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(IJLGC)[www.ijlgc.com](http://www.ijlgc.com)THE CAUSAL NEXUS OF FREEDOM OF SPEECH AND HATE  
SPEECH IN MULTIRACIAL SOCIETYKhairul Nizam Taib<sup>1\*</sup>, Mazura Md Sama<sup>2</sup>, Salma Yusof<sup>3</sup>, Noor Azmi M.Z<sup>4</sup>, Zahimi Z.A<sup>5</sup><sup>1</sup> Centre for Military and International Humanitarian Law, National Defence University of Malaysia  
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## Abstract:

The words that are spoken by an individual are a means through which that person can convey their thoughts and opinions. Nevertheless, as time passes, the complexity of communication increases. Most sovereign constitutions recognize the right to freely express oneself through words as an essential component of the freedom of expression. However, while freedom of speech is one of the most essential international rights, yet it's not absolute. Like all other fundamental rights, it is subject to state-level restrictions. Many people in the age of the internet promote their opinions without recognizing that they are inciting violence against others through hate speech and other forms of online social media. Violence and prejudice against peace and concord may have their origins in disparaging speech. This study through a qualitative method seeks to investigate the scope of freedom of speech, types and effects of hate speech in multiracial society. The aim of the discussion prolongs the validity of having fundamental rights in expressing an individual's thoughts, views, and positively sharing information to achieve the benefits bestowed to society and abusive misinterpreted expression on the same platform. Using the doctrinal analysis, the study shows that freedom of speech is a fundamental right that delicately balanced and cannot be simplified by an objective mechanism. At the outset, it advocates protecting it as long as it doesn't violate other fundamental rights or override them.

## Keywords:

Freedom Of Speech, Hate Speech, Derogatory Words, Vilifications, *Ghibah*.

## Introduction

Freedom of speech is considered as a fundamental human right which had been conferred and well-guarded by most country in the world. Such fundamental right may include freedom of thoughts, expressing belief, opinion. It may also extend to freedom of press and media communication. However, freedom of speech or expression which had been conferred by the most constitution in the world is not final and absolute (Nielsen L, 2017). As it is a fundamental right that delicate balance, a society is responsible to protect and support an individual's right insofar that individual does not infringe the rights of another person (Matsuda, M. J. 1989). As the matter of facts, freedom of speech has to compete with other rights for example right of liberty, rights to public security, rights to private life etc. In other words, it does not propose that right of free speech must prevail and supersedes from any other fundamental rights.

It cannot be denied that freedom of speech confers citizen medium to express their ideas, belief, sharing of information in a positive manner to achieve the benefits bestowed to the society. Nevertheless, the same medium to express their freedom is always been abused to achieve personal or group agenda. Such abused and misinterpreted expression either by words uttered or by actions can cause harm to individual person or groups in such negative way outweigh any claim to freedom of speech and expression (McConnell MW, 2012).

In some critical cases, words uttered or expression by actions in depicted and derogatory ways may be the root cause of violence and prejudicial to a multiracial society that promotes peace and harmony (Waldon J, 2014). Having said that, this article argues that hates speech which can cause harm should not be tolerated within legal and moral perspective as well as within the Islamic view and perspectives. The first part of the article will discuss hate speech within the ambit of a legal perspective. Legal theorist's opinion upon will take place in the second part of the article and the effect of hate speech to its victim and society at large just before the conclusion.

## Literature Review

This study focuses on and discuss speech which can cause harm should not be tolerated within legal and moral perspective. The discussion further its argument within the Islamic views and perspectives. While legal basis for expressing one's thoughts and opinions is secure under Article 19 of the Universal Declaration of Human Right (UDHR), yet there are still a *lacuna* which left a gap to misinterpretations on how such medium should be administered in an ideal democratic society. This situation offers different opinion amongst legal theorist's which view differs to two (2) main stream; Advocates of the first stream and advocates of the second stream. The first stream led by Scanlon (1972) proposed that hate speech should be included into freedom of speech on various grounds. Scanlon himself proposed 'Discovery of Truth' whereby discussions of idea and argument will promote truth in an open market subject to cross examination and evaluation from the audiences and bystanders. The first stream further proposed variety of ground to includes hate speech into freedom of speech which includes 'Livelier Apprehension and Personal Development' (Barendt E, 2005) and 'Democratic Participation' (Sunstein R., 1993). All legal theorist of the first stream proposed a same methods as a control mechanism to justify hate speech as part of freedom of speech that is subject to cross examination, critics and evaluation from the audiences and bystanders.

