

An Examination of the Grounds for Criminalizing the Denial of Historical Facts from Scientific, Ethical, and Social Perspectives

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Abstract

The denial of historical facts constitutes one of the major challenges facing contemporary societies—a challenge situated at the intersection of freedom of expression, social responsibility, cultural security, and scientific truth. Employing an analytical and interdisciplinary approach, this article examines the grounds for criminalizing the denial of historical facts from three scientific, ethical, and social perspectives. From a scientific perspective, historical denial is often founded not on valid methodology but on pseudoscience, misinformation, political motives, or ideological prejudices. Such denial not only distorts scientific truth but may also contribute to the dissemination of false information and undermine public trust in scientific institutions. From an ethical perspective, denying historical events, particularly those associated with human suffering, genocide, discrimination, or collective tragedies, constitutes a form of disrespect toward victims and a violation of human dignity. Many legal systems, including those of European countries, have justified the criminalization of Holocaust denial on this basis. From a social perspective, historical denial may weaken social cohesion, provoke ethnic or religious sentiments, create cultural divisions, and threaten national security. Collective memory is a significant component of social identity, and its denial may have far-reaching consequences for cultural stability and social solidarity. In many societies, history is not merely a scientific narrative but also a component of national identity and the symbolic capital of society. Consequently, its denial may generate social tensions and erode public trust. Through an analysis of these three perspectives, this article demonstrates that the criminalization of the denial of historical facts is justified only when it is grounded in scientific, ethical, and social principles and when adequate safeguards are established to prevent it from becoming a political instrument or an unnecessary restriction on freedom of expression. Finally, the article proposes a framework for a balanced criminal policy founded on the public interest.

Keywords: criminalization, denial of historical facts, penal populism, scientific values, ethical values, social cohesion, criminal policy

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1. Introduction

The denial of historical facts is a complex and multilayered phenomenon that has attracted considerable attention from legal scholars, sociologists, moral philosophers, and policymakers in recent decades. Contrary to initial assumptions, this phenomenon is not merely a scholarly disagreement or an alternative perspective on the past; rather, in many cases, it is associated with political, ideological, ethnic, or religious motives and may have far-reaching consequences for social security, cultural cohesion, and political stability. Accordingly, many legal systems worldwide, particularly those of European countries, have criminalized certain forms of historical denial. Such criminalization, however, has consistently remained controversial because it lies at the intersection of freedom of expression and social responsibility (Ghaed, 2026).

In Iran, the debate over the criminalization of the denial of historical facts, particularly regarding religious, ethnic, and national events, is also of particular importance. Iranian history encompasses numerous significant events that constitute part of the population's collective identity and cultural memory. The denial or distortion of these events may offend public sentiment, generate social tensions, or weaken national cohesion. At the same time, freedom of expression and academic freedom are important legal and cultural values that should not be restricted without adequate justification. Criminal policymaking in this field must therefore be undertaken carefully and cautiously and must be based on scientific, ethical, and social criteria (Ghaed, 2026).

One of the most important challenges in this field is distinguishing between “scholarly criticism” and “destructive denial.” Unlike the experimental sciences, history is continually subject to reconsideration, new interpretations, and differing analyses. Consequently, not every expression of doubt or reinterpretation of history can be regarded as a criminal offense. Scholarly criticism forms part of the development of historical knowledge and should be protected. Destructive denial, however, which is generally motivated by political or ideological objectives or by ethnic prejudice, may have extensive adverse consequences. This distinction is one of the most important issues that must be considered in criminal policymaking.

From a scientific perspective, historical denial is often not based on valid methodology or scholarly analysis. Many instances of denial are founded on pseudoscience, misinformation, distorted narratives, or political motivations. Human beings possess the capacity for scientific understanding and analysis, but this capacity can develop only when proper methodology is employed (Rasekh, 2009). In the absence of scientific methodology, historical denial may lead to the dissemination of false information, the erosion of public trust in scientific institutions, and epistemic confusion. One justification for criminalizing historical denial is therefore the protection of scientific truth and the prevention of the spread of pseudoscience.

From an ethical perspective, the denial of historical events, particularly those associated with human suffering, genocide, discrimination, or collective atrocities, constitutes a form of disrespect toward victims and a violation of human dignity. Many legal systems, including those of European countries, have justified the criminalization of Holocaust denial on this basis (Mäkinen, 2008). In Iran, the denial of certain religious or historical events connected to the population's religious beliefs may similarly offend public sentiment, and the legislature has therefore intervened in certain cases. Public morality and respect for human dignity consequently constitute important grounds for criminalizing historical denial.

