

Freedom of Speech and Press in Muslim-Majority Countries

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This article examines the constitutions of 47 Muslim-majority countries and the Palestinian territories to compare the inclusion of free speech and free press guarantees, as well as the presence of Islam as the official state religion, to the actual existence of these freedoms in these countries, using a scale based on rankings developed by Reporters Without Borders and Freedom House. First, the findings suggest that the inclusion of Islam as a state religion in a country's constitution does not necessarily lead to exclusion of freedom of speech and press in the constitutions of Muslim-majority countries. Second, inclusion of Islam as a state religion in the constitutions does make a significant difference when it comes to actual freedom in Muslim-majority countries, based on the ranking scale developed by the authors. Third, constitutional free speech and free press guarantees do not guarantee actual freedom for expression and press in Muslim-majority countries, with factors such as politics and culture appearing to play an important role in the application of those freedoms.

Keywords: freedom of speech, freedom of press, Muslim-majority countries

In October 2018, Saudi Arabia's government admitted that Jamal Khashoggi, a renowned Saudi journalist, was killed in the Saudi Consulate in Istanbul, Turkey. There are reports that his body was dismembered. Khashoggi worked as a senior political official in the Saudi government for years, and in the last years of his life, he became a journalist and activist for freedom in the Arab world. The Saudi government responded by barring him from publishing his articles in local newspapers and made his life harder inside Saudi Arabia. He moved to the United States and worked as a columnist for *The Washington Post* in addition to working in his organization for freedom in the Arab World. Kidnapping, detaining, and torturing citizens is not new in Saudi Arabia, as Crown Prince Mohammad bin Salman has admitted jailing 1,500 people, including 300 relatives, government officials, and businessmen (House, 2018).

Saudi Arabia is one of many Muslim-majority countries that does not guarantee freedom of speech and of the press to its citizens ("Bahrain activist," 2018; Ezz, 2018; Girit, 2018). This lack of protection can result in extremely harmful and dangerous situations for citizens. In 2020, the Turkmenistan government outlawed the use of the word "coronavirus," both for state-controlled media and for citizens, who could be

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arrested for being overheard speaking the word or from wearing masks in public (Kakissis, 2020). The crackdown on the word was apparently part of strongman leader Gerbanguly Berdymukhamedov's strategy to deny that any cases of the deadly virus had appeared in Turkmenistan.

Further, in other Muslim-majority countries that have constitutional protections for freedom of speech and press, such as Iran, new political regimes have rendered these guarantees less effective (Lapin, 2018). On the other hand, some Muslim-majority countries have experienced different levels of freedom of speech and press in their constitutions after experiencing years of human rights abuses and limited individual freedom after regime changes (Khalvatgar, 2014).

These examples reflect a disconnect between what appears in the text of a country's constitution and what happens in reality. Freedom of speech and press are guaranteed in the constitutions of most of Muslim-majority countries, and yet, suppression of these freedoms remains a problem. Every year, several journalists, media workers, and activists are killed, or injured, jailed, fined, and threatened by governments in most Muslim-majority countries. As one Lebanese journalist commented, "The symbolism is deliberate: If you write with your right hand, your right fingers would be cut off, or burned in acid" (Warrick, Morris, & Mekhennet, 2018, para. 43). Since the Arab Spring in 2011, hundreds of people have been imprisoned in the Arab world, and some are even sentenced to death. In 2018, an Iranian teenager was jailed because of sharing videos of her dances on social media (Lapin, 2018). Hundreds of protesters, including construction workers who protested for better working conditions, have been jailed and persecuted in Turkey, a country that holds itself out being democratic in the region (Rubin, 2018).

This study explores this disconnect between freedom of speech and press in the constitutions in Muslim-majority countries and the reality for citizens and journalists in those countries. The authors conducted a quantitative analysis of the constitutions of 47 Muslim-majority countries plus Palestine, looking at protections for freedom of speech and press as well as the role of Islam as a state religion in these countries, and then compared those results to a scale developed based on countries' rankings by international rights organizations that measure their commitment to free speech and press ideals. Quantitative research is important for law and freedom studies because it can empirically examine the relationship of ideals and realities and challenges for the press in such societies (Martin, 2020). Finally, the authors discuss the findings, looking for connections between promises of constitutional rights and where they have been limited by other legal and cultural factors in many Muslim-majority countries.

Literature Review

Freedom of speech and press are among the most important components of a democracy, and constitutions of many countries grant these freedoms to their citizens (Camaj, 2013; Siebert, Peterson, & Schramm, 1956; Sullivan, Piereson, & Marcus, 1993). Philosophers have defined freedom of speech as a natural right for all humans, as important as breathing (Locke, 1689/1963). It is the right of every individual to express any thoughts they have about anything, and that even untruthful speech has value. As John Milton (1644/1951) famously proclaimed in *Aereopagitica*, "Let (truth) and Falsehood grapple; who ever knew Truth put to the worse, in a free and fair encounter?" (p. 41). The goal, according to the theory of the "marketplace of ideas," is that if everybody is able to speak about their ideas, even if they are not true, the

discourse will facilitate the emergence of truth (Meiklejohn, 1948, p. 3). If individuals are deprived of free expression, all other rights are endangered. Thus, the first right that authoritative regimes take from people is often freedom of expression (Barendt, 2005).

Likewise, a free press is essential to informed citizens. Media and communication technologies play a crucial role in political discourse by providing the public with the sphere to communicate their thoughts, problems, and concerns (Merrill, 2011). Public media are often seen to serve for citizens' participation in public policies and issues in a democratic society. From the early days of print and broadcast media, the media have played fundamental roles in informing and educating the public about social, political, economic, and cultural events and issues (Camaj, 2013). In American society, the print media played a foundational role in mobilizing American colonies to claim independence, form a new nation, and develop a new form of politics, with freedoms of speech and press as a cornerstone. As new technologies emerged—the telegraph, radio, television, and the Internet—their freedoms were largely protected as means to spread news and information and encourage citizens to participate knowledgeably in democracy (Schudson & Tifft, 2005). A free press enables citizens to express their thoughts and opinions through any medium possible (Castells, 2015), while also empowering journalists to act as independent watchdogs of government (Merrill, 2011). Without a free press, covering corruption or otherwise speaking out against an entrenched political regime becomes difficult, as well as dangerous (Camaj, 2013).