The second stream led by Stanley Fish on the other hand basically agrees with the idea of including hate speech into freedom of speech and expression on the ground that certain

information benefits and bestowed to the society at large. However the second stream urges that eventhough such hate speech may be exercised in accordance with freedom of speech and expression, through this medium there are possibility that the society may experience harmful act and these speech need type of actions requiring regulations. Second stream rejected the argument of the first stream and believes that societies that tolerate hate speech institutionalized that form of harm as hate speech has the potential to be the root cause of violence (Fish S, 1994).

This study further elaborate three (3) most popular types of hate speech that can cause harm and should not be tolerated. The discussion was led by Kent Greenawalt whereby 'Targeted Vilification' Diffuse Vilification and Harmful Assertion of Facts are speeches which includes the attempt of the speaker to select the wording consciously for the potential harm and insult the audience. Susan J. Brison corroborated that any form of speech whether in face to face or in writing form with threatening words and actions or gestures vandalism of public or private property should not be tolerated (Susan J, 1998). 'Diffuse and Harmful Assertion of facts' also comes into the picture when the assertion of facts and evaluation includes denigratory speech associating with some racial and religious believer with criminality or disease (Waldron J, 2012).

The principles of *actiones habent consequentias* is taken into consideration as hate speech creates chain reactions. The effects of hate speech in a multiracial democratic society were also analysed. Throughout the study the researcher found out that the effects of hate speech particularly racial speech insult and racism to the victim and to the society. Leading theorist discusses the effect of hate speech on victims is Richard Delgado. The most effected element on victim as the result of hate speech is the psychological harm. The psychological harm to the victim is not only consider as the most fruitful causes of human misery but the effect may prolong to minority (Delgado R, 1982). Nielsen L, 2017 on the other hand explained the danger of a chain effect that resulted from mental illness and psychosomatic disease. As the result of severe emotional distress, the victims always turn to react seeking escapism especially through alcohol, drugs, and experience anti-social behavior. Looking into bigger spectrum, the effect of hate speech may prejudice the concept of "all men are created equal" (Delgado R, 1982). Hate speech which promotes racism is considered as a breach of the ideal egalitarian which contributes to a class system and subsequently injures career prospects, social mobility and interracial contacts of the minority group.

Apart of hate speech discussion within westerner legal theorists, this study also discuss the topic within the ambit of Islamic views and teaching. Overall concept of hate speech in a modern and contemporary western views were compare with Islamic views and teaching of Quran. Islamic views and teaching addresses the concept of hate speech with the concept of Slander and Backbiting or '*Ghibah*'. While the western view hate speech and argues to find solutions of hate speech, the Islamic views and teaching through the Holy Quran and Prophet Muhammad PBUH actions and words uttered (*Hadith*) were implemented and regulated against the issue. Islamic views and teaching offers not only the prohibition of slander and backbiting, but also the guidelines to avoid slander and backbiting. At the end of the discussion, Islamic views and teaching promote peace and reconciliation and the accountability for speech uttered.

## Research Method

A qualitative research method is adopted in conducting this research. The data varies from variable sources, data repositories and online investigation from internet. Most of the data were secured from the General Tun Ibrahim Library at the National Defence University of Malaysia (NDUM) and in-depth interviews with expert or scholar of *Fiqh* Islam from the Center for Leadership and Professional Development NDUM and Faculty of Defence Study and Management. Several Database were employed including ProQuest, JSTOR, Science Direct, Malaysian Law Journal, Google Scholar Academia.com and others. Holy Quran and *Hadith* were also be referred to.

