Verbal Violence between Islamic Sharia and Positive Law

العنف اللفظي بين الشريعة والقانون

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Abstract:

This study employs a comparative analytical methodology to examine the convergence between Islamic Sharia and Algerian positive law in regulating verbal violence. It finds a fundamental normative alignment, as both systems criminalize verbal aggression to protect human dignity, with Islamic jurisprudence establishing this principle centuries earlier.

The research outlines a shared typology, classifying verbal violence into forms such as insult, defamation, and public shaming under Sharia, which correspond to offenses like defamation, insult, and threat under Algerian law. A key development is Algeria's 2015 Penal Code reform, which explicitly criminalized verbal violence and strengthened protections for women and minors.

While Sharia emphasizes a preventive, value-oriented approach, Algerian law focuses on punitive measures. The study concludes that despite this difference in mechanism, both frameworks agree on the prohibition of verbal violence. It recommends integrated strategies combining legislative clarity, ethical education, and public awareness to effectively address the issue.

Keywords: Verbal Violence, Islamic Sharia , Positive Law, Penal code.

الملخص:

تبحث هذه الدراسة في مدى توافق الشريعة الإسلامية مع القانون الجزائري الوضعي في تنظيم العنف اللفظي، باستخدام منهجية تحليلية مقارنة. وتكشف عن توافق معياري جوهري حيث يحظر كلا النظامين العنف اللفظي لحماية الكرامة الإنسانية، مع سبق التشريع الإسلامي في تأسيس هذا المبدأ منذ قرون.

يحدد البحث تصنيفا متشابها للعنف اللفظي، فيصنفه في الشريعة إلى أشكال كالسب والقذف والغيبة والتحقير، والتي تقابلها في القانون الجزائري جرائم مثل القذف والسب والتهديد. ويبرز تعديل 2015 للقانون الجزائري كمنعطف حاسم، حيث جرم صراحة العنف اللفظي وعزز الحماية للنساء والأطفال.

خلصت الدراسة أن الشريعة ركزت على الوقاية عبر الضمير والقيم، بينما ركز القانون الجزائري على العقوبات الزجرية. وتخلص الدراسة إلى أن الإطارين يتفقان على التحريم مع اختلاف في الآليات. وتوصي باستراتيجيات متكاملة تجمع بين الوضوح التشريعي، والتثقيف الأخلاقي، والتوعية المجتمعية لمكافحة هذه الظاهرة.

الكلمات الدالة: الشريعة الإسلامية، العنف اللفظي، جرائم، قانون العقوبات

Introduction :

Across historical epochs, violence has proved stubbornly resilient. Its spectrum stretches from physical and psychological abuse to economic coercion. Moreover, empirical research indicates that these manifestations rarely appear in isolation; rather, they unfold in succession. Within that continuum, verbal violence—words deployed to injure—frequently accompanies physical assault. Its incidence is shaped by familial, social, cultural, and economic milieus.

Within Algeria, and notably in homes, schools, and public spaces, daily discourse has grown markedly sharper. Consequently, courts have recorded an upsurge in litigation rooted in verbal violence which is an increase that corresponds with tighter household budgets and mounting responsibilities. Curses, slurs, threats, and ridicule have seeped into ordinary talk, transgressing ethical and religious boundaries. Although this form of aggression leaves no visible scar, it can inflict psychological wounds that persist throughout the victim's life.

In response, Algerian legislators introduced a series of amendments, culminating in the 2015 revision of the Penal Code. This reform explicitly criminalizes verbal violence and provides heightened protection for women and minors.

Against this backdrop, the present study asks: To what extent do Islamic Sharia and Algerian positive law concur in their regulation of verbal violence?

Methodologically, the research adopts a comparative analytical approach. It juxtaposes scriptural texts with statutory provisions, then evaluates the preventive and remedial mechanisms each system proposes. By articulating points of convergence and divergence, the study seeks to advance an integrated framework capable of reinforcing ethical conduct within Algerian society.

