

Anti-Hate Speech in the Holy Qur'an and Legal Legislation: An Objective Comparative Study

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Abstract

Objectives: This study examines the stance of both the Holy Qur'an and legal legislations on hate speech. It explores Qur'anic verses that reject hate speech and violence while promoting tolerance and peaceful coexistence. The study also analyzes legal provisions addressing hate speech.

Methods: The research employs an inductive approach to identify relevant Qur'anic verses and legal provisions, followed by an analytical approach that examines interpretations of these verses and evaluates legal frameworks combating hate speech.

Results: The study finds that hate speech is an unethical practice condemned by the Holy Qur'an, which establishes principles for peaceful human interaction regardless of differences in race, language, or appearance. While legal systems address hate speech, they still require stricter regulations to criminalize such rhetoric effectively.

Conclusions: Societies must actively combat hate speech through all available means. Strengthening legal measures and promoting the ethical guidelines set by the Qur'an can contribute to reducing hate speech and fostering social harmony.

Keywords: Speech, hate, methodology, mechanisms, Qur'an, law, crime.

الخطاب المضاد لخطاب الكراهية في القرآن الكريم والتشريعات القانونية، دراسة موضوعية مقارنة

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ملخص

الأهداف: هدفت هذه الدراسة "الخطاب المضاد لخطاب الكراهية في القرآن الكريم والتشريعات القانونية، دراسة موضوعية مقارنة" إلى الكشف عن موقف كل من القرآن الكريم، وبعض التشريعات القانونية من خطاب الكراهية، وقد ارتكزت الدراسة على بعض آيات القرآن الكريم الرافضة لخطاب الكراهية، ونيز العنف، والداعية إلى التسامح، والتعايش السلمي بين أفراد المجتمعات، كما ارتكزت أيضاً على بعض التشريعات والأحكام القانونية المتعلقة بهذا الموضوع.

المنهجية: اتبع الباحثان في هذه الدراسة المنهج الاستقرائي؛ لتتبع الآيات القرآنية الدالة على موقف القرآن الكريم من خطاب الكراهية، كما تتبعا بعض التشريعات القانونية، وبيان موقفها من خطاب الكراهية، ثم أعقب ذلك المنهج التحليلي متمثلاً النظر في تحليل المفسرين وتأويلاتهم للآيات الدالة على هذا الموضوع، والكشف عن موقف بعض التشريعات في التصدي لخطاب الكراهية

النتائج: توصلت الدراسة إلى جملة من النتائج أهمها: خطاب الكراهية ممارسة لا خلقية تجاه الإنسان، وقد تصدى القرآن الكريم له، حيث رسخت الآيات الكريمة منهجيات مختلفة في كيفية التعامل الإنساني مع جميع البشر على اختلاف ألوانهم وصورهم وأشكالهم ولغاتهم، وكما تصدت القوانين لخطاب الكراهية، إلا أنها لا تزال تحتاج إلى قوانين قاطعة تجرم هذا الخطاب.

الخلاصة: خلصت الدراسة إلى أنه يجب على المجتمع الإنساني محاربة مثل هذا النوع من الخطاب، والحد منه بمختلف الوسائل والأساليب المتاحة.

الكلمات الدالة: خطاب، كراهية، منهج، آيات، القرآن، القانون، جريمة.



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Introduction

Praise be to Allah, the Lord of the Worlds, and the best prayer and peace be upon the honorable Prophet Muhammad bin Abdullah, after that

Hate speech is currently a form of destruction of relations between individuals, nations and peoples, a negative image that is still entrenched in some souls and minds, and a language used by some members of peoples, reflecting the barbarity of their thinking and belief, whether regarding skin and color, gender and race, belief, opinion and thought, affiliation and loyalty, or other forms and images of hatred.

Meditator in both Holy Qur'an and the laws established by mankind have both addressed this type of discourse. The Holy Qur'an rejects hate speech and rejects it with an organized methodology and precise principles in addressing it, calling for a counter-discourse that includes different methodologies that distance man from this type of hateful discourse and guide man to different methodologies and ways of dealing with it. Most countries have also addressed this inhumane discourse and tried to develop legislation and laws that criminalize hate speech, but these attempts varied from one country to another.

Based on the above, this study came as a research case that prompted the two researchers to monitor it, identify its issues, reveal it, clarify the position of the Holy Quran in addressing it, and what the scholars, including interpreters, jurists, and legal legislators, said about it, as well as the mechanisms to address it.

Importance of the study: The importance of this study stems from the following:

1-Explores an important issue in human life from a Qur'an and legal angle, especially in contemporary times, which in most aspects is suffering from a decline in values, ideas and orientations, and is dominated by forms and colors of hatred, and the language of hatred and resentment, so the call for tolerance, rejection of violence and the rule of harmony has become a contemporary demand from all mankind.

2- Showing the vision and approach of the Holy Quran in dealing with hate speech, as the Holy Quran proves every day that it is the constitution of the nation and its spiritual book, which is indispensable for humanity, in which all religious, educational, social and human values are manifested.

3-Highlighting the legal legislative position on hate speech in some Arab and international legal texts.

Problem of the study: The issue of the study lies in its main question, "What is the methodology of the Holy Qur'an and the position of international law on hate speech?" Through this question, the following questions arise:

- 1- What is meant by hate speech?
- 2- What is the approach of the Holy Qur'an in dealing with hate speech?
- 3- What is the position of some legal legislation on hate speech?
- 4- What international legal legislation criminalizes hate speech and which does not?