## Legal Standing Towards Hate Speech

Before we proceed with the legal standing, let us examine the definition of hate speech. Hate speech is a controversial and always being misinterpreted as a speech which intended to degrade, intimidate or incite violence or prejudicial action against an individual or group of individuals based on their race, ethnicity, national origin, religion, sexual orientation, or disability (Rodney A., 1991). It may take in an oral form as well as in conduct form either express or implied from a speaker to audiences.

Hate speech should be distinguished with the fundamental right of freedom of speech or expression. The latter intended to function as a medium to communicate one's opinions or ideas using one's body and property to anyone who is willing to receive that particular idea or opinion without fear of retaliation, censorship, or sanction.

Basically, the right of freedom of speech and expression is a human, political or civil right recognized and appreciated by states and their citizens. The context of freedom of speech and expression is safeguarded under the International Law. Article 19 of the Universal Declaration of Human Right (UDHR) stated that:

**"Everyone shall have the right to hold opinions without interference" and everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice"**

Wording under Article 19 of UDHR offers no restriction or rules regarding the means or medium of how such rights should function and be administered in an ideal democratic society. The lacuna under Article 19 of UDHR had given a leeway to unlimited access to opinions, ideas, medium on receiving and imparting information regardless if it is harmful to others. In discovering the needs to protect the interest of other rights, special duties and responsibilities were included in the amendment of Article 19. In exercising such rights "certain restrictions when necessary for respect of the rights or reputation of others" or "for the protection of national security or of public order (order public), or of public health or morals" were implicated.

A similar spirit was adopted under Article 10 of European Convention on Human Right eventually giving mandate and references to states to regulate legal provisions relating to freedom of speech and expression which can cause harm to others. Legal provisions such as Section 18 of Public Order Act 1986, Criminal Justice and Public Order Act 1994, and Racial and Religious Hatred Act 2006 are examples of regulation that prohibits the expression of

hatred towards individual or groups on account of that individual's colour, race, disability, nationality, ethnic etc. Any intended communication which promotes threatening or abusive, harassment, alarming or distressing particular individuals may subject to punishment of fine, imprisonment or both.

### **Legal Theorist's Opinion**

Legal theorist's view differs with two (2) distinct stream of interpretation regarding the discussion of freedom of speech and expression and hates speech. Advocates of the first stream believe that hate speech should be included in the right of free speech and expression. The importance to justify hate speech into the right of free speech depends on several grounds that is a discovery of truth, for the livelier apprehension and personal development, and democratic participation.

#### ***Discovery of Truth.***

The very first justification to includes hate speech into Freedom of Speech is that the discussions of idea and argument that will promote truth. Usually, such speech is practiced in a free trade market where a speaker will communicate with a group of audiences. It has always been used as a medium for comparing and contrasting arguments, ideas and opinions. Possible participants in the trade of speech consisting of a speaker, audiences, and bystander. Where the speaker provides with his opinion as communication and the audience and bystander will evaluate and challenge the speaker's idea (Scanlon, 1972). In other words, Scanlon proposed that in order for speeches, change of ideas and proposing an opinion, a speaker should be tested and challenged with arguments and critics from the audiences and evaluated by bystanders.

#### ***Livelier Apprehension and Personal Development.***

The only way to apprehend the truth in a livelier way is by confronting or be confronted by people who dispute our beliefs. Such justification can be met only if the speaker or presenter give the opportunity to audiences to critics his thoughts and views. The advantage is that the speaker will develop higher intellectuality and maturity as he can respond to public criticism spontaneously. The above argument was supported by Eric Barendt whereby he concluded that: "Restrictions on what a man is allowed to say and write, or to hear or read, inhibit the growth of his personality. People will not be able to develop intellectually and spiritually unless they are free to formulate their belief and political attitudes through public discussion, and in response to the criticisms of others" (Barendt E, 2005).