I. Definition of Verbal Violence

Violence, in its many guises, has shadowed human societies since the very dawn of recorded memory. Indeed, sacred texts frequently recount the conflict between the sons of Adam (Cain and Abel) as the first instance of violent wrongdoing, a narrative that underscores how aggression migrated into every subsequent community. Although universal, violence is never uniform; its expression is conditioned by type, intensity, perpetrator, and target.[1] Etymologically, the English term *violence* descends from the Latin *violentia*, connoting an excessive use of force[2]. Among its several forms, verbal violence is the most common, yet it is often dismissed as harmless precisely because it leaves no visible injuries[3].

A definition of violence, however, remains contingent on social and legal context[4]. In classical Arabic, the root ʿUnf conveys severity and lack of gentleness. One says *ʿanifa bihi*—he dealt with him harshly—and *ʿannafa fulānan*—he reproached him sternly[5]. Hence, ʿunf in

language denotes coercion and the absence of soft handling; it is the semantic opposite of leniency. From a juristic perspective, violence entails an unlawful or illegitimate application of pressure or force designed to bend another's will, expropriate rights, or seize property[6]. While related, violence is distinct from aggression: it is more impulsive, less restrained by conscience, and therefore prone to extremes[7].

Verbal violence is likewise defined as a mode of aggression manifested in insults, harsh reprimands, acts of defiance, ridicule of another's feelings, pejorative name-calling, and the attribution of degrading traits. It may also employ threatening words or phrases and frequently serves as a precursor to physical violence[8].

1. Definition of Verbal Violence under Islamic Sharia

Islam presents itself as a juridical order grounded in peace. Canonical reports in Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim relate that, when Abū Mūsā enquired about the most virtuous believer, the Prophet replied that it is "the one from whose tongue and hand others remain unharmed." A parallel narration through ʿAbd Allāh ibn ʿAmr adds that genuine emigration (*hijra*) consists in abandoning whatever God has forbidden, thereby elevating self-restraint above even the historical act of migration[9]. The implication is categorical: a Muslim must shield all people—Muslim and non-Muslim alike—from every form of harm. Verbal aggression thus represents the antithesis of a "safe tongue"; the believer is enjoined to avoid insult, curse, backbiting, slander, talebearing, and any speech aimed at oppressive domination. The precedence of the tongue over the hand in the hadith underscores that linguistic injury is both easier to inflict and, frequently, more corrosive[10].

Islamic teaching further mandates vigilant guardianship over the faculties, with the tongue singled out as the determinant of moral reward and liability. When the Companion Muʿādh asked whether every utterance would be recorded, the Prophet retorted that nothing topples people into Hell more readily than "the harvest of their tongues," warning that safety endures only in silence, whereas speech is immediately entered either for or against the speaker[11]. In another report, the Prophet observed that the deeds most likely to admit a person to Paradise are reverent piety and noble character, whereas the sins most apt to lead to perdition stem chiefly from "the mouth and the sexual organs."

Verbal violence denotes any conduct that inflicts psychological harm and wounds emotional sensibilities—mockery, harsh rebuke, insult, blame, intimidation, contempt, or the assignment of degrading epithets. Unlike physical assault, it leaves no visible mark, yet it can engrave deep psychic scars[12]. Moreover, verbal abuse ranks among the most prevalent forms of violence within youth cohorts across both affluent and impoverished societies. One likely explanation is that several legal systems still fail to recognise verbal aggression as an autonomous offence, a legislative gap that permits the behaviour to metastasise into more overt and destructive forms of violence[13].

1. Statutory Definition of Verbal Violence

Internationally, the Forty-Ninth World Health Assembly (Resolution 49/25, 1996) classified violence—verbal aggression included—as a pressing public-health concern[14]. Within Algerian law, however, liability cannot arise unless the conduct is anchored in a precise statutory provision[15]. Article 146 of Chapter 5 of the Penal Code, as amended, supplies that anchor. It extends to insults, slander, or defamation levelled—by any of the media specified in Article 144

bis—against Parliament, either of its chambers, the judiciary, the National People's Army, or any other statutory or public body. The article prescribes penalties but withholds a stand-alone definition. Consequently, Algerian legislation addresses verbal violence primarily by sanction, leaving the conceptual boundary to judicial interpretation.