From a social perspective, historical denial may have extensive consequences for social cohesion, national identity, and cultural security. Collective memory is an important component of social identity, and its denial may produce cultural divisions, inflame ethnic or religious sentiments, and undermine public trust. Social solidarity is formed through a sense of mutual responsibility and interdependence among members of society (Borham, 2014). If a historical statement provokes ethnic or religious sentiments, such cohesion may be damaged. Policymakers must therefore consider the social consequences of historical denial and prevent conduct that threatens social cohesion.

2. Scientific and Epistemological Foundations of the Denial of Historical Facts

At first glance, the denial of historical facts may appear to be a simple verbal act or an intellectual position. At a deeper level, however, it is connected to the structure of knowledge, scientific methodology, the credibility of sources, and the process by which knowledge is produced. To understand why and how historical denial may be criminalized, it is first necessary to clarify how “historical truth” is established, what criteria determine its validity, and what factors lead to its denial or contestation. Unlike the experimental sciences, history is constructed not through replicable experiments but through

documents, narratives, evidence, and interdisciplinary analysis. This characteristic renders history vulnerable to denial, distortion, and biased reinterpretation. Criminal policymaking in this field must therefore be based on a precise understanding of the epistemological nature of history (Ghaed, 2026).

At first sight, it may be assumed that denying a historical event merely constitutes a scholarly disagreement and should not be addressed through criminal law. This assumption is valid only when denial occurs within the framework of scientific methodology and is intended to facilitate criticism or epistemological reconsideration. In many cases, however, historical denial arises not from scholarly research but from political, ideological, ethnic, or religious motivations. Such denial not only distorts historical truth but may also contribute to the dissemination of false information and weaken public trust in scientific institutions. Human beings are uniquely endowed with scientific and epistemic capacities that enable them to understand and transform the world around them; however, these capacities can develop only when proper methodology is employed (Rasekh, 2009). In the absence of scientific methodology, historical denial may promote pseudoscience and epistemic confusion.

One of the most important epistemological challenges in the field of history concerns “multiple attestation” and “scholarly consensus.” In many cases, the credibility of a historical event is assessed on the basis of the convergence of accounts and the consensus of historians. These criteria, however, may also be manipulated. For example, a group of historians motivated by political or ideological considerations may reinforce a particular narrative and present it as historical truth. Conversely, historical deniers may rely on minor disagreements among historians to challenge the occurrence of the event itself. Policymakers must therefore distinguish between scholarly disagreement and destructive denial.

In this context, “documentation” is of particular importance. As discussed in the philosophy of science, the practical validity of a theory means that the theory is capable of resolving practical problems and is consistent with the available evidence. This proposition indicates that the validity of a historical narrative depends not only on its accuracy but also on its social function. If a historical narrative can strengthen social cohesion, shape national identity, or prevent ethnic tensions, it possesses social value. Denying such a narrative may therefore have adverse consequences (Ghaed, 2026).

In methodological terms, attention must also be paid to the distinction between “inductivism” and “falsificationism.” According to the conventional understanding, scientific knowledge is knowledge established through empirical evidence and rigorous methods. These methods, however, cannot be applied to history in the same manner. History is constructed not through replicable experiments but through the analysis of documents, narratives, and indirect evidence. The denial of a historical event is therefore not only a scientific issue but also a methodological one. Policymakers must take these differences into account and refrain from applying the criteria of the experimental sciences to historical inquiry.

Another scientific dimension of historical denial concerns the “integrity of research.” In many scientific fields, the publication of a new claim requires evaluation by expert reviewers. In the field of history, however, particularly in digital environments, numerous unscientific claims are disseminated without any form of supervision or peer review. This situation creates favorable conditions for the spread of destructive forms of denial. Weaknesses in the teaching of research methodology at universities have prevented many individuals from distinguishing scientific claims from pseudoscientific ones (Ghiasi, 2006). Strengthening the teaching of research methods in schools and universities is therefore one of the requirements of policymaking concerning historical denial.