#### ***Democratic Participation.***

The third justification to include hate speech into Freedom of Speech is through Democratic Participation. Such speech demands the speaker's interest in providing his idea or opinion on public-political life matter. The essence of this type of speech offers the audience to hear the views of other, accepting and considering political views and preferences. To be operative, the opinion should be given a freedom from any restrictions by the government. Any rules or regulation, in other words, will only undermine the objective of such speech. To prove that hate speech is worthy to be included and safeguarded under Freedom of Speech, Sunstein insisted that:

"Free speech is to be protected because it facilitates the democratic articulation, aggregation and balancing of interest, and is necessary if the people are to be able to decide for themselves the candidates they think most suitable for public officials should pursue. This argument links



free expression with a ‘commitment to political equality’ and ‘belief in democratic deliberation” (Sunstein R.,1993).

The second stream view argued to the view of including hate speech into the right of freedom of speech and expression. Referring to Stanley Fish who agreed that hate speech may in some form be protected by the right of free speech, because of relevant benefits bestowed to the society. However, speech always seems to be crossing the line into action, where it becomes at least potentially, and consequential (Fish S, 1994). As such, if speech used as a medium of communication and it can cause harm, then speech must be considered a type of action requiring regulation.

The first stream supported and defended that the freedom of expression assume that speech occurs in a vacuum, free from situational context. The idea of discovering the truth as mention before that when a person speaks, she speaks her own ideas and should not be controlled, without worrying what other will thinks about it. However, the second stream disagrees with this view which erroneous on two (2) grounds:

- a) That the speaker does not speak from a place that is vacuum and context - free because every topic in life has its own context. Thus, every speaker brings that context to her speech.
- b) Speech can only be meaningful if someone hears it which eventually be affected by the context of his life.

The second stream also believes that societies that tolerate hate speech institutionalized that form of harm. As hate speech has the potential to be the root cause of violence, it is hard to understand why one person's or group's right to freedom of expression should trump the right of a group not to have hateful things said about them. The reason being is that; why should the rights of the hater be held above those of the victims of hate speech?

Now let us examine 3 most popular types of hate speech that can cause harm and should not be tolerated.

### ***Targeted Vilification.***

The first type of hate speech is targeted vilification. This is the kind of speech that focused at precise individuals or small groups with the intention to harm and insult the audience physically. According to Kent Greenawalt, such speech includes the attempt of the speaker to select the wording consciously for the potential harm and insult the audience. The primary objective is not to wound, although they may be aware that effect will happen and may even welcome it (Greenawalt K,1992). On the other hands, Susan J. Brison added that speech that vilifies individuals or group on the same basis and which is either face to face or non-face to face vilification manifested through verbally or in writing. In other words, speech that vilifies either face to face or non-face to face may include any writing communication with threatening words and actions or gestures vandalism of public or private property. (Susan J, 1998). The context and the content of the targeted vilification speech features may comprise:

- “i) The speech does not usually qualify adequately as an assertion of fact, evaluative opinion or even a valid political preference. It usually based on false accusations.

- ii) Speaker argues that non-racist is privileged over racists and clashes with the rights of others to be equally autonomous.
- iii) It does not encompass the essence of the rights nor does it promote the interest that the right seeks to.”

### ***Diffuse Vilification.***

This is the second kind of Hate Speech that focused at a responsive or of mixed opinions but larger audience than targeted vilification but nonetheless has the same intention. The context and content usually intended to cause greater emotional distress and may function as a root cause of violence. The use of symbols or banners with group's specific insult and intimidating.

In Harry Hammond case in 2001 for example, whereby the accused speech involved "Jesus is alive, stop immorality, stop homosexuality, stop lesbianism." Such speech was decided as a speech which intended to cause greater emotional distress among LGBT group members. In this case, the accused was convicted and was fined 300 pounds. It must be noted that the case was decided as such before the amendment under Section 29A of Racial and Religious Act 2006.