2. Drivers and Consequences of Verbal Violence

2.1 Drivers

Violent speech seldom originates from a single trigger; it flows from a web of interacting pressures. Political uncertainty, economic contraction, social dislocation, ideological tension, and psychological strain each supply part of the charge. Theories accordingly diverge. Some locate an innate violent instinct within the human species. Others emphasize social learning: repeated exposure to aggressive models in the social milieu normalizes hostility. A third family of explanations assigns a causal role to chronic frustration, arguing that blocked goals nourish resentment and, in turn, verbal assault. Competitive subcultures that condone retaliation—"an eye for an eye"—further reinforce the cycle[16].

Individual factors: Personality structure, impulse control, and cognitive style all influence the likelihood of verbal aggression. Empirical work links lower measured intelligence and heightened impulsivity to a greater propensity for hostile speech. Early exposure to domestic violence also matters; children who witness routine verbal abuse often replicate it in later interactions[17].

Gender norms intersect with these tendencies: several cross-cultural studies observe that overt verbal aggression is socially tolerated in males more than in females, partly because parents penalize girls more severely for explicit displays of anger[18].

Empirical observations indicate that seventeen-year-olds whose body size surpasses that of their age-mates tend to show a higher disposition toward violence. A field study of residential zones in South-East London likewise found that male adolescents living in densely populated industrial areas—across several neighborhoods and schools—manifested elevated aggression regardless of nationality or skin color. These results underscore that violence is a behavior whose onset and trajectory defy precise prediction, driven by a complex interplay of motives[19].

2. Socio-Environmental Drivers

According to a World Health Organization report issued in Geneva, the physical environment in informal settlements stands as the foremost driver of rising violence in developing countries. The report stresses that adequate housing—judged by both natural and social criteria—promotes psychological and physical well-being, whereas violence flourishes where such conditions are absent. It links aggressive behavior to environmental stressors such as noise, crowding, water contamination, poor architectural design, and the general lack of supportive surroundings.

Numerous empirical studies have explored the nexus between physical-social settings and violent conduct. In purely physical terms, violence correlates strongly with residential overcrowding and with television viewing, especially exposure to violent content[20]. Within the social context, culture plays a pivotal role in normalizing particular behaviors, notably aggression and abuse[21]. The principal socio-environmental factors can be summarized as follows:

1 – Family dynamics: The family constitutes the primary milieu in which a child's character is shaped. It can foster either pro-social or antisocial tendencies. Some caregivers, intentionally or not, reinforce

aggressive behavior in their offspring by using expressions such as "You are the man of the house," "You are the mother of the future," "Honor is at stake," or "Never let anyone wrong you."[22] Additional risk factors include persistent domestic conflict, corporal punishment, the absence, death, divorce, or incarceration of a parent, large family size, and low economic status.

2 – Social-institutional factors: Society transforms the individual from a biological to a social being, yet each environment imposes distinctive pressures. In schools, certain variables can trigger or reinforce violent conduct: high classroom density, misaligned curricula, harsh treatment by teachers, reinforcement of negative peer behavior, excessive homework, derision of students' ideas, and teachers' refusal to engage in dialogue[23]. Behaviorism holds that aggression is learned from such surroundings; repeated reinforcement elicits an aggressive response whenever frustration arises. Early experiments by John B. Watson showed that phobias—and by extension other maladaptive behaviors—are acquired through learning and can be treated by dismantling the faulty learning pattern and building a new on[24].

3 – Peer influences: Belonging to a peer group powerfully shapes social and psychological development. Within that setting, young people acquire novel behavioral templates and interaction skills. Peer groups also provide a testing ground for values and conduct previously absorbed in the family[25].