Objectives of the study: The importance of the study lies in the following:

- 1- Clarifying what is meant by hate speech.
- 2- Revealing the position of the Holy Qur'an and its approach to confronting hate speech.
- 3- Revealing the position of some legal legislation on hate speech.
- 4- Comparing the position of international legal legislation on hate speech, whether it is criminalized or not.

Previous studies: The studies that dealt with the topic of hate speech are many and different, and perhaps the most prominent studies are:

- **The study of Yahya Muqbil Saleh Al-Sabahi** (2021) entitled "Types of Hate Speech and the Holy Quran's Dealing with It." This study aimed to reveal the concept of hate speech, its types, and the ways in which the Holy Quran deals with it. (Al-Sabahi, 2021, 60 - 98)

-**The study of Abdul Qader Ben Azzouz** (2023) entitled "Hate speech, a study in the light of the Holy Qur'an and the Sunnah of the Prophet" This study aimed to show the treatment of the phenomenon of hate speech by returning to the verses of the Holy Qur'an and the Sunnah of the Prophet, and showing some forms of hate speech. (Ibn Azzouz, 2003, pp. 187-206).

-**The study of Houria Khalifa Al-Tormal** (2024), entitled “An Overview of the Islamic Methodology of Confronting Hate Speech”, this study aimed to clarify the methodology of Islam in confronting hate speech, identify what tolerance is in Islam, as well as identify the features of the methodology of Islam in confronting hate in dealing with the other.(Al-Tormal, 2024, pp. 421-431).

-**The study of Layla Maash** (2024) entitled “The culture of hatred and its treatment in the light of Quran education, an objective Quran study” This study aimed to show that the Holy Quran is not full of instructions and sermons to instill tolerance and confront hatred in all its manifestations, but it contains scientific educational methods that are derived by conscious deliberative reading that is authentic and open to the reality of the contemporary human world (Maash, 2024, pp. 84-107).

Research methodology: The study relied on the following two approaches:

-**The inductive approach**, by extrapolating the Qur'an verses referring to hate speech, and extrapolating some legislations that dealt with this topic.

- **Analytical approach:** By studying the topic of hate speech and analyzing it scientifically based on the Qur'an text, and interpreted by the people of the interpretation, and what some legislators have stated about it in most laws.

Research plan: The nature of the study and its main determinants necessitated dividing it into three topics:

- The introductory topic: Hate speech, its concept, and its causes.

- Requirement one: The concept of hate speech.

- Requirement two: Causes of Hate Speech.

- **Topic one: The methodology of counter-discourse against hate speech in the Holy Quran and the mechanisms for dealing with it.**

- Requirement one: Mental and intellectual methodology.

- Requirement two: The heart and spiritual methodology.

- Requirement three: Psychological methodology.

- Requirement four: Social methodology.

- **Topic two: The Position of Legal Legislation on Hate Speech**

- Requirement one: The general position on hate speech in international law.

- Requirement two: International efforts to criminalize hate speech.

- **Conclusion.**

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INTODUCTORY TOPIC

Hate speech, its concept, and its causes.

Hate speech is characterized by a variety of concepts and multiple causes:

Requirement one: The concept of hate speech.

It is all “verbal or written violence, which includes explicit or implicit aggressive incitement, encouraging the recipient to violent behavior towards the other, targeting his existence, thought and belief, and it is a speech that goes beyond mere aversion, but aims to harm the other, dehumanize him, harass him, intimidate him, marginalize him, degrade his dignity and humiliate him, and exploit him to establish the idea of indifference to his characteristics and provoke brutality against him, based on racist beliefs and perceptions” (Al-Sabahi, 2021, p. 68).

According to the United Nations, it is “any type of oral, written or behavioral communication that attacks or uses derogatory or discriminatory language with reference to a person or group on the basis of identity, in other words on the basis of religion, ethnicity, nationality, race, color, origin, gender or any other identifying factor” (United Nations, Understanding Hate Speech).

Therefore, hate speech is a term that denotes the feelings of hatred, and malice in the human psyche and the human mind, and its transgression into harmful practical practices that are harmful to human beings because of their different color,

gender, race, language and religion.

Requirement two: Causes of Hate Speech from Quran Perspective

Perhaps the main reason behind this is the eternal struggle between the ego, us and the other. This has led to the birth of hatred, and suicide among human beings. Those who ponder the verses of the Holy Qur'an will find that they refer to the influence of this ego/us/other in various places, such as: "I am better than him, you created me from fire and you created him from clay" (Al-A'raf: 12). Satan was the first to call for the hateful speech of discrimination, and then he spread his whispers in the weak human soul, pushing it to arrogance and exaggeration of the self and its elevation, such as the saying, "They say, 'If we return to the city, we will drive out the strongest from it, the weakest from it, but Allah has the glory, His Messenger and the believers, but the hypocrites do not know (Al-Munafiqun: 8

This verse was revealed in the Muhajireen and the Ansar after Satan and the hypocrites slandered between them, stirring up tribalism, but the Messenger of Allah, may Allah bless him and grant him peace, extinguished it. Al-Tabari said in the reason for the revelation that it was because a man from the Muhajireen stung a man from the Ansar, that is, he struck him with his hand or with the chest of his foot. (Al-Tabari, 2001, part 22, p661)

The (ego) (us) and the arrogance of the human self and the arrogance of the (other) is a motivating reason for the elevation of the hated speech among people, Almighty God says: "When they meet those who believe, they say, 'We believe,' and when they retreat to their demons, they say, 'We are with you, we are only mockers'" (Al-Baqarah: 14). This verse is a reference to the speech of the hypocrites in belittling religion, magnifying disbelief and mocking the Muslims, but "Allah mocks them" and makes them an example, for it is Allah who mocks them with a great mockery, against which their mockery becomes like nothing, and it also implies that it is Allah who takes over their mockery to avenge the believers and does not require the believers to counter it with similar mockery (Al-Razi, 1420 AH, part 2, p. 310)

From the perspective of the Holy Quran, the source of hate speech and its most important causes is the human self and its view of others and its attitude towards them, as it is the self that can produce a moderate tolerant discourse or a hostile and hateful discourse towards others

TOPIC ONE

The methodology of discourse against hate speech in the Holy Qur'an and the mechanisms for dealing with it.

he first section: The methodology of discourse against hate speech in the Holy Quran and the mechanisms for dealing with it.