These freedoms are regarded as the bulwarks of democracy and the necessary foundation for all other freedoms. France and the United States were the first countries in modern history to add freedom of speech and press in their constitutions. France guaranteed freedom of speech and press in 1789, noting:

Free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law. (*Declaration of the Rights of Man*, 1789, Art. 11)

In 1791, the United States added the Bill of Rights to the constitution, in which the First Amendment included prohibitions on government from "abridging freedom of speech, or of the press" (*Bill of Rights*, 1791, Amendment 1).

The United States is often regarded as the most free and tolerant country in the world when it comes to expression of all kinds of opinions (Gray, 2016; Wike, 2016). In a poll by Pew Research (Wike, 2016) from 38 countries, the United States ranks at the top for the highest level of tolerance (77%) for offensive speech about their own religion, with 67% of respondents supporting protections for offensive statements about minority groups. By comparison, Muslim-majority countries in this poll were typically ranked significantly lower, with the highest (Tanzania) ranked 17th, while six others (Turkey, Lebanon, Burkina Faso, Senegal, Jordan, and Pakistan) ranked in the bottom 10 of those studied (Wike, 2016).

Freedom in the Islamic World

In 47 countries plus the Palestinian territories, more than half of the population subscribes to Islam as their faith (Pariona, 2018). For this study, the authors refer to these as "Muslim-majority countries." Several of these countries identify Islam as their official state religion, including Afghanistan, Iran, Libya, Mauritania, Pakistan, Saudi Arabia, and Yemen. Some even have the word "Islam" included in their names—the Islamic Republic of Afghanistan, the Islamic Republic of Iran, and Islamic Republic of Pakistan, for example. Some of the countries are neutral about religion in their constitutions, while 20 countries say they are secular.

Freedom of speech and press in the Islamic world began to emerge in the second half of the 19th century, when newspapers were established in Egypt in the 1860s. Newspapers appeared in Syria, Iraq, and Palestine soon after, playing a key role in awaking of the Arab world against the Ottoman Empire. In the 20th century, particularly during the two World Wars, political parties had their own publications, even though the Palestinian press was limited by the rise of Zionism and the partition of Palestine after World War II. During World War II, media outlets were used as a tool for spreading awareness about national independence, especially in Egypt, Lebanon, and Syria (Mellor, Ayish, Dajani, & Rinnawi, 2011). But these media were shut down by the local regimes after declaring their independence. In the 1960s, 1970s, and the 1980s, the Arab media suffered from this lack of freedom; journalists were threatened, coerced, or paid not to criticize the government. But countries such as Afghanistan, Iran, and Lebanon enjoyed democratic freedoms, including freedom of speech and press in the 1960s and early 1970s. Freedom of speech and press ended in Iran after the Iranian Revolution in 1979. In Afghanistan, the Islamic regime restricted freedom of speech and press in the 1990s, followed by 10 years of civil war and a Taliban regime that completely shut down free speech and press until 2002 (Parsalay, 2018).

Almost all of the modern Muslim-majority countries were established during the first half of the 20th century. The constitutions of these countries mostly have elements of the Declaration of the Rights of Man of France and the First Amendment of the Bill of Rights of the United States. These are reflective of the diffusion of democratic norms from Western countries, such as freedom of information of laws that have been adopted by countries in other parts of the world, including Muslim-majority countries (Relly, 2012). In addition, most of the constitutions in Muslim-majority countries support the Universal Declaration of Human Rights, which asserts that "everyone has the right to freedom of thought, conscience and religion," and protects the "right to freedom of opinion and expression . . . and to seek, receive and impart information and ideas through any media" (*Universal Declaration of Human Rights*, 1948, Arts. 18 & 19).

Similar ideals are recognized in the Arab Charter on Human Rights, which several Muslim-majority countries, including Saudi Arabia, signed on to in 2004 (Borzal & van Hullen, 2015). The Arab Charter "guarantees the right to information and freedom of expression, as well as the right to seek, receive, and impart information or ideas through any medium," though these protections are limited "as required to ensure respect for the rights or reputations of others or the protection of national security, public order and public health or morals" (*Arab Charter on Human Rights*, 2004, Arts. 32 & 13). These limitations are representative of the conflict between free speech and press guarantees in constitutions with other national interests. The inclusion of Islam and Sharia Law in the constitutions of some Muslim-majority countries can

constrain freedom of speech, press, and religion. Iran adopted an Islamic supremacy clause in its constitution in 1907, and several other countries followed in the 20th century, including Afghanistan, Egypt, and Iraq. A study suggests that these clauses originated in British colonial law, became popular during times of "liberalization and modernization" in these countries, and actually resulted in expansion of constitutional freedoms, while also making those rights subservient to Islam as a state religion (Ahmed & Ginsberg, 2014, p. 616). Today, 27 Muslim-majority countries have at least one clause regarding Islam in their constitutions (Ahmed & Gouda, 2015). Islam is defined as the only religion in almost all the constitutions, and all of the other freedoms, including freedom of expression, must pass through the religious filter. Additionally, in the Middle East and the Arab World, media have largely been owned by governments and used as the mouthpieces of the regimes, and the few private media that exist are controlled by very restrictive laws (Mellor et al., 2011). If journalists and other citizens do not follow these rules, they are subject to punishment by heavy fines, jail, or even death sentences. Several Arab countries have also turned to defamation law to bring criminal charges against journalists, according to a study of six Arab countries, with even higher penalties available for criticizing government officials, and without always recognizing truth as a defense to prosecution (Duffy & Alkazemi, 2017).

This conflict between constitutional protections for free speech and press, rooted in Western notions of human rights, and a state religion that cannot be criticized or contradicted, has resulted in oppression that does not hold to the ideals of free expression. In most Muslim-majority countries, people can be punished if they say something that questions certain beliefs or practices associated with religion and other sociocultural values. Examples include the following:

- In 2015, a 27-year-old Afghan woman was killed by mobs in Kabul City after a fortune-teller accused her of burning a piece of the Quran (Rubin, 2015). Later, the police investigation found that she did not burn the Quran, but instead was a student of Islamic studies who criticized the fortune-teller.
- In September 2018, in a mass trial, Egypt sentenced 75 people to death for their involvement in 2013 protests, and hundreds of others were sentenced to years in prison, including journalists (Ezz, 2018).
- UAE-based newspaper *The National* reported that a court had sentenced Ahmed Mansoor, an award-winning human rights activist (Ezz, 2018). He was sentenced to 10 years in prison, fined 1 million UAE Dirhams (U.S. \$272,000), three years of probation after completion of his sentence, and confiscation of his electronic devices (Human Rights Watch, 2020).
- Bahrain sentenced Nabeel Rajab, a human rights activist, to five years in prison for his social media posts. Rajab wrote about the torture of people in prisons and also criticized Saudi Arabia, a key regional ally of the Bahrain government, for the war in Yemen (UN Office for the Coordination of Humanitarian Affairs, 2018).

