadi, 1413. proximity Alasnad, Qom Al-Bayt Institute Lahya' Altras.
 12. Hakimi, Mohammad, Muhammad Ali, Al-Hayat, 1992. Tehran: Islamic Culture Publishing Office, 1.
 13. Amin, M., Syed, Lords Alshyh, 1986. Daraltarf Llmtbvat, Beirut, 7.
 14. Almazndrany, Mohammed Saleh, 1407. plenty of history, 7-19 / Alnvvy description, Sahih Muslim, Daralktab Al Arabi, Beirut, house Alsanyh c 2.