The verses of God Almighty include a discourse methodology against the aspects and types of hate speech, the most prominent of which are:

Requirement one : The rational and intellectual methodology.

The Holy Quran addressed the human mind away from emotions and their appeal, and guided it with wisdom and rationality to the ways of contemplation and guidance in this life and the hereafter, as the mind is the effective tool through which a person knows what is good for him and what benefits him in this life and the hereafter (Al-Muhasibi, 2000, p. 169). The Holy Qur'an also calls on legal legislation to preserve the rights of the mind at various cultural and intellectual levels (Marji, 2021, pp. 205-211).

The rational and intellectual methodology mentioned in the verses of the Holy Quran contributed to removing false and corrupt concepts from the human mind, and pushed it to contemplate human aspects away from fanaticism for an opinion or position, and directed to be mentally alert because of its importance and effects in Islamic law that affect various aspects of life, including contemplation of worldly life (Al-Kandari, 2025, pp. 6-10). So sometimes we find the Holy Quran presenting the call to monotheism of God in the language of rational contemplation and without carrying the speech to fanaticism or coercion as in the Almighty's saying: {There is no compulsion in religion. The right course has become distinct from the wrong.} (Al-Baqarah: 256). Ibn Uthaymeen said: "People will not enter the religion of God Almighty under compulsion, but rather they will enter by choice." (Ibn Uthaymeen, 1423 AH, vol. 3, p. 264) .

Sometimes it emphasizes the honor of man and his position over all of God's creatures, as the Almighty said: {And We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things

and preferred them over much of what We have created, with [definite] preference.} (Al-Isra: 70). This is part of his generosity towards them and his incomparable benevolence, as he honored the children of Adam in all forms of honor. (Al-Saadi, 2000, p. 643). Just as there is no human being better or lower than another due to shape, color or gender, they are all equal before Allah. Rational discourse is a Quran method that addresses all of humanity in all circumstances. In calling to Allah, it addresses them on one basis based on the fact that all people are servants of Allah, and there is no obedience to any creature in disobedience to the Creator. Hence, the Holy Qur'an rejected the ideas of following and imitating based on ignorance and fanaticism, as God Almighty said: "And when it is said to them, 'Follow what God has revealed,' they say, 'Rather, we will follow what we found our fathers doing.' Even though their fathers did not understand anything, nor were they guided?" (Al-Baqarah: 170). As Allah the Almighty said: "And when it is said to them, 'Come to what Allah has revealed and to the Messenger,' they say, 'Sufficient for us is that which we found our fathers doing.' Even if their fathers did not know anything and were not guided?" (Al-Ma'idah: 104). Al-Shawkani said: "This statement that the pre-Islamic era said has become the focus of the imitators' eyes and their stick upon which they rely if the caller to the truth calls them and the one who shouts the Qur'an and the Sunnah cries out to them. Their protest against someone they imitated who is like them in worshiping God's law while contradicting his saying to the Book of God or to the Sunnah of His Messenger is like what these people said, and the difference is only in the mere verbal expression, not in the meaning upon which the benefit and benefit revolves" (Al-Shawkani, 1414 AH, vol. 2, p. 94) Imitation and following lead to blind fanaticism, whether for a religion, a group, or dark ideas. All of this is denied and rejected by the Qur'an. Because it leads to hatred and the growth of grudges among people, and the rational Qur'an discourse that opposes hatred and rancor directed humanity's attention towards the inevitability of thinking and determining one's destiny based on definitive rulings, not conjectures tainted by corrupt desires. God Almighty said: "Most of them follow nothing but conjecture. Indeed, conjecture avails nothing against the truth. Indeed, God is Knowing of what they do." (Yunus: 36) Suspicion and doubt corrupt the mind, confuse thought, and lead to isolation, fanaticism, and lack of vision with rational insight. An irrational language, tainted with hatred for others, overwhelms a person, bad suspicion leads to adopting a discourse of hatred and malice and issuing preconceived judgments without awareness or realization. In this regard, a number of researchers have indicated that the absence of a rational approach and following bad suspicion in describing Islam among most Westerners is the result of the bleak image that their research, studies, and media have shown about the Islamic personality, especially after the events of September 11, 2001, where a number of them portrayed Islam as a fanatical, backward religion that rejects reform and is closed, not keeping pace with the approach of civilization, and that it is intolerant, violent, and extremist. (Hassanin, 2008, pp. 20-21). (Ibn Saeed, 2010, pp. 153-155).

But the one who contemplates the discourse of the Holy Quran finds it to be otherwise; it is a discourse of the preponderance of reason and thought over suspicion and doubt, and an explicit call for tolerance and reconciliation with oneself and others, far from human fanaticism. Allah the Almighty knows that having bad thoughts about others is one of the corruptions of the mind that leads to stirring up sedition, the destruction of the earth, and the corruption of man. Therefore, Allah the Almighty said: {And if the truth had followed their desires, the heavens and the earth and whoever is in them would have been ruined. Rather, We have brought them their message, but they, from their message, are turning away.} (Al-Mu'minun: 71).