Secularism in the Islamic world has also been a top-down model since the early 20th century, meaning the kings, presidents, or political leaders—such as Ataturk of Turkey, the Reza Shah of Iran, Shah Amanullah Khan of Afghanistan, Gamal Abdel Nasser, and leaders in the former communist Muslim-majority countries—have imposed the secular freedoms that in some cases contradicted with Islamic beliefs and

practices (Akyol, 2019; Al-Azmeh, 2019; Najjar, 1996). Such secular regimes have faced serious resistance, and some have even been overthrown by religious leaders and supporters of Islam in countries such as Iran and Afghanistan. In some Muslim-majority countries, secularism has become synonymous with anti-Islamism, infidelity, and atheism (Najjar, 1996).

Research Questions

Making the reality of free speech and press connect with the words in the constitution remains a challenge in all countries, not just those with a majority of Muslim citizens. For example, in a survey of journalists in Ghana, Martin (2020) found that Western-style press freedom guarantees and support for improved right-to-information laws faced “inward-facing concerns about constraints and cultural values” in the country, which is “developing in complicated ways across many social fronts” (p. 69). Constitutions are aspirational instruments, including the ideals that a country believes it should strive to uphold, regardless of the ruling power of the day. But these ideals can conflict with the history and culture of the people. Further, the desires of political regimes to gain and maintain power have resulted in a disconnect that is evident from the aforementioned examples of strife in Muslim-majority countries. As Mark J. Kelly (2010) noted in the context of the Kurdish constitution that was drafted in the framework of the Iraqi constitution after the fall of Saddam Hussein in 2003,

It is important to be mindful of the reality of what is achievable given the society and what is written in the constitutional document. The bridge between the written word and what actually happens can sometimes be long—or even unattainable. (p. 710)

To examine the disconnect between the ideals of free speech and press in the constitutions of Muslim-majority countries and reports of oppression of dissidents and journalists, the following research questions are examined:

- RQ1: What is the association between the inclusion/exclusion of Islam in Muslim-majority countries' constitutions and freedom of speech in the constitution?*
- RQ2: What is the association between the inclusion/exclusion of Islam in Muslim-majority countries' constitutions and freedom of press in the constitution?*
- RQ3: What is the association between freedom of speech and freedom of press in the constitutions of the Muslim-majority countries?*
- RQ4: What is the association between the inclusion/exclusion of Islam in Muslim-majority countries' constitutions and actual freedom in these countries?*
- RQ5: What is the association between freedom of speech in the constitutions of the Muslim-majority countries and the actual freedom?*
- RQ6: What is the association between freedom of press and actual freedom in Muslim-majority countries?*

Methodology

This study begins with a content analysis of constitutions of 47 Muslim-majority (that is, where more than 50% of citizens of the country are Muslim) countries, plus Palestine. The analysis looked at how constitutions addressed matters such as religion, freedom of speech, and freedom of press. The countries included in the sample are Afghanistan, Albania, Algeria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei, Burkina Faso, Chad, Comoros, Djibouti, Egypt, The Gambia, Guinea, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kosovo, Kuwait, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, Mali, Morocco, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tajikistan, Tunisia, Turkey, Turkmenistan, United Arab Emirate (UAE), Uzbekistan, Yemen, and Palestinian territories.

The study was conducted in three levels. First, the latest versions of the above countries' constitutions were downloaded from *Constitute* (2020), a project of the Comparative Constitutions Project that includes the most recent version of countries' constitutions. These constitutions were content analyzed for three variables:

- Islam as state religion, which was measured as Yes and No
- Freedom of speech, measured as Yes, No, and Other
- Freedom of the Press, measured as Yes, No, and Other

The inclusion/exclusion of Islam, freedom of speech, and freedom of press were analyzed in a series of chi-squared analyses separately.

After gathering the results of the content analysis of constitutions, the authors created an index to measure how countries rank in actually protecting freedom of speech and freedom of the press. This index was developed from the 2019 reports of Freedom House (FH) and Reporters Without Borders (RSF), which both include factors beyond constitutional guarantees to measure the extent to which these countries value and protect freedom of speech and press. FH ranked 195 countries and 14 territories in three categories—free, partly free, and not free—based on the average of their score for political liberties and civil liberties reviewed by FH. RSF ranked 180 countries and territories in five categories—good situation, satisfactory situation, problematic situation, difficult situation, and very difficult situation—based on the sum of their scores assessed by RSF on items such as pluralism, media independence, censorship, legislative framework, transparency, infrastructure for news production, and abuses and violence against journalists and media workers. Because the categorical measures of FH and RSF were not the same, countries' ranking was the only shared measure between the two sets of data. Any unique countries and territories were taken out of the two lists, the FH ranking was reverse coded, and then, the average scores of the countries' ranking from FH and RSH were used to make the new scale.

Next, the authors compared the results of the content analysis with the rankings in the new scale. The three coded factors in the constitutions (presences of Islam as a state religion, freedom of speech, and freedom of press) were analyzed in relation to actual freedom in Muslim-majority countries based on the average ranking scores of FH and RSF in a series of one-way analysis of variance (ANOVA) tests. One-way

ANOVA tests are appropriate for this study to examine the significance of the mean differences in ratio data (Tabachnick & Fidell, 2001).

Results

The content analysis revealed that the constitutions of 26 the 48 Muslim-majority countries plus Palestinian territories recognize Islam as state religion (Afghanistan, Algeria, Bahrain, Bangladesh, Brunei, Comoros, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Libya, Malaysia, Maldives, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Syria, Tunisia, UAE, Yemen, and Palestine territories).