In Malaysian experience, diffuse vilification can be shown through hate speech and racial insult to the Malay society in Kuala Lumpur on 13 of May 1969. The context and content that cause greater emotional distress function as a root cause of violence. This was made through gestures of sweeping with a broom and insulting words such as “Malay get out from Kuala Lumpur” and “Malay can go to die, this is our country now” etc.

The gestures and insults speech made soon after their candidates won most of the parliamentary position in 1969 Malaysian General Election had triggered racial insults to the Malay community in Kuala Lumpur and Selangor. Such insults had invoked a chain reaction between Chinese and Malay Community until the first racial killing had occurred at a cinema where a group of Chinese killed over 50 Malay audiences after warning in Chinese language had been given through the cinema's screen (The National Operations Council, 1969).

### ***Harmful Assertion of Facts***

Basically, the assertion of facts and evaluations are kind of speech that protected the Rights of Speech. The characteristic of this speech which specifically concentrated on a discovery of truth, audiences' autonomy assertion of facts and democracy justified such speech although it attacks specific racial and religious issue. However, such assertion of facts and evaluation still may produce significant harm if the facts and evaluation fall short of proof or false accusations. Especially when the assertion of facts and evaluation includes denigratory speech associating with some racial and religious believer with criminality or disease i.e connecting all Muslims with violence and brutality of ISIS.

Another classic example is that when the Dutch politician Geert Wilders was temporarily barred from entering Britain as a “threat to public policy, public security or public health” because he made a movie that called the Koran a “fascist” book and described Islam as a violent religion (Waldron J, 2012).

### **Effect of Hate Speech in a Multiracial Democratic Society**

The effect of hate speech which can cause harm specifically involve racism and racial sentiment remain one of the most dominant methods through which injures dignity and self-regard of the person or group to whom it was addressed. In this part of the essay, we shall examine harm that caused by hate speech particularly racial speech insult and racism to the victim and to the society. The argument will show that why hate speech should not be tolerated in a free multiracial democratic society such as Malaysia.

#### ***The Effect on the Victims.***

The psychological harm caused by hate speech based on racial stigma is much more severe than other types of harm. It is considered as the most fruitful causes of human misery. The effect can be much more severe to the minority. They may be the victim of racism or racial insult and the impact is that minority may come to believe the frequent accusations that they are lazy, ignorant, dirty and superstitious (Delgado R, 1982).

The chain reaction to the psychological responses as the result of hate speech based on racism or racial insult is that victim feels humiliation, isolated and self-hatred. They feel unusual or abnormal to feel themselves ambivalences about self-worth and identity. Such ambivalence arises from the individual awareness that they are falling short of societal standards.

The psychological effect of hate speech based on racism does not stop there. It may also cause a chain effect that resulted from mental illness and psychosomatic disease. As the result of severe emotional distress, the victims always turn to react seeking escapism especially through alcohol, drugs, and experience anti-social behaviour (Nielsen L, 2017). If it is not treated, or inconsistent treatment by other to minority groups will result from a continuing psychological stress, strain, and frustration. Such social diseases caused by hate speech were also faced by and among minority group member of high socioeconomic status. The minority group of high socioeconomic status felt regret for being born and originated from their race (Delgado R, 1982).

Apart from that, parent's practices among the minority especially upon their children are affected by the effect of hate speech particularly based on racism. Parents will fail to raise confidence, achievement orientated and emotionally stable children (Richard Delgado, Words That Wound (1982) Vol 17 p.139). Racism and racial labelling as the result of hate speech on the other hands have the even greater impact on children than on adults. For example, the majority children learn to associate dark skin with undesirability and ugliness. Similarly, the minority will assimilate themselves as falling short of society standard and feels self-hatred because of their dark skin colour (Richard Delgado, Words That Wound (1982) Vol 17 p.142).