Allah the Almighty knows that if He made the matter of legislation, sending messengers, and the like subject to the corrupt desires of people, the heavens and the earth and whoever is in them would have been ruined. Because their corrupt desires and vain lusts cannot sustain the heavens and the earth, due to the corruption and differences of their desires. The various corrupt desires cannot be the basis of the system of heaven and earth and those in them, but if they were followed, everyone would be corrupted (Al-Mawardi, without date., vol. 4, p. 62). Therefore, the discourse of the Qur'an was against mental corruption resulting from suspicion based on preconceived judgments, and based on rational and logical evidence in various places in its noble verses.

Qur'an discourse is a discourse against the principle of judging on others through belief, doubt, and the negative formation of thought derived from suspicion. This thinking has introduced doubts and suspicions into the human soul, with

its various spectra, and led it to a bad belief in Islam and Muslims, some of them exploited this matter, and the discourse of hatred and malice grew in the souls of successive generations. Therefore, the Noble Qur'an called upon this group to reflect on the importance of what they say so that there is no injustice to Islam and its people. The wise and rational person is aware of what he says, so God Almighty warned against reckless speech and engaging in false conversations and accusations, as Almighty said: "When You receive it with your tongues and say with your mouths that of which you have no knowledge and you think it is insignificant while it is, in the sight of Allah, tremendous. (An-Nur: 15) So the context of the noble verse is in the story of Ifik and Allah's warning against accusing Aisha, may Allah be pleased with her, and described her with false . (Al-Qurtubi, 1964, Vol. 12, p. 196) However, this Qur'an discourse leads to the rejection of all bad discourse and false speech issued by a person in any matter. Ibn Ashour said: "In this there is moral etiquette that a person does not say with his tongue except what he knows and is certain of, otherwise he is one of two types of people: a man of weak opinion, meaning he says something before the matter becomes clear to him, so he is likely to tell a lie and people think he is a liar, or a man who is a deceiver and a hypocrite who says what he believes is the opposite. God Almighty said: {And among the people is he whose speech pleases you in worldly life, and he calls God to witness as to what is in his heart, yet he is the most quarrelsome of opponents.}(Al Baqarah;204) (Ibn Ashour, 1984, vol. 18, p. 178)

Finally, the noble Quran call to think rationally and wisely is a discourse that counters hate speech and contradicts the false accusations that Islam has been accused of that have no connection to it.

Requirement two: Psychological methodology.

The noble Quran discourse adopted a psychological methodology in confronting hate speech and in confronting it, as the noble Quran took care of the Muslim human soul with an innate or predispositional and formative care; This is done through firstly taking care of emotions, feelings and reactions, and secondly educating the soul on motives, incentives and desires, and directing it in the right direction.

Psychological care from the perspective of the noble Quran means from two sides what the soul is innate with, and what it is controlled with; Controlling emotions and feelings and controlling emotions refines and shapes them. The noble Quran education does not despise motives and desires, nor does it find emotion ugly, but rather seeks to direct them in the appropriate direction towards lofty goals and objectives. (Al-Za'balawi, 1996, p. 245) (Al-Qadhami, 1999, part. 1, p. 514). Man is naturally inclined to love goodness, reject evil and injustice, and strive to spread justice; therefore, he is affected by the slightest unpleasant thing, and interacts with joy and kindness with every desirable and desirable thing.

Whoever contemplates the Quran discourse realizes that it is a discourse of refinement and formation of the human soul on the one hand, and a discourse of guidance and instruction on the other hand; When Allah the Almighty says: {Those who spend in ease and hardship, who restrain anger and pardon the people - and Allah loves the doers of good} (Al Imran: 134), He intended by this speech to motivate the Muslim soul and refine it to be among those who accustom themselves to spending in the way of Allah, and control their feelings in suppressing their anger, and restraining the soul, and hasten to do good before doing bad. These people have a great status with Allah. Al-Razi said: "Since these three matters are common in being good to others, He mentioned their reward and said: {And Allah loves the doers of good}, for Allah's love for the servant is the most general of degrees of reward" (Al-Razi, 1420 AH, part. 9 p. 367). If a person follows his soul and pursues its anger, he may fall into injustice that generates hatred and malice, which leads to the growth of animosity and envy, and the tendency towards hatred and fanaticism spreads in the soul, and tyranny spreads among individuals. Therefore, the Holy Qur'an discourse urges the soul to control its emotions and overlook the harm done to others, as God Almighty says: {Repel evil with that which is best. We are most knowing of what they describe.} (Al-Mu'minun: 96). The speech of Muslims, as the verse indicates, is not a speech of hatred, but rather a speech that rejects it and encourages the soul to do better than it. The true Muslim is the one who does good, prefers good over bad, and forgives if he gets angry or people transgress against him. God Almighty says: "And who is better in speech than one who calls to Allah and does righteousness and says, 'Indeed, I am of the Muslims' (33) And not equal are the good deed and the bad, repel evil by that which is better, and, one between you and him enmity, will become faithful guardian."(Fussilat: 33-34) Allah the Almighty said: {And those who avoid the major sins and immoralities, and when they become angry, they forgive.} (Ash-Shura: 37).