The constitutions of 22 Muslim-majority countries did not mention religion or said they are secular: Albania, Azerbaijan, Bosnia and Herzegovina, Burkina Faso, Chad, The Gambia, Guinea, Indonesia, Kazakhstan, Kosovo, Kyrgyzstan, Lebanon, Mali, Niger, Nigeria, Senegal, Sierra Leone, Sudan, Tajikistan, Turkey, Turkmenistan, and Uzbekistan (see Appendix A). Senegal is the only Muslim-majority country that is ranked as having the highest level of freedom in this index, with satisfactory freedom of speech and press, followed by Burkina Faso, Tunisia, Albania, Sierra Leone, and Comoros. Turkmenistan, Syria, Sudan, Saudi Arabia, and Somalia are the least free among the Muslim-majority countries.

Research question 1 asked about the association between religion and freedom of speech in the Muslim-majority countries. There was no significant difference between countries with Islam as their state religion and the secular one for the inclusion/exclusion of freedom of speech in their constitutions ($\chi^2 = 1.766$, $df = 1$, $p = .184$). As Table 1 shows, all of the countries (22) that do not have Islam as their state religion have guaranteed freedom of speech in their constitutions, while only 92.3% of the countries that have Islam as their state religions have such freedom in their constitutions. Furthermore, two countries with Islam as their state religions do not have freedom of speech in their constitutions—Brunei and Saudi Arabia.

Table 1. Inclusion/Exclusion of Islam and Freedom of Speech in Muslim-Majority Countries.

Freedom of Speech	Islam as State Religion		Total
	Yes	No	
Yes	24 (92.3%)	22 (100%)	46 (95.9%)
No	2 (7.7%)	0 (0%)	2 (4.1%)
	26	22	48

Note. $\chi^2 = 1.766$; $df = 1$; $p = .184$.

Research question 2 asked about the association between Islam in the constitution and freedom of the press in Muslim-majority countries. There was no significant difference between countries with Islam as the state religion and secular countries in their inclusion of freedom of the press in constitutions ($\chi^2 = .432$, $df = 1$, $p = .511$).

As Table 2 shows, 90.9% of the countries ($n = 22$) that do not have Islam as the state religion have freedom of the press in their constitutions; whereas, only 9.1% ($n = 2$) with no official religions in their constitutions do not include free press protections—Bosnia and Herzegovina and Turkmenistan.

Table 2. Inclusion/Exclusion of Islam and Freedom of Press in Muslim-Majority Countries.

Freedom of Press	Islam as State Religion		Total
	Yes	No	
Yes	22 (84.6%)	20 (90.9%)	42 (87.5%)
No	4 (15.4%)	2 (9.1%)	6 (12.5%)
	26	22	48

Note. $\chi^2 = .432$; $df = 1$; $p = .511$.

At the same time, 84.6% of the countries ($n = 22$) with Islam as their state religions have freedom of the press in their constitutions and 15.4% ($n = 4$) do not—Brunei, Djibouti, Malaysia, and Saudi Arabia.

Research question 3 asked about the association between freedom of speech and freedom of the press in the constitutions of Muslim-majority countries. There was a significant association between freedom of speech and press in the constitutions of Muslim-majority countries ($\chi^2 = 14.609$, $df = 1$, $p < .000$). As Table 3 indicates, countries that have freedom of speech in their constitutions are more likely to have freedom of the press (89.1%) than the countries with no freedom of speech (10.9%). The two countries that guarantee neither free speech nor free press in their constitutions are Brunei and Saudi Arabia.

Table 3. Freedom of Speech and Press in the Constitutions of Muslim-Majority Countries.

Freedom of Press	Freedom of Speech		Total
	Yes	No	
Yes	41 (89.1%)	0 (0%)	41 (87.5%)
No	5 (10.9%)	2 (100%)	7 (12.5%)
	46	2	48

Note. $\chi^2 = 14.609$; $df = 1$; $p < .000$.

Research question 4 asked how the inclusion or exclusion of Islam in constitutions is associated with actual existence of freedom in Muslim-majority countries. A one-way ANOVA test found that inclusion/exclusion of religion had a significant impact on the overall freedom in Muslim-majority countries, $F(1, 46) = 5.387$, $p < .05$. Countries that have religion their constitution have higher levels of restrictions ($M = 138.98$, $SD = 25.62$) than countries that do not recognize Islam as their state religion ($M = 117.61$, $SD = 37.82$). As Table 4 and Figure 1 show, there is more freedom in secular Muslim-majority countries

than the Islamic ones. The top two Muslim-majority countries in the freedom index created for this study are Senegal and Burkina Faso, both with no state religion, followed by Tunisia, which has Islam as its state religion. In other words, from the top five free Muslim-majority countries, only one of them had Islam as state religion.

Table 4. Inclusion/Exclusion of Islam and Actual Freedom in Muslim-Majority Countries.

	<i>M</i>	<i>SD</i>	<i>N</i>	<i>F</i>
Yes	138.9808	25.62557	26	5.387
No	117.6136	37.82382	22	
Total	129.1875	33.23060	48	

Note. $p = .025$.

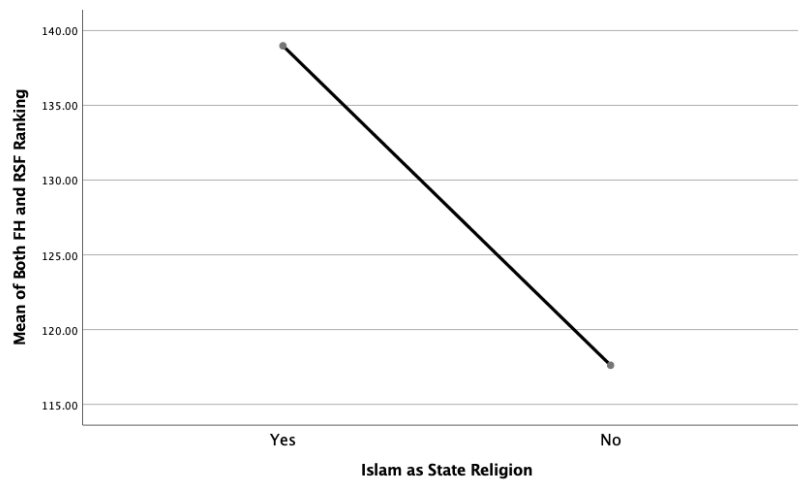


Figure 1. Inclusion/exclusion of Islam, actual freedom in Muslim-majority countries.