Alongside education, the role of the media is also significant. The media, particularly digital media, play an important role in shaping public opinion. When media outlets disseminate false or distorted information, historical denial may spread rapidly. Policymakers must therefore establish mechanisms for monitoring media content, combating false information, and promoting media literacy. Such measures may play an important role in reducing historical denial.

One of the principal instruments of historical denial is “pseudoscience.” Pseudoscience comprises claims and arguments that appear scientific but in fact lack scientific methodology. Historical deniers sometimes employ scientific terminology, diagrams, fabricated statistics, or apparently logical analyses in an attempt to lend credibility to their claims. This form of denial is especially widespread in digital environments and may influence individuals who lack the knowledge necessary to assess such claims. Policymakers must therefore consider the role of pseudoscience in the dissemination of historical denial and develop measures to counter it (Ghaed, 2026).

Alongside these issues, attention must also be paid to the role of “power” in shaping historical narratives. Contrary to common assumptions, history is not always a pure and impartial reflection of the past; in many cases, it is shaped by power

structures, ideologies, political institutions, and even economic interests. Foucault maintains that knowledge and power are intertwined and that no form of knowledge, including history, is independent of structures of power. This perspective demonstrates that historical denial is sometimes not merely an individual act but a response to official or dominant historical narratives. Policymakers must therefore distinguish destructive denial from legitimate criticism of narratives produced by structures of power.

Overall, the scientific and epistemological foundations of historical denial demonstrate that the phenomenon is far more complex than can be addressed through a simple criminal statute. Criminal policymaking in this field must be based on an accurate understanding of the epistemological nature of history, the methodology of historical research, and the motivations of those who engage in denial. Only on this basis can scholarly criticism be distinguished from destructive denial and criminalization be prevented from becoming a political or ideological instrument.

3. Ethical Dimensions and Human Responsibilities Toward Historical Truth

In addition to its scientific and epistemological consequences, the denial of historical facts has profound ethical dimensions that cannot be disregarded in criminal policymaking. Ethics, as one of the most fundamental fields of human thought, has consistently emphasized values such as honesty, respect, justice, and human dignity. As the collective narrative of a nation, history is not merely a collection of data and documents but also part of a society's moral memory. Its denial or distortion therefore constitutes a breach of ethical responsibility and a form of disrespect toward truth. This section provides a broad and analytical examination of the ethical dimensions of historical denial in order to clarify why many legal systems justify its criminalization on ethical grounds.

One of the primary ethical dimensions of historical denial concerns "respect for truth." Truthfulness is regarded as a fundamental value in many ethical systems. Kant, a major philosopher of ethics, maintained that lying, even when apparently harmless, undermines the foundations of social trust and erodes morality from within. The deliberate denial of a historical truth, particularly when motivated by political or ideological objectives, constitutes a form of ethical deception. Such deception not only misleads its immediate audience but may also deprive future generations of access to the truth. Many legal systems have therefore justified the criminalization of historical denial on the basis of the principle of respect for truth.

Alongside respect for truth, "human dignity" is also of particular importance. Many historical events, especially those involving genocide, war, colonialism, or discrimination, are closely associated with human suffering. Denying such events constitutes a form of disrespect toward victims and survivors. For example, the denial of the Armenian genocide, Holocaust denial, or the denial of wartime atrocities is regarded in many countries not only as unethical conduct but also as a criminal offense. Such criminalization is founded on the ethical principle that the suffering of victims must neither be denied nor trivialized. In Iran, the denial of certain religious or historical events associated with human dignity may similarly offend public sentiment, and the legislature has therefore intervened in certain instances ([Ardabili, 2005](#)).

Another ethical dimension of historical denial concerns "justice." As one of the most fundamental ethical values, justice is based on the principle that every individual and group must be treated with equal and fair respect. Historical denial, particularly when intended to demean an ethnic, religious, or social group, constitutes a form of injustice. One aspect of human rights is the protection of human equality, and false statements that degrade a particular group violate this principle ([Mehra et al., 2021](#)). Historical denial intended to demean a social group is therefore not merely unethical but also unjust conduct capable of producing extensive social consequences.

Alongside these issues, "social responsibility" must also be considered. Every individual, as a member of society, has a responsibility to refrain from disseminating false or misleading information. This responsibility is especially significant in relation to history because historical narratives provide the basis for many social, political, and cultural decisions. If individuals or groups distort history for particular purposes, social decisions may be made on the basis of false information. This may have extensive consequences, including ethnic tensions, the incitement of religious sentiments, and the erosion of public trust. Policymakers must therefore consider this ethical responsibility and prevent conduct that violates it ([Ghaed, 2026](#)).