The Muslim soul, as explained in the Holy Quran, is not a hostile soul; rather, it is a tolerant and friendly soul, but at the same time it does not accept anyone to attack it. Therefore, Allah forbade Muslims from aggression and transgression without justification, as Almighty said: {And fight in the way of Allah those who fight you but do not transgress. Indeed, Allah does not like transgressors.} (Al-Baqarah: 190). Self-defense is legitimate in the event of an attack on it, in which it does not accept submission and humiliation, nor does it accept aggression, so it has the right to defend and confront whoever attacks it, but this does not mean that it is not a peaceful and gentle soul in dealing with others, as God created it and made it to be a reconciled soul that is tolerant with everyone.

Requirement four : Social methodology.

The Holy Quran addressed human societies in a gentle and loving language in which it called upon them to reject violence and hatred, through complete belief in the Islamic faith, calling for adherence to Islamic Sharia provisions and spreading them among members of the Islamic community, and punishing actions that violate the provisions of Islamic Sharia (Al-Rababah, 2014, pp. 1299-1300). and invited them to avoid the causes that lead to them in their societies, such as the absence of good morals and qualities, as these lead to hatred and animosity between individuals. Al-Mawardi said: "If a person's morals are good, his friends will increase, and his enemies will decrease, so difficult matters will become easy for him, and angry hearts will soften for him.... Among the things that cause bad morals is hatred that the soul is repelled by, so it causes aversion towards the hater, which leads to bad morals that are specific to him and no one else" (Al-Mawardi, 1986, pp. 243-246)

The absence of noble human values of justice and fairness leads to the outbreak of hate speech among people. As Ibn al-Qayyim says, a servant must be just even with his enemies, and his hatred for them should not lead him to be unjust or unfair to them. (Ibn al-Qayyim, 2019, p. 36). Or the spread of social diseases such as severing ties with relatives, friends, acquaintances and neighbors, and the spread of social corruption such as vice, gossip, backbiting, and envy among members of societies. These social causes and others lead to the incitement of feelings of violence and hatred among people. The Holy Quran discourse has established social principles that have played an effective role in combating forms of hatred, including:

- Establishing human societies that respect rights and recognize duties. God Almighty said: "O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most honorable of you in the sight of God is the most righteous of you. Indeed, God is Knowing and Acquainted." (Al-Hujurat: 13). The Holy Quran is keen for these societies to be humane above all else; therefore, it made the status of man in these societies linked to piety.

- Establishing the principle of human brotherhood; Because of its importance in the cohesion and solidarity of the social fabric, He made the prophets, peace be upon them, brothers to the people. God Almighty said: {When their brother Noah said to them, "Will you not fear Allāh? (Ash-Shu'ara: 106). God Almighty also said: {When their brother Hud said to them, "Will you not fear God?"} (Ash-Shu'ara: 124). God Almighty also said: {When their brother Salih said to them, "Will you not fear God?"} (Ash-Shu'ara: 142). God Almighty also said: {When their brother Lot said to them, "Will you not fear God?"} (Ash-Shu'ara: 161). He also made all believers brothers, saying: "The believers are but brothers, so make settlement between your brothers. And fear Allah that you may receive mercy." (Al-Hujurat: 10). The bond of human brotherhood is a strong bond, especially if this relationship stems from pure love and sincere faith in others. A society that is based on such a bond is difficult to penetrate and dismantle, and social diseases cannot infiltrate it, nor can hate speech, rancor, or malice permeate it.

- It is necessary to respect and appreciate the bond of human and social brotherhood, and this can be done through several ways, such as not mocking and ridiculing others, avoiding glances, gestures and name-calling that are not desirable to the human soul, avoiding suspicion and doubt, and avoiding espionage, suspicion, gossip and backbiting, for the saying of Almighty God :{ O you who have believed, let not a people ridicule [another] people; perhaps they may be better than them; nor let women ridicule [other] women; perhaps they may be better than them. And do not insult one another and do not call each other by [offensive] nicknames. Wretched is the name [i.e., mention] of disobedience after [one's] faith. And

whoever does not repent - then it is those who are the wrongdoers. O you who have believed, avoid much [negative] assumption. Indeed, some assumption is sin. And do not spy or backbite each other. Would one of you like to eat the flesh of his brother when dead? You would detest it. And fear Allāh; indeed, Allāh is Accepting of Repentance and Merciful. (Al-Hujrat: 11-12).

- Communicate between people in these societies with kindness, benevolence and sophistication, as the Almighty says: "And say good things to people" (Al-Baqarah: 83). The Almighty says: "So say to him a soft word, that he may remember or fear" (Taha: 44). The Almighty says: "Do not argue with the People of the Book except with that which is best" (Al-Ankabut: 46).

- Rejecting and comforting to violence as Almighty says: "Do not be angry with people who have turned you away from the sacred mosque to commit aggression" (Al-Ma'idah: 2) Al-Shawkani said: "Do not hate a people cause you to attack them, or do not let their hatred cause you to move from truth to falsehood." (Al-Shawkani, 1414 AH, vol. 2, p. 9)

-Urging human and social participation among members of society in spreading moral virtues such as cooperation, charity, giving, and benevolence to people, Almighty God says: "And help each other in righteousness and piety, and do not help each other in iniquity and aggression, and fear God, for God is severe in punishment." (Al-Ma'idah: 2)

TOPIC TWO

The position of legal legislation on hate speech.

Most historical and legal human studies indicate that as a result of the propaganda practiced by German Nazism in World War II and the calls it adopted to incite racism, hatred and discrimination, the international community became convinced of the necessity of highlighting the international legal position on hate speech. Accordingly, hate speech was banned in various international declarations and agreements on human rights issued by the United Nations. (Abu Khot, 2018, p. 119)

Requirement one: The general position on hate speech in international law.