Research question 5 asked how about the association between freedom of speech in the constitutions of the Muslim-majority countries and actual freedom based on the FH/RSF index. There was no significant difference between countries for having freedom of speech in their constitutions and actual freedom in these countries $F(1, 46) = 1.675, p = .202$. Countries that have freedom of speech in their constitutions ranked lower ($M = 127.9022, SD = 33.23278$) than those with no freedom of speech in their constitutions ($M = 158.7500, SD = 19.44544$).

Table 5. Freedom of Speech in Constitutions and Actual Freedom in Muslim-Majority Countries Based on Freedom Index.

	<i>M</i>	<i>SD</i>	<i>N</i>	<i>F</i>
Yes	127.9022	33.23278	46	1.675
No	158.7500	19.44544	2	
Total	129.1875	33.23060	48	

Note. $p = .202$.

The key finding is that countries with no freedom of speech in their constitutions are not free; these countries, Brunei and Saudi Arabia, are in very difficult situations in terms of freedom and democratic rights. Table 5 shows that there is more freedom in the countries that have freedom of speech guaranteed in their constitutions, while there is not similar freedom in countries that do not protect these in the text of their constitutions.

Research question 6 asked about the association between freedom of the press and actual freedom in Muslim-majority countries. There was no significant association between constitutional freedom of speech and actual freedom in Muslim-majority countries $F(1, 46) = .553, p = .461$. Countries that have constitutional free press protections are ranked lower in the freedom index ($M = 127.8333, SD = 33.22845$) than the countries with no constitutional freedom of the press ($M = 138.6667, SD = 34.68525$). As Table 6 shows, there is more freedom in countries that have freedom of the press in their constitutions than in the countries with no freedom of the press in their constitution. Malaysia and Bosnia and Herzegovina are the two countries with no free press protections mentioned in their constitutions, but they have higher ranks in terms of freedom. Turkmenistan, Saudi Arabia, Djibouti, and Brunei are the four countries with no freedom of press that are also ranked at the bottom of the index.

Table 6. Freedom of Press and Actual Freedom in Muslim-Majority Countries.

	<i>M</i>	<i>SD</i>	<i>N</i>	<i>F</i>
Yes	127.8333	33.22845	42	.553
No	138.6667	34.68525	6	
Total	129.1875	33.23060	48	

Note. $p = .461$.

Discussion and Conclusion

This study explored the relationships between recognizing Islam as the state religion in the constitution of 47 Muslim-majority countries and Palestinian territories in relation to the actual 2019 FH and RSF reports (see Appendix B). More than half of Muslim-majority countries recognize Islam as the state religions in their constitutions (Figure 2).

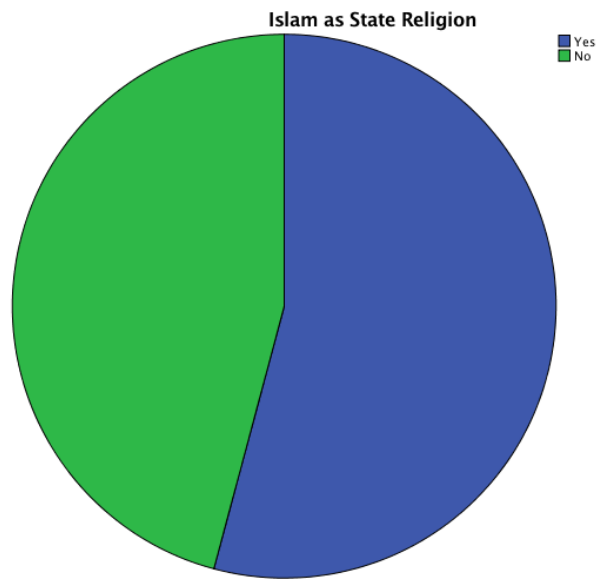


Figure 2. Islam as state religion.

Freedom of speech protections were found in 95.8% (46 of 48) of the Muslim-majority countries' constitutions (see Figure 3).

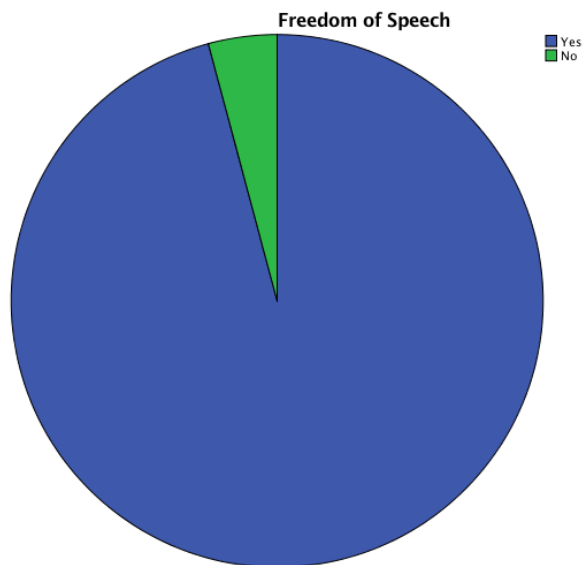


Figure 3. Constitutional freedom of speech.

Free press guarantees were found in the constitutions of 87.5% (42 of 48) of the Muslim-majority countries (Figure 4).

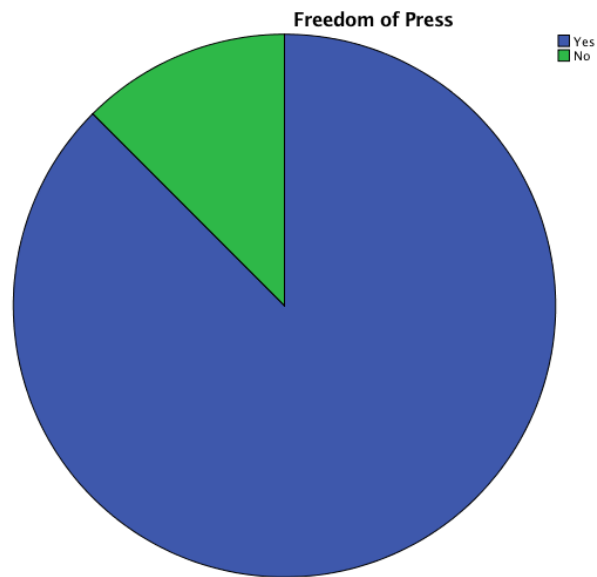


Figure 4. Constitutional freedom of press.

However, as Figure 5 indicates, more than half (25) of the Muslim-majority countries are not considered to be “free,” according to the FH rankings; 21 are partly free, and only two of them free.