4 – Media exposure: Mass media exert a substantial impact on violent behaviour through cartoons, series, and news saturated with aggression[26]. The communications revolution, which has turned the world into a "global village," supplies an endless stream of violent images that penetrate young people's consciousness; television often

assumes the role of an authoritative tutor. Joshua Meyrowitz notes that electronic media dissolve naturally intertwined spatial elements, potentially weakening national identity[27]. A decade-long longitudinal study of 800 children, observed from ages eight–nine through eighteen–nineteen, demonstrated a positive relationship between heavy viewing of violent programs at age nine and aggressive behavior at age nineteen.

5 – Generalized frustration: Widespread frustration and social alienation furnish fertile ground for violence. Deprivation of basic needs can generate hostility toward the perceived source of that deprivation[28]. Pioneers of the frustration–aggression hypothesis—Neil Miller, Robert Sears, John Dollard, among others—focus on social dimensions of human conduct. Their foundational premise is that frustration functions as a stimulus and aggression as its typical response[29].

6 – Legal Drivers: Violence flourishes where regulatory frameworks are weak. The absence of clear statutes and bylaws governing verbal aggression—particularly within educational institutions—together with the lack of mechanisms to resolve disputes among teachers, students, and administrators, contributes to the problem[30]. Further obstacles include inadequate rules for proving verbal abuse in public, workplace, and domestic settings, the non-existence of disciplinary committees to address transgressions, and deficient inter-institutional cooperation.

Consequences of Verbal Violence

Verbal violence imprints wounds on the psyche that are often more tenacious than the bruises left by physical assault. Whereas bodily pain subsides, the psychic distress triggered by insults, threats of deprivation, blackmail, and derogation can precipitate chronic

psychopathology. Historically, religious sensibility and both general and specific legal deterrence confined the practice to exceptional circumstances; today, however, shifting psychological norms and divergent cultural tolerances have allowed verbal violence to proliferate. What one community deems tolerable another emphatically rejects, underscoring the cultural contingency of both threshold and impact.

When directed at children, verbal abuse erodes their capacity to engage positively with society and to harness personal and environmental resources effectively. The resulting deficit in familial, scholastic, occupational, and social satisfaction constrains self-actualization and, by extension, diminishes the individual's contribution to collective development[31].

Within marital settings, sustained verbal aggression against a wife corrodes her sense of safety in the home, engendering depression, fear of uncertainty, and broader familial disintegration—a pattern that frequently transmits abusive scripts to the next generation.

Clinically, verbal violence is implicated in a spectrum of psychological and somatic disorders: anxiety, persistent fear, heightened tension, pervasive insecurity, severe depressive episodes, and, in some instances, frank mental illness. At the macro level, it destabilizes the social and economic fabric by undermining household cohesion and precipitating family breakdown. Notably, verbal hostility often functions as a precursor to physical violence.

3. Typology of Verbal Violence

Scholars in developmental psychology propose several schemes for classifying aggression, yet they converge on one fact: violent behavior mutates as the child matures. Around the age of two, frustration often erupts against objects—a stage dubbed instrumental-overt aggression.

Between four and six, the target shifts to people; verbal abuse—insults, taunts—appears first, soon followed by physical acts such as hitting or biting. For some children the pattern ossifies and becomes a habitual response[32]. Islamic jurisprudence and law each build their own taxonomies, though the present section limits itself to the categories recognized by classical Sharīʿa.

3.1 Forms Recognized in Islamic Law

Islam prohibits every spoken act that wrongs, betrays, or degrades another. The Prophet, in an oft-cited report, reminded believers that a Muslim must neither oppress nor abandon nor despise his fellow; human worth, not outward status, commands divine regard[33]. Drawing on Qurʾānic and prophetic sources, jurists list four principal forms of verbal aggression: insult (*sabb*), backbiting/shaming (*ghība*, *tashhīr*), false imputation of adultery (*qadhf*), and mutual imprecation (*liʿān*)[34].

a. *Sabb* (Insult)

Linguistically, *sabb*—also rendered *sibāb*—denotes verbal vilification: face-to-face abuse, disparagement, or taunting. Classical lexicons extend the root to wounding, censoring, or cutting another down; mockery therefore falls under the same legal ruling[35]. In substance, *sabb* encompasses every form of verbal harm that does not rise to the level of imputing adultery or denying lineage. Illustrative cases include calling another person "infidel" (*kāfir*) or "hypocrite" (*munāfiq*); deriding a disability with epithets such as "blind one," "amputee," or "cripple"; branding someone a member of a deviant sect—"atheist," "Rāfiḍī," and the like; accusing him of ostentation, usury, lechery, debauchery, or drunkenness; or labelling him "liar," "traitor," and so forth[36].