International law has paid great attention to humanity, especially with regard to ensuring that human beings enjoy the right to live a decent life, and not to degrade their human dignity and value, regardless of the nature of the difference between people, whether in terms of race, religion, color, or other. International law has sought to work to prevent all forms of racial discrimination and reject hate speech in many international charters and treaties. (Al-Arabi, 2021, p. 216). (Ben Atta, 2021, p. 7). This includes what was stated in the text of the United Nations Charter in 1945 AD. In its preamble, it emphasizes respect for others, respect for freedoms, equality and non-discrimination. (United Nations Charter), and what is stated in the Universal Declaration of Human Rights: Some provisions of the Universal Declaration of Human Rights issued by the United Nations General Assembly on December 10, 1948 allowed states to intervene to prohibit expressions of hatred or speech that is considered provocative or inciting to it. Accordingly, the Universal Declaration of Human Rights, although it does not explicitly and directly refer to the crime of hate speech, is implicitly understood through its articles to grant legal authority to refute hate speech. (United Nations Document: A/HRC/2/6, Para 15). The Convention on the Prevention and Punishment of the Crime of Genocide also included public incitement to commit genocide as a punishable act, which can be considered a basis for criminalizing hate speech based on what was stipulated in the Convention on the Prevention and Punishment of the Crime of Genocide in Article (3/c), which explicitly stipulates that public incitement to commit genocide is a punishable act. Conspiracy, incitement, attempt and participation are all criminal acts for which the perpetrator deserves criminal accountability, even if the crime did not occur in the first place. (Convention on the Prevention and Punishment of the Crime of Genocide)

As for the United Nations Declaration on the Elimination of All Forms of Racial Discrimination in 1963: Article (2/9) stipulated that hate speech, discrimination and racial discrimination are crimes against society and are punishable by law as are all incitement to violence and all acts of violence committed by individuals or organizations against any race or any group of color or ethnic origin. (General Assembly Resolution No. 18/1904 dated November 20, 1963.)

The International Convention on the Elimination of All Forms of Racial Discrimination is one of the most important international conventions in this regard. It is the first broad international convention that deals extensively with

the crime of hate speech. The convention referred to the crime of hate speech in a direct manner, as it called on the state parties to condemn all propaganda and organizations based on ideas or theories that claim the superiority of a race or group of a particular color or ethnic origin. The drafters of the convention realized the extent to which hate speech contributes to creating a racist atmosphere and racial discrimination through it. (Committee on the Elimination of Racial Discrimination, General Recommendation No. (35) entitled: Combating Racist Hate Speech, Document No. (5), dated September 26, 2013). (Younis, 1994, p. 76). The articles of the convention (2-7) stipulated international standards to confront hate speech. The convention also stipulated the rights that calling for the derogation of them is considered a hate crime, and limited these rights to the right to equal treatment before the courts and all bodies concerned with the administration of justice. The right to personal security and protection by the state from any violence or physical harm from official employees, groups or institutions. Political rights, especially electoral rights, participation in governance and the management of public affairs and holding public office on an equal footing. Civil rights (nationality, marriage, inheritance, movement, ownership, thought, opinion, etc.). Economic rights (work, housing, education, training, and other rights. (Committee on the Elimination of Racial Discrimination (1993). Recommendation No. (15), Article (2-7), Document No. 2)

The American Convention on Human Rights of 1969 stipulated in Article (12) freedom of conscience and religion, while Article (13) stipulated freedom of thought and expression. This article stated: "Any propaganda for war and any advocacy of national or religious hatred that constitutes incitement to unlawful violence or any other illegal and similar act against any person or group of persons, regardless of the cause, including race, color, religion, language or national origin, shall be considered crimes punishable by law." (American Convention on Human Rights, Articles 12 and 13).

While the African Charter on Human Rights of 1981 did not address to hate speech directly, although Africa is one of the continents most exposed to racism, hate speech and violence, its charter was devoid of explicit and direct reference to hate speech and racism, but it referred in some of its aspects to some of the rights and freedoms that fall within the prohibition of incitement to hate speech, as its articles (27) and (28) stated that every person enjoys the rights and freedoms recognized and guaranteed in the charter without discrimination, and the exercise of all rights with due regard for the rights of others, respect for others, and the promotion of respect and tolerance. (African Charter on Human and Peoples' Rights of 1981, Articles 27 and 28).

As for the Organization of Islamic Cooperation or what was known as the Organization of the Islamic Conference. In 1990, this organization announced its adoption of the Cairo Declaration of Human Rights in Islam. These rights were in line with the principles of Islamic law with regard to freedom of expression and the controls for its practice. Perhaps some of the texts of the declaration were based on the impermissibility of inciting national and sectarian hatred, and everything that leads to incitement to racial discrimination in all its forms. (Cairo Declaration of Human Rights, 1990, Article 22)

The Arab Charter on Human Rights issued in 2004 by the Council of the League of Arab States also emphasized non-discrimination on the basis of race, religion, gender, or other reasons that lead to the incitement of feelings of hatred among individuals. Accordingly, Arab countries can rely on this charter and consider it as a justification and reason for criminalizing hate speech. (Arab Charter on Human Rights, 2004).

Requirement two : International efforts to criminalize hate speech.

Various international efforts are undertaken to confront the phenomenon of hate speech and to criminalize it through the following:

First: The efforts of international organizations.