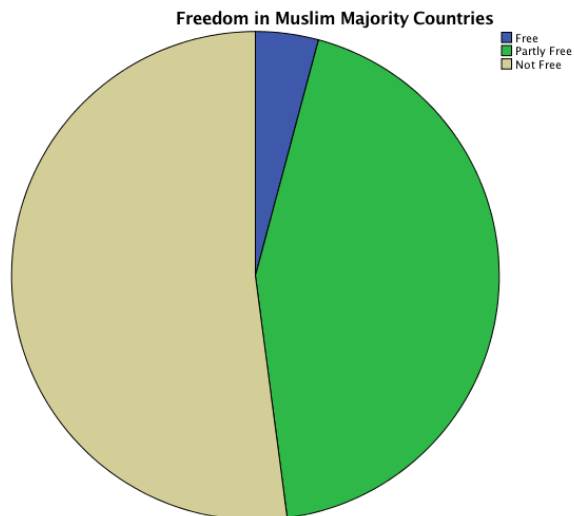


Figure 5. Actual freedom in based on FH.

First, the findings suggest that the inclusion of Islam as the state religion does not result in exclusion of freedom of speech and press in the constitutions of the Muslim-majority countries; only two countries (Brunei and Saudi Arabia) did not provide free speech or press guarantees. In addition to Brunei

and Saudi Arabia, Djibouti and Malaysia are other countries with no freedom of the press in their constitutions. By comparison, Bosnia and Herzegovina and Turkmenistan are the only Muslim-majority countries that do not recognize Islam as a state religion without free press guarantees in their constitutions.

There are some reasons why Brunei and Saudi Arabia are exceptions to the general state of freedom in Muslim-majority countries that protect free speech and press. Both are monarchies, in which one person (the Sultan or Crown Prince) has absolute power. In Brunei, the King, or Yang Di-Pertuan, is the head of the state Islamic religion, advised by the religious council of the country. Similarly, in Saudi Arabia's constitution, it is declared that citizens must pledge allegiance to the king on the basis of the Book of God. The lack of recognition of free speech and press values can be seen in the events surrounding the state-authorized murder of the journalist Jamal Khashoggi, as well as in the physical punishment of citizens who speak out against the monarchy in Saudi Arabia. Likewise, Article 26 of the Brunei's constitution protects human rights in the light of Sharia Law. Brunei is ranked third in the world in human rights violations in 2018 (UN Office for the Coordination of Humanitarian Affairs, 2018).

Second, recognition of Islam as a state religion in the constitutions does make a significant difference when it comes to actual freedom in Muslim-majority countries, according to the index combining the rankings of FH and RSF created for this study. Fourteen countries (Burkina Faso, Senegal, Albania, Sierra Leone, Bosnia and Herzegovina, Kosovo, Niger, Gambia, Kyrgyzstan, Indonesia, Lebanon, Guinea, Nigeria, and Mali) in the top 20 are secular, while only six have Islam as state religion (Tunisia, Comoros, Malaysia, Maldives, Kuwait, and Jordan). In Burkina Faso, Article 8 of the constitution guarantees freedom of speech to press and access to information within the order of law. This provision, and similar ones in other constitutions of the secular countries, does not make freedom of expression subservient to religious leadership or state religion. However, this does not necessarily mean that these freedoms in secular Muslim-majority countries do not come into conflict with the dominant religion. Senegal, for instance, ranked the highest among Muslim-majority countries on the freedom index created for this study, but it struggled with handling parodies and cartoons of the Prophet Muhammad by the French publication *Charlie Hebdo* in 2015 (Gifford, 2016). President Macky Sall expressed solidarity with the publisher after terrorists shot and killed several journalists at *Charlie Hebdo*, but he also had to "make political amends, and placate his political and religious critics" in Senegal, later explaining that while he supported freedom of the press, that freedom "must not lead to needless [religious] provocation," noted Lyombe Eko (2019) in a comparative global study of responses to the *Charlie Hebdo*, saying Sall's response was illustrative of "Senegal's unique Islamo-secularism" (pp. 266–267).

If Islam is declared as a state religion in a country's constitution, it does not foreclose the possibility that the country may still recognize free speech and press as important values. For example, Tunisia has Islam as its state religion, but Article 42 of the Tunisia's constitutions not only grants freedom of speech and press without any limits but also encourages citizens toward tolerance and openness to differences, rejection of violence, and dialogue.

Some Muslim-majority countries are secular or moderate regarding religion. For instance, Morocco is a country with Islam as state religion that emphasizes "moderate Islam" in the constitution. Albania is another secular Muslim-majority country that guarantees freedom of speech and press and prohibits

ensorship. The first two clauses of Article 10 of the Albania's constitution directly state that there is no official religion and guarantees freedom of speech.

However, some secular Muslim-majority countries still restrict freedom of speech and press for nonreligious reasons. Turkmenistan—the country that banned the word “coronavirus” from being used by citizens or state-controlled media as it asserted that the country had no cases in 2020—was ranked as the least free country among the 48 Muslim-majority countries including Palestinian territories. In Turkmenistan, an authoritarian regime has been in place since the country's establishment in 1991. Similarly, Uzbekistan's constitution restricts speech if it involves any other country or secret. Political and social systems continued to rule in Turkmenistan after the fall of the Soviet Union (Bohr, 2016), perhaps reflecting cultural norms more out of the Soviet era. Both Turkmenistan and Uzbekistan were under Soviet communism for about 70 years before becoming independent in 1991, and the Uzbek and Turkmen languages' alphabets were changed to Cyrillic from Arabic, which were changed into Latin after 1991, perhaps further distancing people from history and culture that would support freedoms similar to other Muslim-majority countries (Montgomery, 2007).

Turkey is another secular state that does not recognize Islamic values in its constitution and does not limit freedom of speech and press, but nevertheless places restrictions regarding “national security, public order, prevention of crime, protection of public health and public morals, or protection of the rights and freedoms of others” (*Turkey's constitution*, 2017, Art. 22). These restrictions in the law have enabled Turkey's government, in recent years, to persecute journalists, protestors, and political opponents (Rubin, 2018). By 2019, Turkey had jailed more than 120 journalists, more than any other country in the world (Kucukgocmen, 2019).