The prohibition is buttressed by multiple proofs. The Qurʾān declares: *"Those who harm believing men and believing women without their having earned it bear the burden of calumny and a manifest sin"*[37] (33:58). Prophetic tradition is equally categorical: *"Reviling a Muslim is depravity, while fighting him is disbelief."* In another report the Prophet states, *"A Muslim is the brother of a Muslim; he neither wrongs him, nor abandons him, nor belittles him. All that belongs to a Muslim—his blood, his property, and his honour—is inviolable to another Muslim.*[38]*"* He further observed, *"It is sufficient evil for a person to hold his brother in contempt.*[39]*"*

b. *Ghība* and *Tashhīr* (Backbiting and Public Shaming)

Tashhīr stems from the root *sh-h-r*, "to make public." It covers speech that exposes a person to humiliation on grounds of race, origin, faith, residence, or gender, or that diminishes professional standing[40]. Backbiting—speaking of an absent person in terms he would resent—was explicitly forbidden: the Prophet explained that even a true statement counts as *ghība* if it wounds, whereas a false one becomes *buhtān* (calumny).

c. *Qadhf* (False Imputation of Adultery)

Muslim jurists have defined *qadhf*; the predominant Mālikī formulation states that it is "attributing zina to a human being, or negating the lineage of a Muslim.[41]" Islamic law declares it prohibited. The Qur'an stipulates that those who accuse chaste women and fail to produce four witnesses are to be flogged eighty lashes, their testimony never again accepted, and they are deemed transgressors[42]. It also warns that those who desire the spread of obscenity among the believers face painful punishment in this world and the next[43], and that those who accuse chaste, unsuspecting,

believing women are cursed in this world and the next and will suffer a grievous torment[44].

From the Sunnah, the Prophet—peace be upon him—listed among the seven destructive sins: associating partners with God, sorcery, unlawful killing, usury, consuming the property of the orphan, fleeing the battlefield, and *qadhf* of chaste, unsuspecting women.

Accordingly, the sanction for *qadhf* in Islamic law comprises: a corporal penalty of eighty lashes; an evidentiary consequence of permanent inadmissibility of the accuser's testimony; and a religious-moral designation as fāsiq (grave transgressor).

d. *Liʿān* (Mutual Imprecation)

Linguistically, *liʿān* is the verbal noun of *lāʿana* ("to imprecate"); *mulāʿana* derives from *laʿn*, meaning banishment and expulsion. It is said: *ta-laʿʿana*—he invoked a curse upon himself; *laʿanahu*—he expelled him; *talaʿʿanā*—they cursed one another. One says: "He performed *mulāʿana* with his wife and *liʿān*," that is, each cursed the other. *Liʿān* is thus the verbal noun of *lāʿana*; its triliteral root *laʿana* is taken from *laʿn*, which denotes banishment and removal from good, and it is said: banishment and removal from God, and from people.

The Shāfiʿīs define it as a set of prescribed utterances made a proof for one who is compelled to accuse (*qadhf*) a person who has "soiled his bed" and brought him disgrace. The connection between *qadhf* and *liʿān* is that *liʿān* serves to avert the *ḥadd* of *qadhf* from the husband[45].

Accordingly, if a husband accuses his wife of *zinā* and is unable to adduce proof, the *ḥadd* of *qadhf* becomes due upon him; but if *liʿān* occurs, the *ḥadd* lapses. Thus, the accusing husband is obligated to perform *liʿān*[46]. *Liʿān* is an oath, not testimony, and therefore takes the rules of oaths—this is the view of the majority among the Mālikīs, Shāfiʿīs, and Ḥanbalīs. It is a testimony confirmed by an oath and

repetition, and an oath intensified with the wording of testimony and repetition[47].

