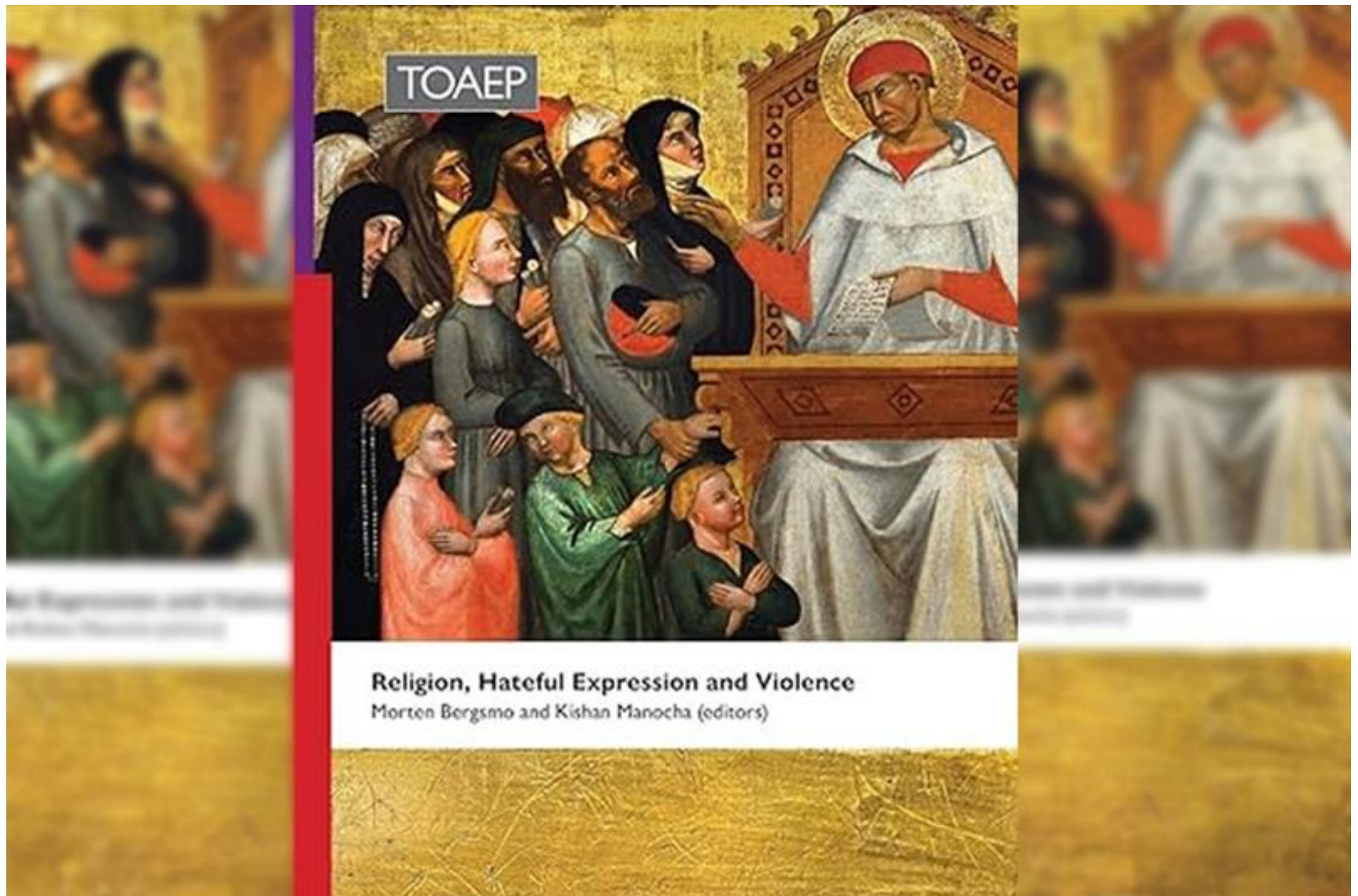


INTERVIEW: Religious leaders should do more to reduce hate speech, says int'l lawyer Morten Bergsmo

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Morten Bergsmo, a European international lawyer, is the director of the Centre for International Law Research and Policy (CILRAP).



He had served as an academic in China, Europe and North-America. He spoke to Ahran Online about the release of the volume of the comprehensive new anthology Religion, Hateful Expression, and Violence, which he commissioned as an editor.

AO: What is the main takeaway from your new book on religion and hate speech?

MB: The book is a 1,146-page anthology with 31 chapters by 40 leading authors, including several prominent Egyptian experts. The book analyses in depth the concept of hate speech, its motivations and ramifications, as well as the specific role of religious leaders in reducing hate speech. There is a need to look more closely at what they can do. They wield authority over the hearts and minds of several billion believers around the world. Are they doing enough to discourage hate speech by their own members or in the name of their faith? Could they raise the cost of such hate speech?