Third, the analysis showed that inclusion of freedom of speech and press guarantees in constitutions does not correlate directly with actual freedom for expression and press in the Muslim-majority countries. This disconnect often occurs because freedom of speech is only protected as long as the speech does not contradict Islamic values. Writers, journalists, filmmakers, and other artists are jailed, fined, and even sentenced to death for saying something against Islam (“Jail upheld,” 2009; Kamali, 1997; Kolig, 2018; Vogt, 2009). As a result, of the 42 Muslim-majority countries with freedom of the press in their constitutions, only nine of them ranked in the top 100 countries in the freedom index created for this study, while 39 of them ranked at 100 or lower, meaning 81% of Muslim-majority countries were not living up to the promises of their constitutional guarantees. Of these 39 countries, 26 (66%) have Islam as their state religion. An example of these is Afghanistan, an Islamic state that is not free based on the FH's 2019 Report. Even though freedom of speech and press are granted in Articles 34 of the Afghanistan's constitution, the first three articles of the constitution emphasize the importance of religion in civil lives of the people. Article 3 of the Afghanistan's constitution states that “No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan” (*Afghanistan's constitution*, 2004, Art. 3). Similarly, Yemen's constitution states that “defending religion and the homeland is a sacred duty, military duty is an honor, and national service is to be organized by law” (*Yemen's constitution*, 2015, Art. 60). This is in spite of the fact that another article of Yemen's constitution “confirms its adherence to the UN Charter, the International Declaration of Human Rights, the Charter of the Arab League, and Principles of international Law which are generally recognized” (*Yemen's constitution*, 2015, Art. 6). Still, Yemen was reported as the second-most

violent country regarding human rights in 2018 (UN Office for the Coordination of Human Affairs, 2018). Pakistan is another country that puts Islamic values in the forefront of all other rights, noting:

Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof. (*Pakistan's constitution*, 2015, Art. 19)

Some other Muslim-majority countries recognize freedom of speech to some extent, but note that it is limited by other laws, making it fall short as a constitutional guarantee. For example, the UAE's constitution states that freedom of expression, resistance, communication, and assembly are guaranteed "within the limits of law," while also declaring Islam as an official religion and Shari'a as the "principal source or legislation in the Union" (*United Arab Emirates's constitution*, 2004, Arts. 29, 30, 31, & 7). Similarly, in the Constitution of the Islamic Republic of Iran, some of the articles directly refer to verses of the Quran in relation to Iranian citizens' rights and their governments. For freedom of speech the Constitution says, "Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public" (*Iran's constitution*, 1989, Art. 24).

In sum, even though the inclusion of religion and religious laws in the constitution can be a factor in the restriction of freedom of speech and press, the actual freedom in a country likely depends more on the political regime and the history or culture of the country, rather than recognition of Islam as a state religion alone. Looking at the constitution of Tunisia, for example, in which Islam is named as the state religion, the country has been able to grant freedom of expression and press to point that it is considered one of only two free Muslim-majority states in the world, according to FH. At the same time, some secular states such as Turkey that claim democracy with no religion in their constitutions, not only impose censorship, but also punish people for expressing thoughts and ideas against their governments. The inclusion of freedom of speech and press in the constitutions is the building block of such freedom in societies, but it is reliant on the culture and the political regimes in power.

The main limitation of this study is that it is reliant on subjective rankings by world organizations measuring freedom, rather than direct study of actual freedoms in these countries through other methods that could be challenging, costly, and time-consuming. Future studies could examine the constitutional freedom with primary data gathered directly by themselves, either through surveys or interviews of experts in the countries, for example, particularly looking at the relationship between culture, state religion, and political attempts to guarantee these central freedoms.

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Appendix Table A. Ranking of Muslim-Majority Countries on FH/RSF Scales and Averages.

Freedom House (FH)			Reporters Without Borders (RSF)			Average of FH and RSF		
Country	Rank	Freedom	Country	Rank	Freedom	Country	Islam	Rank
Senegal	65	Free	Burkina Faso	36	Satisfactory	Senegal	No	57
Tunisia	70	Free	Senegal	49	Problematic	Burkina Faso	No	63.5
Albania	71	Partly Free	Comoros	56	Problematic	Tunisia	Yes	71
			Bosnia and			Albania		76.5
Sierra Leone	77	Partly Free	Herzegovina	63	Problematic		No	
Indonesia	87	Partly Free	Niger	66	Problematic	Sierra Leone	No	81.5
Burkina Faso	91	Partly Free	Tunisia	72	Problematic	Comoros	Yes	82
Kosovo						Bosnia and		82
	99	Partly Free	Kosovo	75	Problematic	Herzegovina	No	
Bosnia and						Kosovo		87
Herzegovina	101	Partly Free	Albania	82	Problematic		No	
Malaysia	102	Partly Free	Kyrgyzstan	83	Problematic	Niger	No	87.5
Nigeria	107	Partly Free	Sierra Leone	86	Problematic	The Gambia	No	103.5
Comoros	108	Partly Free	The Gambia	92	Problematic	Kyrgyzstan	No	103.5
Niger	109	Partly Free	Maldives	98	Problematic	Indonesia	Yes	105.5
Lebanon	114	Partly Free	Lebanon	101	Problematic	Lebanon	Yes	107.5
The Gambia	115	Partly Free	Guinea	107	Problematic	Malaysia	Yes	112.5
Mali	116	Partly Free	Kuwait	108	Problematic	Guinea	No	112.5
Guinea	118	Partly Free	Mali	112	Difficult	Maldives	Yes	113
Bangladesh	121	Partly Free	Nigeria	120	Difficult	Nigeria	No	113.5
Pakistan	122	Partly Free	Afghanistan	121	Difficult	Mali	No	114
Kyrgyzstan	124	Partly Free	Chad	122	Difficult	Kuwait	Yes	117.5
Jordan	125	Partly Free	Malaysia	123	Difficult	Jordan	Yes	127.5
Kuwait	127	Partly Free	Indonesia	124	Difficult	Morocco	Yes	129
Maldives	128	Partly Free	Qatar	128	Difficult	Afghanistan	Yes	130
Algeria	129	Partly Free	Jordan	130	Difficult	Pakistan	Yes	132
Iraq	132	Not Free	Oman	132	Difficult	Algeria	Yes	135
Turkey	134	Not Free	UAE	133	Difficult	Qatar	Yes	135
Brunei	138	Not Free	Morocco	135	Difficult	Bangladesh	Yes	135.5
Afghanistan	139	Not Free	Palestine	137	Difficult	Oman	Yes	138
Djibouti	140	Not Free	Algeria	141	Difficult	Chad	No	139.5
Qatar	142	Not Free	Pakistan	142	Difficult	Iraq	Yes	144
Morocco	144	Not Free	Bangladesh	150	Difficult	UAE	Yes	144.5
Oman	144	Not Free	Brunei	152	Difficult	Brunei	Yes	145
Kazakhstan	146	Not Free	Iraq	156	Difficult	Turkey	No	145.5
Egypt	147	Not Free	Turkey	157	Difficult	Palestine	Yes	146
Iran	155	Not Free	Kazakhstan	158	Difficult	Kazakhstan	No	152