Types of Verbal Violence in Law

Algerian criminal legislation distinguishes three offences that together constitute "verbal violence": **defamation (*qadhf*)**, **insult (*sabb*)**, and **verbal harassment or threat**. Each offence is framed by a specific statutory article, and each carries discrete elements and sanctions.

1. Defamation: Article 296 of the Algerian Penal Code provides: "Defamation is any allegation of a fact liable to infringe the honor and reputation of persons or of the body to which it is attributed, or the imputation of such a fact to them or to that body; publication of this allegation or imputation is punishable whether made directly or by way of republication, even if expressed in a doubtful manner, or if it is aimed at a person or a body without mentioning the name but it is possible to identify them from the phrases of the speech, the shouts, the threats, the writing, the printed matter, the placards, or the advertisements that constitute the subject of the offence."

Iraqi law defines it as: "Attributing a specific fact to another, by one of the public means, which—if true—would subject the person attributed with it to punishment or to contempt among the people of his country.[48]"

Jordanian law defines it as: "Attributing a particular matter to a person, even by way of doubt or questioning, that is liable to harm his honor and dignity or to expose him to some people's contempt, whether or not that matter constitutes an offence requiring punishment[49]."

2. Insult (*sabb*)

Article 297 defines *insult* as: "Any disgraceful expression or wording that entails disparagement or vilification and does not involve the imputation of any fact."

Verbal violence takes three forms—the misdemeanors of insult, abuse, and verbal threat—pursuant to Articles 297 and 299 of the Penal Code, together with Article 284 governing the misdemeanor of verbal threat, and the misdemeanor of defamation, which falls under Article 298 of the Penal Code and carries a custodial sentence from two months to five years and fines up to 20,000 DZD.

The Algerian legislator distinguishes public insult from non-public insult: the former constitutes a misdemeanor if committed by any means of publicity, whereas the latter is punishable under Article 463(2) of the Penal Code. The misdemeanor of insult may also be committed through the written press.

3. Verbal Threat

Article 284 defines threat as encompassing any threat to commit the crimes of murder or imprisonment, or any other assault against persons, whether by a signed or unsigned writing, or by images, symbols, or slogans.

The Algerian legislator also addressed verbal violence in its broader sense in Law No. 04-08, dated 15 Muḥarram 1429 (corresponding to 23 January 2008), which constitutes the Framework Law on National Education.

IV. The Algerian Legislature's Response to Verbal Violence

It should be noted that the Algerian legislator addressed verbal violence implicitly prior to 2015; after 2015, it expressly provided for the criminalization of verbal violence.

Before the 2015 amendment

Article 298 bis (amended) spitulated that An insult directed at one person or more because of their belonging to an ethnic or sectarian group or to a specific religion is punishable by imprisonment from five (5) days to six (6) months and a fine from 5,000 to 50,000 DZD, or by one of these two penalties only. **And Article 299 (amended)** spitulated that An insult directed at an individual or several individuals is punishable by imprisonment from one (1) month to three (3) months and a fine from 10,000 DZD to 25,000 DZD. A waiver by the victim puts an end to criminal proceedings.

As for threat, it is criminalized under Article 284: whoever threatens to commit the crimes of murder or imprisonment, or any other assault against persons punishable by death or life imprisonment, whether by a signed or unsigned writing, or by images, symbols, or slogans, shall be punishable by imprisonment from two to ten years and a fine from 500 to 5,000 DZD, if the threat is accompanied by an order to deposit a sum of money in a specified place or to fulfil any other condition. In addition, the offender may be deprived of one or more of the rights listed in Article 14 and banned from residence for not less than one year and not more than five years.