Racial stigmatization may undermine pecuniary interest to the minority. Victim of racism mostly had a fare poor in the employment setting. For example, between black and white, the black exhibited defeatism, half-hearted competitiveness and high expectancies of failure. Career option for the victim of racism is closed off by institutional racism. This argument can be seen through the Malay youth opportunity career option in any Malaysian Chinese oriented company. Chinese prefer their own as an employee rather than the Malay because of the customs, language, and race. This can be shown through statistic of 22.1% call back rates for Chinese employment in Chinese owned company compared to the Malay with only 4.2% (Hwok-Aun Lee & Muhammad Abdul Khalid, 2015).



***The Effect on the Society.***

Hate speech has always been used as a tool to convey racial issues in an abusive way. Racism is considered as a breach of the ideal egalitarian or the concept of "all men are created equal" (Richard Delgado R, 1982). The failure of the legal system to prevent harms of racism or racial insults convey that egalitarianism is not fundamental and the respect of individuals is as a little importance. Thus, the breaches of egalitarianism ideal may demoralize people who prefer to live in harmony, democratic and equal society.

Racism contributes to a class system and subsequently injures career prospects, social mobility and interracial contacts of the minority group. This injury had assimilated into the economic, social and political mainstream of society. When racism is used as a tool to preserve an economically advantageous by the majority, the minority choose not to contribute because of anger, demoralized or they were prevented by a racist institution, society is seen as the loss as a whole (Delgado R, 1982).

**Hate Speech According to Islamic Teachings and Perspectives**

In Islam, hate speech is strongly discouraged and is considered a serious offense against both individuals and to the society at large. Islamic principles advocate for harmonious, respectful and kind speech, emphasizing the importance of maintaining harmony and avoiding harm through words. Words should be use as a tools for societal integration existed between ummah and not to be used as a hate dispersal in cracking unity. Islamic teachings and perspectives had given the guidelines managing the utter of words by the identification of certain act concerning slander and backbiting. Slander and backbiting or ghibah which is equivalent to hate speech is consider as a serious offence as its repercussion to individuals and society is despicable. The Islamic teaching is well aware of this act and offer remedial method through the Quran and Hadith to disperse and outlining preventive measure to ghibah or hate speech.

***Prohibition of Slander and Backbiting***

Islam explicitly prohibits slander (ghibah) and backbiting. Ghibah (backbiting) is defined as speaking about someone in their absence in a way that they would dislike if they were present. This definition encompasses any negative, harmful, or unflattering comments about a person that would cause them distress or harm if they were aware of them. The Quran states:

"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." (Quran 49:12).

This verse highlights the severity of speaking ill of others behind their backs. The Islamic teachings and principles had identified ghibah as a severe offence by determining the elements of ghibah. There are three (3) elements of ghibah which starts with the absence of a person of a subject matters. Secondly that the speech itself is hurtful and negative uttering to the person of the subject matter regardless whether it is right or wrong. The last but not least important is that the person spoken to is affected or hurt by the speech if he himself hear it in person.

Generally ghibah is prohibited but there are circumstances where words utter negatively hurting someone else even these three (3) elements had been fulfilled. The exceptions to the general rule of ghibah consist of any act of those three (3) elements combined for doing a greater good and to prevent harm. Pretty much similar to the western perspectives. The acts of

greater good and to prevent harm exemplary conduct is when a person seeking for justice. In Islamic teachings, discussing about someone else bad rapport or negative conduct is permissible when the person uttering words seeking for justice, redressing the wrongdoing or expressing grievance. Secondly, the exception continues when the uttering of word dispersing someone else misconduct or bad rapport or traits is used as a form of warning to prevent a potential harm. Thus, give a warning about a bad rapport or a misconduct of unethical businessman in a case of business fraud is permissible in Islam. Sometimes harsh and hurtful words being used about someone else bad habit, or wrongful action is permissible with bona fide intention to change his or her behaviour. However, this kind of act must be justified with the right intention and in an utmost respectful manner. Last situation that cannot be negated is that the need to fulfilled legal duty in a court of law. This is when a person may disperse a bad character of a person without hesitation in providing a truthful testimony.