The book suggests that they can. It contains more than 230 pages of discussion on the measures available to make religious leaders prevent or reduce hate speech more effectively, especially in the contexts of serious violence and internal or international conflicts.

AO: Is there a relation between extremism and hate speech?

MB: The problem of extremism manifests itself in public speech or other acts. This is when extremism gets a face and becomes a societal problem. Speech advocating religious hatred in ways that incite violence threatens individuals, religious communities, public order and sometimes even the peace.

Such religious hatred can be against members of other communities within the same religious tradition, for example between Shí'a and Sunni Muslims. Or against members of other religions, such as between Christians and Muslims in Bosnia-Herzegovina, between Buddhists and Muslims in Myanmar or in the ongoing conflict between Israelis and Palestinians, significantly fuelled by religious beliefs and ideas. Or by believers against apostates or atheists. Public incitement to violence is extreme because of the harm it can cause. This is why international law suggests that it should be prohibited by national law. But it is also an extreme violation of the fundamental precepts of the world's religions.

AO: Why is incitement to religious hatred a problem also for religious leaders?

MB: Religious hate speech tends to make a mockery of the claim that religions can help us become better persons. Reasonable people everywhere see religious incitement to violence against civilians for what it is – and they condemn it. It is the same when members of a religious minority are deprived of their livelihood or access to education. It brings religion into disrepute. It makes sensible people everywhere wonder how effective the prayers professed by leaders of the affected communities are.

AO: What are the consequences of religious hatred for ordinary believers?

MB: Pious believers around the world are embarrassed by hate speech in the name of their community or faith, even humiliated when it is accompanied by violence against civilians. Religious leaders who fail to reduce hate speech from within their own community betray the trust placed in them by such believers. Their failure dims the light of faith in the hearts of reasonable believers who should be the pillars of their community.

Since time immemorial religion has been a matter of the heart – filling it with hatred perverts religion. Religious hate speech is therefore a fundamentally important challenge for affected religious authorities and leaders.

AO: Why does this concern you, an international lawyer?

MB: Our CILRAP has never shied away from bringing thinkers together to address serious problems even if international law can only be one part of the solution.

While international justice has made significant progress in recent decades, it still speaks to fewer people around the world than religion does. There is the added problem that some of those who engage in serious religious hate speech do not respect international human rights law – for them, arguments that they are violating international law are like water off a duck's back.

AO: What is the main contribution of international law in this area?

MB: Chapter 1 of the book discusses how the promise of the freedoms of religion and expression for all motivated the very creation of the United Nations. These freedoms frame international law discourse on religious hate speech. The commitment to freedom of expression is so strong that many states have expressed reservations about the obligation to prohibit "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" in a key human rights treaty from 1966.

There is also disagreement among states as to what constitutes incitement to hostility under that provision, as discussed by Dr. Mona Elbahtimy in Chapter 12. These limitations of international human rights law may to some extent be offset by international criminal law if international tribunals thematically prosecute religious incitement to serious violence. This is something the prosecutor of the International Criminal Court should consider.

AO: What are the most effective ways to supplement the contribution of international law?

MB: The book discusses in some detail our experience with national law and criminal justice as tools against hate speech. Chapter 25 [MB5] by Dr. Ochi Megumi also describes the Japanese experience with local regulation at the city level. Beyond these public measures, the most effective action can be taken within religious communities.

AO: How?

MB: To start with, religious leaders broadly understood they must never themselves engage in hate speech or condone hate speech by others. Rather, they must publicly distance their community from hate speech in its name. But this should only be our minimum expectation of religious leaders and authorities. They should also apply the means of expressing disapproval that are available within all religious communities.

Such measures may include formal sanctions such as excommunication, withdrawal of voting rights within the community or referral of the matter to the secular police and competent judicial institutions for criminal investigation.

The book also discusses informal sanctions available to religious leaders to express disapproval of hate speech by their members or in the name of their community.

AO: What are some examples of informal sanctions?

MB: In Chapter 1, I mention that such informal sanctions may include “denial of access to some devotional gatherings or to certain locations of worship; inability to serve on boards or in other capacities in humanitarian or educational institutions of the community; inability to lead prayer or other forms of communal worship; denial of right to make financial contributions to (certain) funds of the community; suspension of access to some religious leaders or mass-media; suspension of the right to undertake pilgrimage; and dedicated information to other members of the community about the disapproved conduct of incitement to violence (naming and shaming)”.

The relevant Section G of the book also includes important chapters by the Egyptian experts Justice Adel Maged and Drs. Mohamed E. Badar, Rana Moustafa Essawy and Fathi M.A. Ahmed.

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