But Article 285 provide if the threat is not accompanied by any order or condition, the offender shall be punishable by imprisonment from one to three years and a fine from 500 to 2,500 dinars. The offender may be banned from residence for not less than one year and not more than five years. **But** If the threat is accompanied by an oral order or condition, the offender shall be punishable by imprisonment from six months to two years and a fine from 500 to 1,500 dinars. In addition, the offender may be banned from residence for not less than one year and not more than five years, according Article 286.

Whoever threatens with assault or violence not provided for in Article 284, using one of the methods provided for in Articles 284 to 286, shall be punishable by imprisonment from three months to one year and a fine from 500 to 1,000 DZD if the threat is accompanied by an order or condition.

But Article 341 bis (new) bis Whoever exploits the authority of his position or profession by issuing orders to others, or by threat or coercion, or by exerting pressure upon them, with the aim of forcing them to respond to his sexual desires, shall be deemed to have committed the offence of sexual harassment and shall be punishable by imprisonment from two (2) months to one (1) year and a fine from 50,000 DZD to 100,000 DZD.

Because sexual harassment is also a form of violence against women, Article 341 bis was reviewed to tighten the penalty in a new draft bill and to expand the scope of harassment to include the exploitation of authority or office to commit the offence. The penalty was doubled if the perpetrator was a mahram, or if the victim was a minor, pregnant, ill, or disabled. The legislation also addressed harassment of women in public places as uncivil behavior, and increased the penalty where the victim was a minor under 16. As for harassment in public places, it entailed imprisonment from two to six months, and a fine ranging from 20,000 to 100,000 dinars, with the penalty aggravated in the case of minors; it rose to three years' imprisonment and a fine of 500,000 dinars where the violence escalated to threat and coercion infringing the victim's sexual inviolability. In cases involving maḥrams, disability, illness, incapacity, or pregnancy, the offender's penalty reached two years' imprisonment and up to five years, with a fine between 200,000 and 500,000 dinars. However, the draft was not adopted and was attacked before being discussed.

It should be noted that Article 341 bis of the Penal Code suffers from practical shortcomings: it does not specify the means of proving harassment. Consequently, any judgment in such a case would be liable to unfairness. How, for example, can a female student prove before a judge that she was harassed by her professor when the law does not address material evidence establishing harassment? The article thus suffers from deficiency and a legal vacuum, and in this situation it must be revisited—particularly given the prevalence of such conduct in the street and in workplaces. In light of this reality, the text remains general and incapable of performing the deterrent function expected of any law.

The Algerian 2015 draft provided for verbal violence and divided it into two situations: the case of women in general and the case of the wife in particular.

As for women in general, this was set out in Article 333 bis 2, when it defined the act of verbal violence as whoever harasses a woman in a public place, whether by an act, a gesture, or words likely to offend her modesty. The penalty is aggravated if the victim is a minor who has not completed 16 years. The penalty for this offence was set at imprisonment from two to six months, and a fine from 20,000 Algerian dinars to 100,000 Algerian dinars, or by one of these two penalties.

In addition to verbal violence, the Algerian legislator provided for verbal harassment, describing it as any person who harasses another with a word or words bearing a sexual character or innuendo, and provided for its punishment by imprisonment from one to three years and a fine from 100,000 Algerian Dinars to 300,000 Algerian Dinars. It required, for harassment, that the conduct be committed by a person exploiting the authority of his position or profession—by issuing

orders to others, or by threat or coercion, or by exerting pressure upon them—with the aim of forcing the person verbally harassed to comply with his sexual desires[50].