Why ghibah (slander or backbiting) is considered as a major sin whereby Allah SWT prohibit such acts? There must be a reasoning behind the prohibition that caused negative repercussion of ghibah. Now let us examine the repercussion of slandering and backbiting which cause severe spiritual, social, and personal consequences.

### ***Spiritual Effects***

The first consequences for those who commits ghibah is confronting sin and accountability. In Islam, sin represents any act or thought that transgresses Allah's commands. Sins are classified into major and minor categories, with significant consequences in both this life and the hereafter. Engaging in ghibah is considered as a grave sin. The severity of ghibah explicitly explained in Quran whereby it condemns backbiting, and comparing it to eating the flesh of one's dead brother or cannibalism, which also considered abhorrent (Quran 49:12). The concept of sin is closely related to the notion of accountability and the moral responsibility of humans to follow divine guidance. Thus, those who engage in it will be held accountable on the Day of Judgment.

Sins have a direct nexus with good deeds. In other words, whoever commits sin will have to remedy the victim with the notion of loss of good deeds. According to Islamic tradition, the good deeds of a person who indulges in ghibah may be transferred to the victim as compensation. This is highlighted in various hadiths where the Prophet Muhammad (PBUH) warns that backbiting can diminish one's righteous acts.

### ***Social Effects***

Ghibah may cause distrust and division of an ummah. Each and every act of ghibah undermines trust within the society. When people speak ill of one another behind their backs, it creates suspicion and breaks down the sense of brotherhood and sisterhood that Islam seeks to foster. The other repercussion of ghibah is it creating conflict and enmity. It cannot be denied that backbiting dispersing negative rapport, harmful and hate. Its leads to a conflicts and enmity when the person who is talked about may eventually find out in one way or another, leading to disputes and animosity, thereby disrupting social harmony. Consider that ghibah is committed towards a respectful Islamic scholar or an honest businessman. This act may cause damage to this kind scholar or businessman reputations. In other words slander and backbiting can ruin an individual's reputation unjustly. This damage can have long-lasting effects on personal relationships, professional opportunities, and social standing.

### ***Personal Effects***

Engaging in ghibah reflects poorly on one's character which leads to moral and character degradation. It signifies a lack of self-control, empathy, and respect for others, which are critical values in Islam. There is a continuous effect when a person engage regularly in committing ghibah. At the end of the day Allah despise the act of ghibah and this may cause the spiritual detriment. Regular engagement in backbiting distances a person from Allah's mercy and guidance. It corrupts the heart and soul, leading one away from piety and righteousness. Another repercussion of ghibah reflects the emotional to both the person engaging in ghibah and the victim, the emotional toll can be spiking and significant. Feelings of guilt, shame, anger, and hurt can arise, affecting mental well-being of both the accused and the victim.

### **Islamic Guidance on Avoiding Ghibah**

First and foremost, all Muslims are demanded by the Islamic teachings and principles to always have a self-reflection of their own. Muslims are encouraged to reflect on their own faults rather than focusing on the shortcomings of others. In short, finger pointing is very discourage. There are many values and good norm in self-reflection. However, the main advantage of self-reflection is to secure Allah's blessing through obeying Allah's instruction. This introspection helps cultivate humility and self-improvement.

The second guidance on avoiding ghibah or hate speech is promoting a positive speech. Islam teaches and promotes speaking good or remaining silent. The Prophet Muhammad (PBUH) said,

“Whoever believes in Allah and the Last Day should speak what is good or keep silent”. (Sahih Bukhari and Sahih Muslim).

If one has engaged in ghibah, they should seek Allah's forgiveness and, if possible, ask for the pardon of the person they have wronged. By seeking forgiveness from Allah and person they have wronged, not only justice be restore, unity and integration may also be revived. Society support play an important part in avoiding ghibah. Society may encourage a culture of positivity and mutual support within the society through variety of positive religious programmes. Promoting and passing of certain laws regarding ghibah can help reduce instances of ghibah. This involves promoting understanding, compassion, and constructive dialogue within the society concern.