The efforts of various international organizations represent a bright spot in confronting hate speech. Since 1993, the United Nations has sought to adopt Security Council resolutions related to hate speech; including its adoption of Resolution No. 762 and Resolution No. 808 issued in 1993 related to the establishment of the International Criminal Tribunal for the former Yugoslavia; This is to put an end to crimes such as ethnic cleansing and other violations of international humanitarian law, and to prosecute persons responsible for serious violations of international humanitarian law committed in the former Yugoslavia since 1991. Resolution No. 955 of 8 October 1994 establishing the International Criminal Tribunal for Rwanda considered that the original primary jurisdiction of the Tribunal is to prosecute persons responsible for serious

violations of international law, acts of genocide and incitement thereto, and who contributed to the crimes by inciting them to be committed through their inflammatory speeches. (Security Council Resolutions, 1993) The International Criminal Tribunal for Rwanda indicated in the (Nahimana) case that any form of discriminatory expression that aims to degrade human dignity and spread hatred towards a particular group is hate speech. In 2001, the United Nations held a world conference in Durban, South Africa, to combat racial discrimination, racial segregation and xenophobia. This conference produced several results, most notably the urge to accelerate the fight against the dissemination of hate speech and racist materials through the media and social networking sites, and to enhance international cooperation in this field. (World Conference against Racism, Racial Discrimination and Xenophobia, 2001). The United Nations General Assembly followed up on the implementation of the Durban Conference and issued a set of resolutions, the most important of which was Resolution No. 127/68, which was entitled (Rejecting Violence and Extremism), and according to which the General Assembly condemned any call for national, ethnic or religious hatred that constitutes incitement to discrimination, hostility or violence. (United Nations, Resolution No. 127/68, 2013).

The International Committee on the Elimination of Racial Discrimination considered hate speech in any form or shape to be an international crime that requires punishment. (Committee on the Elimination of Racial Discrimination, General Recommendation No. (35), Document No. 13, 2013.) The European Union Organization for Justice Affairs in Brussels held a meeting on May 31, 2016 to discuss how to protect the digital space from hate speech. This meeting concluded with a code known as the "European Union Code of Conduct for Combating Hate Speech on the Internet," which considered that any behavior that publicly incites violence or hatred directed against a group of people or an individual, based on race, color, religion, national or ethnic origin, is hate speech. (Hardo Center, 2016, p. 8).

In short, the international efforts exerted in legal legislation are broad and large, but they hardly go beyond the framework of prohibiting hate speech, preventing its incitement, and condemning and denouncing the actions of its perpetrators, with some partial differences in the definition of international legislation of hate speech and its causes, as well as with the existence of laws and legislation that did not address hate speech and punish it independently, but rather were satisfied with punishing crimes of inciting hate speech.

Second: The crime of hate speech in the Statute of the International Criminal Court

Most studies indicate that the Statute of the International Criminal Court did not consider hate speech as an independent crime, nor did it consider it a form of accessory criminal contribution. The justification for this is that in order for hate speech to be criminalized, it must be proven that it had a significant impact on the commission of the criminal acts. In fact, by returning to the Statute of the Court, we conclude that this system did not consider hate speech as an independent crime, but rather considered it a behavior that requires coincidence with another criminal act committed. In order for hate speech in itself to be a form of incitement to crime, it must coincide with an international crime that has already occurred or been attempted, which means that hate speech has been criminalized in the Statute of the International Criminal Court; but in an indirect manner (Abu Khawt, 2018, pp. 168-170).

Article (3/25, c) stipulates that a person shall be criminally liable and liable to punishment for any crime within the jurisdiction of the court if that person provides aid, incitement or assistance in any way for the purpose of facilitating or attempting to commit such a crime, including providing the means to commit it. We note here that incitement is included in participation in the crime and is not considered a separate crime. This means that in the system of the International Criminal Court, a person cannot be held accountable for direct and public incitement to genocide unless it is proven that the incitement is related to the act of genocide that was committed. Incitement alone is not sufficient; because there is a difference between considering incitement as an attempt to commit a crime and considering it an independent crime for which individuals, persons or members are held accountable; therefore, the International Criminal Court had to consider direct and public incitement in Article 5 of the Statute of the Court as an independent crime that is easy to prove. (Sharf, Michael, 2010, pp. 1-6) (Adel, 2008, pp. 249-264). (Abu Khawt, 2018, pp. 165-166)

As for the position of the Nuremberg Military Tribunal, which was established under the London Charter in 1945 and is the first temporary criminal court to try anyone who committed an act that falls within the scope of war crimes, crimes

against peace, and crimes against humanity, according to its system in these trials, anyone who incites is subject to trials for crimes against humanity, as these crimes include persecution, murder, and genocide. Although the Charter of the Tribunal did not explicitly state that the act of incitement is a crime that falls within the jurisdiction of the Tribunal, these acts and behaviors are similar to what was practiced by the German Nazis, as the Tribunal punished people who committed acts of murder and genocide based on their use of hate speech and propaganda in incitement to murder, genocide, and persecution. One of the most famous cases in this regard is the case of Julius Streicher, the German journalist, and his articles that he published calling for incitement and hate speech. The Tribunal sentenced him to death for incitement and publishing hate speech, which constitutes incitement to international crime.