As for verbal harassment, Article 333 bis 2 provides that "whoever harasses a woman in a public place, by any act, word, or gesture that offends her modesty, shall be punishable by imprisonment from two months to six months and a fine from 20,000 Algerian Dinars to 100,000 Algerian Dinars, or by one of these two penalties; and the penalty shall be doubled if the victim is a minor who has not completed sixteen years of age.[51]"

Moreover, the Algerian legislator provided for the punishment of anyone who commits against his wife any form of verbal violence, or even repeated psychological violence, rendering her a victim in the event of an infringement of her dignity or an impact on her physical or psychological integrity. The 2015 amendment affirmed that proof of domestic violence may be by all means of proof. It did not require the perpetrator to be residing with the victim in the same marital home; rather, it went so far as to allow the spouses to be divorced, in dissolution, or in *khul'*, including the former spouse, provided it is established that the acts are connected to the marital relationship. The Algerian legislator added that the perpetrator shall not benefit from any mitigating circumstance if the victim is pregnant or disabled, or if the offence of verbal violence is committed in the presence of the children—especially where the children are minors—or where the offence is committed under threat with a weapon. However, the 2015 amendment added the possibility of terminating the criminal proceedings in the event of a waiver by the victim.

In Article 330 bis, added by the 2015 amendment, it is provided that whoever exercises upon his wife any form of verbal violence within

the framework of coercion or intimidation in order to compel her to dispose of her property or financial resources shall be punishable by imprisonment from six months to two years, with the possibility of terminating the criminal proceedings in the event of a waiver by the victim.

The Algerian legislator also addressed verbal violence in Article 21 of Law No. 08/04, which states: "Corporal punishment and all forms of moral violence and abuse are prohibited in educational institutions." Administrative sanctions were established for anyone who violates this article, without prejudice to criminal prosecutions[52].

Conclusion

Verbal violence constitutes an affront to the human dignity that God has conferred upon every person; religion proscribes it and law criminalizes it. Addressing the phenomenon therefore demands an integrated approach that combines religious guidance, ethical education, statutory prohibition, and social remediation so that a society grounded in lofty human values may emerge—one in which the dignity of every individual is respected. After this analytical survey of verbal violence in Islamic law and in Algerian positive law, the study yields a set of findings that illuminate convergences and divergences between the two perspectives and furnish a basis for concrete proposals designed to curb the phenomenon.

I. Main Findings :

- **Normative convergence:** Islamic law and Algerian legislation both criminalize verbal violence and seek to safeguard human dignity, even though their philosophical underpinnings and sanctioning regimes differ.

- **Doctrinal precedence of Sharia:** Islamic jurisprudence identified the gravity of verbal abuse more than fourteen centuries ago, long before modern legal systems codified comparable prohibitions; Algerian statutory regulation followed a later, incremental path.
- **Preventive ethos of Sharia:** Islamic treatment is primarily preventive and value-oriented, appealing to conscience and faith, whereas Algerian law emphasizes punitive measures after the act has occurred.
- **Legislative evolution in Algeria:** The 2015 amendment marks a significant shift from implicit to explicit criminalization of verbal violence, with special attention to vulnerable groups such as women and children.
- **Shared typology:** Both frameworks recognize similar categories—insult, defamation, threat, and verbal harassment—though nomenclature and subdivisions vary.
- **Practical gaps:** Algerian law still lacks robust procedural tools, particularly regarding proof of verbal abuse and sexual harassment, which diminishes the effectiveness of existing provisions.

II. Recommendations

At the Legislative Level

- Revise and expand statutory provisions on verbal violence to achieve greater clarity and inclusiveness, especially with respect to evidentiary standards.
- Insert a precise, comprehensive definition of verbal violence and its modalities into the Penal Code.

- Intensify penalties where the victim is a child, a woman, or a person with disabilities.

At the Educational Level

- Embed instruction on human rights and ethical values—highlighting all forms of violence, particularly verbal—throughout early-childhood curricula.
- Conduct sustained public-awareness campaigns that expose the psychological and social harms of verbal abuse.
- Train educators to recognize and handle verbal-violence incidents within school environments.

At the Family and Social Level

- Strengthen religious and moral awareness through Friday sermons, seminars, and community outreaches.
- Offer family-oriented programs that model non-violent communication in child-rearing.
- Encourage media outlets to adopt discourse that honors human dignity and avoids verbal aggression in all its forms.

At the Judicial Level

- Provide targeted training for judges and court staff on handling verbal-violence cases.
- Simplify procedural requirements to encourage victims to report incidents.
- Establish specialized judicial chambers for violence-related offences.

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