Ghibah (slander or backbiting) is a serious offense in Islam with significant spiritual, social, and personal repercussions. Having self-reflection, seeking repentance and having society support is not enough to make sure ghibah be reduce. In empowering effort to reduce ghibah, Islamic teachings emphasize the importance of guarding one's tongue, promoting positive speech, and fostering a supportive and trusting community.

### ***Guarding One's Tongue***

Prophet Muhammad (PBUH) emphasized the importance of speaking good or remaining silent. A well-known hadith states that:

"Whoever believes in Allah and the Last Day should speak what is good or keep silent." (Sahih Bukhari and Sahih Muslim). This principle encourages Muslims to avoid speech that can cause harm or enmity.

### ***Respect for Human Dignity***

Apart of the empowerment of human relationship with Allah SWT, Islam teaches the sanctity and dignity of every human being. In other words Islamic teaching demands the good relationship between one people to another. The Quran says:

"And We have certainly honored the children of Adam" (Quran 17:70).

This honor extends to all individuals regardless of their faith, race, or background, and therefore, speech that degrades or incites hatred against any group or individual is against Islamic values.

### ***Avoidance of Insult and Abuse***

Insulting or abusing others is strictly forbidden in the western world but also in Islamic teaching. The Quran advises:

"And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge." (Quran 6:108).

This verse underscores the importance of refraining from offensive speech even against those who hold different beliefs. Having offensive speech not only creating grudges between different beliefs in multiracial society but the integrations between different beliefs may also be diminished.

### ***Promotion of Peace and Reconciliation***

The teachings of Islam prioritize peace and reconciliation. It is utmost important to prioritize peace and reconciliation in order to have good laws and good order in a society. Peace and reconciliation regularly may offers harmonious strategies in reducing hate speech through dispersing an appropriate foster discussions. The Quran encourages Muslims to speak in a manner that fosters peace and understanding:

"And speak to people good [words]" (Quran 2:83).

Muslims are urged to use their speech to build bridges and resolve conflicts, not to exacerbate divisions which may cause unnecessary complexity.

### ***Accountability for Speech***

Islam concerns about words utters by its followers. Having said that, there so many instructions, advices and warning regarding words utter. Islam teaches that individuals will be held accountable for their actions and words. Advices, instructions and warning given in the Quran explicitly works not only to reduce and to reform but functions as a deterrence mechanism for those who believes. The Quran warns:

"Not a word does he utter but there is a watcher by him ready to record it" (Quran 50:18).

This awareness of divine accountability serves as a deterrent against engaging in harmful speech. In a nutshell, Islamic principles advocate for speech that is respectful, kind, and aimed

at promoting harmony and understanding. Hate speech, which incites division, harm, and enmity, is clearly against the teachings of Islam and is considered a serious moral and spiritual offense.

### Conclusion

As the conclusion, it is mutually accepted that Freedom of Speech and Expression offers citizen the medium to express their ideas, belief, sharing of information in a positive manner to achieve the benefits bestowed to the society. As I emphasized earlier in the introduction, Freedom of Speech and Expression is not final and absolute. It has on certain kind of speech to be controlled and regulated to prevent it from infringing other rights. What I mean is that as such right of Freedom of Speech is a fundamental right that delicate balance, a state must take charge in order to protect and support an individual's right insofar that individual does not infringe the rights of another person. Nevertheless, the same medium to express their freedom is always been abused to achieve personal or group agenda. Such abused and misinterpreted expression either by words uttered or by actions can cause harm to individual person or groups in such negative way outweigh any claim to freedom of speech and expression. It has been proven from experience that words uttered or expression by actions in depicted and derogatory ways may be the root cause of violence and prejudicial to a multiracial society that promotes peace and harmony. For this reason, I submitted that hate speech that promotes, prejudices or can cause harm should not be tolerated and declared unprotected under the law in multiracial democratic society.

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