While we find that the International Criminal Tribunal for Yugoslavia stipulated in Article (7) that direct and public incitement to commit genocide is an independent crime, especially after the acts of ethnic cleansing carried out by the Bosnian Croats against Muslims in Bosnia and Herzegovina, where (Kordic) and others were accused of incitement, acts of violence, and incitement to political, racial, and ethnic hatred, although the court's preliminary chamber ruled that hate speech cannot be a basis for committing crimes against humanity, the court's appeals chamber disagreed and decided that if hate speech was formed in the context of other acts that led to incitement, genocide, and racism against civilians, then it is a basis for crimes against humanity (Al-Fatlawi, 2017, p. 96) The same applies to the International Criminal Court for Rwanda, where Article (1/6) stipulates the individual criminal responsibility of every person who planned, instigated, ordered, committed, or in any way assisted or encouraged the planning, preparation, or execution of a crime referred to in Articles 2-4 of the Court's Statute, he shall be personally responsible for these crimes (Awina, 2012/2013, p. 39). (Bokar, Fausto 2010). (Abu Khawt, 2018, pp. 167-168)

This decision came after the media incitement practiced by certain individuals in the civil war in Rwanda in 1994 AD in the case known as (the Rwanda Media Case), as this incitement led to igniting the fuse of hatred, violence and genocide, as hundreds of thousands of the Tutsi minority were exterminated. Accordingly, the International Criminal Court at that time accused (Hassan Ngezi), the founder and editor-in-chief of the Kangura newspaper, which published a hostile and inflammatory article against the Tutsi minority, as well as accused (Ferdinand Nahimana) and (John Bosco Barayagwiza), the founders and directors of the Radio and Television Station, Al-Af Hadeba, affiliated with the Rwandan government, as they were accused of using the station to manipulate public opinion and incite ethnic violence, especially after the events of the crash of the president's plane on April 16, 1994 AD, who belonged to the group (Hutu), where the station planted the seeds of discord and fueled the conflict after it accused the Rwandan Patriotic Front fighters (Tutsi group) of shooting down the plane, and called for revenge against them. (Al-Abadi, 2016, pp. 117-119).

In short, hate speech has received the attention of international criminal courts, especially in the Rwandan case, the court criminalized incitement leading to hate speech, genocide, and crimes against humanity, but the international community must organized more to face hate speech, and criminalize its perpetrator and doer, as banning hate speech is no longer useful, especially in a rapidly evolving reality invaded by social communication aspects that have become the new player in forming hate speech through various technical means that did not exist in the past; therefore, the criminalization of hate speech and its punishment with deterrent penalties must be reconsidered.

Conclusion.

This study reached a number of results, the most important of which are:

- Hate speech constitutes an inhuman state expressing a dark psychological, intellectual and social nature contrary to the way God Almighty created humans; because it diminishes the value of man and degrades his value that God Almighty has valued and created in the most beautiful form, image and shape. Therefore, hate speech represents one of the forms of violence in its various verbal and written forms, including incitement to hostility and hatred and encouraging violent actions and behaviors towards others, which causes them psychological, intellectual and physical harm, and leads to alienation from others due to their harassment, intimidation, marginalization, degradation and humiliation.

- Hate speech is defined as one of the forms of violence in its various verbal and written forms that include incitement

to hostility and hatred and encouragement of violent actions and behaviors towards others, causing them psychological, intellectual and physical harm, and leading to aversion to others due to harassing, intimidating, marginalizing, and degrading their dignity and humiliating them.

-Hate speech is an immoral practice towards humans, whether through persecution, violence, mockery, or racism based on color, race, or language, or any form of hatred.

-Hate speech results from various reasons, but the most important of the main reasons is the psychological feeling of self-superiority over others, arrogance, and exaggeration of the ego in exchange for belittling the other, and the desire to control others.

-The Holy Quran has found radical solutions to what is known as hate speech, as the Holy Verses have established different methodologies for dealing with people of different colors, images, shapes and languages. The one who ponders the Holy Verses will find that the Holy Quran has directed people to adopt a mental, intellectual, emotional, spiritual, psychological and social methodology in dealing with others.

- It has instilled in souls human principles suitable for peaceful living and a foundation for a dignified human life, such as loving, respecting and appreciating others.

- The Quran has revealed the purposes of human diversity and difference, indicated the importance of human connection and brotherhood among people, and forbade the spread of social diseases such as envy, hatred and loathing among people. It has urged all forms of cooperation, extending a helping hand and doing good to all people, and rejected discrimination, racism, aggression and hatred. It has called for spreading moral virtues and good qualities among people, and has called for human dialogue far from fanaticism for an opinion, position, side, race or color.

-International legal legislation has shown its position on hate speech, as these legislations came somewhat inadequate despite the efforts made at the UN, international and regional levels, as the general position on hate speech varied, especially with regard to its criminalization, as neither international laws nor criminal courts indicated that hate speech is an independent crime in itself punishable by law, but included it in the context of other crimes such as crimes against humanity and war crimes.

- This study believes that the international community did not have a successful position in addressing hate speech at the criminal level, rather, it witnessed a contradictory difference at the level of the basic systems of the international criminal courts. After the former Yugoslavia and Rwanda courts criminalized hate speech, and considered it an independent crime sufficient to trigger individual criminal responsibility and punish its perpetrator, we found that the basic systems of the International Criminal Court explicitly excluded hate speech and various forms of incitement and images of racism from the jurisdiction of the court in accordance with Article (5) of its statute.

-Failure to criminalize hate speech from a legal standpoint leads to the commission of more various attacks, multiple genocides, and the escalation of racial conflicts and disputes between individuals and peoples.

- Criminalizing hate speech at the level of the basic systems of the International Criminal Court means not being biased towards any party at the expense of the other, and means deterring those who advocate hate speech, and stopping conflicts and disputes based on hatred and animosity between individuals and peoples.

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