UAE	156	Not Free	Uzbekistan	160	Difficult	Egypt	Yes	155
Chad	157	Not Free	Tajikistan	161	Difficult	Djibouti	Yes	156.5
Bahrain	162	Not Free	Libya	162	Very Difficult	Iran	Yes	162.5
Yemen	163	Not Free	Egypt	163	Very Difficult	Uzbekistan	No	163.5
Palestine	164	Not Free	Somalia	164	Very Difficult	Bahrain	Yes	164.5
Azerbaijan	166	Not Free	Azerbaijan	166	Very Difficult	Tajikistan	No	164.5
Uzbekistan	167	Not Free	Bahrain	167	Very Difficult	Libya	Yes	165.5
Tajikistan	168	Not Free	Yemen	168	Very Difficult	Yemen	Yes	165.5
Libya	169	Not Free	Iran	170	Very Difficult	Azerbaijan	No	166
Sudan	171	Not Free	Saudi Arabia	172	Very Difficult	Somalia	Yes	168
Somalia	172	Not Free	Djibouti	173	Very Difficult	Saudi Arabia	Yes	172.5
Saudi Arabia	173	Not Free	Syria	174	Very Difficult	Sudan	No	173
Turkmenistan	176	Not Free	Sudan	175	Very Difficult	Syria	Yes	176.5
Syria	179	Not Free	Turkmenistan	180	Very Difficult	Turkmenistan	No	178

Appendix Table B. Freedom of Speech/Press in Muslim-Majority Countries, Actual Freedom.

Country	Islamic as State Religion	Freedom of Speech	Freedom of Press	Freedom of House Ranking	Reporters Without Borders	Overall Freedom (FH)	Overall Freedom (RSF)
Afghanistan	Yes	Yes	Yes	139	121	Not Free	Difficult
Algeria	Yes	Yes	Yes	129	141	Not Free	Difficult
Bahrain	Yes	Yes	Yes	162	167	Not Free	Very Difficult
				121	150	Partly	Difficult
Bangladesh	Yes	Yes	Yes			Free	
Brunei	Yes	No	No	138	152	Not Free	Difficult
				108	56	Partly	Problematic
Comoros	Yes	Yes	Yes			Free	
Djibouti	Yes	Yes	No	140	173	Not Free	Very Difficult
Egypt	Yes	Yes	Yes	147	163	Not Free	Very Difficult
Iran	Yes	Yes	Yes	155	170	Not Free	Very Difficult
Iraq	Yes	Yes	Yes	132	156	Not Free	Difficult
				125	130	Partly	Difficult
Jordan	Yes	Yes	Yes	127	108	Free	
						Partly	Problematic
Kuwait	Yes	Yes	Yes			Free	
Libya	Yes	Yes	Yes	169	162	Not Free	Very Difficult
				102	123	Partly	Difficult
Malaysia	Yes	Yes	No	128	98	Free	
						Partly	Problematic
Maldives	Yes	Yes	Yes	144	135	Free	
						Partly	Difficult
Morocco	Yes	Yes	Yes			Free	

Oman	Yes	Yes	Yes	144	132	Not Free	Difficult
				122	142	Partly	Difficult
Pakistan	Yes	Yes	Yes			Free	
Palestine	Yes	Yes	Yes	164	137	Not Free	Difficult
Qatar	Yes	Yes	Yes	142	128	Not Free	Difficult
Saudi Arabia	Yes	No	No	173	172	Not Free	Very Difficult
Somalia	Yes	Yes	Yes	172	164	Not Free	Very Difficult
Syria	Yes	Yes	Yes	179	174	Not Free	Very Difficult
Tunisia	Yes	Yes	Yes	70	72	Free	Problematic
UAE	Yes	Yes	Yes	156	133	Not Free	Difficult
Yemen	Yes	Yes	Yes	163	168	Not Free	Very Difficult
				71	82	Partly	Problematic
Albania	No	Yes	Yes			Free	
Azerbaijan	No	Yes	Yes	166	166	Not Free	Very Difficult
				101	63	Partly	Problematic
Bosnia and Herzegovina	No	Yes	No			Free	
				91	36	Partly	Satisfactory
Burkina Faso	No	Yes	Yes			Free	
Chad	No	Yes	Yes	157	122	Not Free	Difficult
				115	92	Partly	Problematic
The Gambia	No	Yes	Yes			Free	
				118	107	Partly	Problematic
Guinea	No	Yes	Yes			Free	
				87	124	Partly	Difficult
Indonesia	No	Yes	Yes			Free	
Kazakhstan	No	Yes	Yes	146	158	Not Free	Difficult
				99	75	Partly	Problematic
Kosovo	No	Yes	Yes			Free	
				124	83	Partly	Problematic
Kyrgyzstan	No	Yes	Yes			Free	
				114	101	Partly	Problematic
Lebanon	No	Yes	Yes			Free	
				116	112	Partly	Difficult
Mali	No	Yes	Yes			Free	
				109	66	Partly	Problematic
Niger	No	Yes	Yes			Free	
				107	120	Partly	Difficult
Nigeria	No	Yes	Yes			Free	
Senegal	No	Yes	Yes	65	49	Free	Problematic
				77	86	Partly	Problematic
Sierra Leone	No	Yes	Yes			Free	
Sudan	No	Yes	Yes	171	175	Not Free	Very Difficult

Tajikistan	No	Yes	Yes	168	161	Not Free	Difficult
Turkey	No	Yes	Yes	134	157	Not Free	Difficult
Turkmenistan	No	Yes	No	176	180	Not Free	Very Difficult
Uzbekistan	No	Yes	Yes	167	160	Not Free	Difficult