Another ethical dimension of historical denial is the principle of "truth-seeking." Truth-seeking, as an important ethical and scientific value, is based on the principle that human beings should pursue truth and refrain from accepting false or misleading claims. Historical denial, particularly when founded on pseudoscience or misinformation, constitutes a violation of truth-

seeking. Human beings can attain truth only by employing proper methodology and avoiding prejudice, preconceptions, and misinformation (Rasekh, 2009).

Historical denial therefore constitutes a deviation from truth-seeking and may have extensive ethical consequences.

Alongside these matters, attention must also be paid to the role of “moral memory.” Unlike scientific memory, moral memory consists of the values, emotions, and narratives formed within the collective consciousness of society and transmitted from one generation to the next. This memory sometimes overlaps with scholarly history and at other times diverges from it. For example, certain historical events may not have been conclusively established from a scholarly perspective but may occupy an important place in the moral memory of an ethnic group or nation. Denying such events, even where they remain open to scholarly debate, may offend the moral sentiments of society. Policymakers must therefore distinguish between “historical truth” and “moral memory” and consider the ethical consequences of denying each.

Finally, the role of “religious values” must also be considered. In many societies, particularly religious societies such as Iran, history is closely intertwined with religion. Numerous religious beliefs are founded on historical events. Denying these events may weaken religious beliefs and generate doctrinal tensions. The Iranian legislature has therefore criminalized insults to sacred values and the denial of certain religious events (Nikouei, 2012). Such criminalization is founded on ethical and jurisprudential principles and reflects the importance of religious values in Iranian criminal policy.

Overall, the ethical dimensions of historical denial demonstrate that the phenomenon is far more complex than can be addressed through a simple criminal statute. Criminal policymaking in this field must be based on an accurate understanding of the ethical nature of history, human responsibilities, and the ethical consequences of denial. Only on this basis can scholarly criticism be distinguished from destructive denial and criminalization be prevented from becoming a political or ideological instrument.

Policymakers must therefore distinguish between “historical truth” and “collective memory” and consider the social consequences of denying each.

Alongside collective memory, national identity is one of the most important cultural elements that may be affected by historical denial. National identity comprises the beliefs, values, symbols, and narratives that bind a nation together. History is one of the most important components of national identity. The denial or distortion of national history may weaken national identity and create social divisions. For example, denying the role of an ethnic or religious group in national history may generate a sense of injustice or discrimination. This perception may lead to social tensions, protests, or even separatism. Policymakers must therefore consider the national consequences of historical denial and prevent conduct that threatens national identity.

Another cultural consequence of historical denial is the weakening of society’s symbolic capital. Symbolic capital comprises the symbols, values, and narratives that give meaning and identity to a society. History is one of the most important sources of symbolic capital. The denial or distortion of history may diminish this capital and undermine cultural cohesion. For example, denying the role of a significant historical figure may weaken society’s symbolic capital. Such weakening may result in cultural disorientation, reduced public trust, and the erosion of national identity.

Alongside these issues, the role of the media must also be considered. The media, particularly digital media, play an important role in shaping public opinion. When media outlets disseminate false or distorted information, historical denial may spread rapidly. Policymakers must therefore establish mechanisms for monitoring media content, combating false information, and promoting media literacy. Such measures may play an important role in reducing historical denial.

Finally, the role of educational institutions must also be considered. The educational system is one of the most important institutions capable of preventing historical denial. When history is taught scientifically, accurately, and impartially, individuals are less likely to accept false claims. Policymakers must therefore strengthen the educational system and support the scientific and impartial teaching of history.

Overall, the social and cultural consequences of historical denial demonstrate that the phenomenon is far more complex than can be addressed through a simple criminal statute. Criminal policymaking in this field must be based on an accurate understanding of the social and cultural consequences of denial. Only on this basis can scholarly criticism be distinguished from destructive denial and criminalization be prevented from becoming a political or ideological instrument.

4. Social, Cultural, and Identity-Related Consequences of the Denial of Historical Facts

In addition to its scientific and ethical consequences, the denial of historical facts has extensive social and cultural effects that may influence the fundamental structures of society. In many societies, history is not merely an academic discipline but also part of the collective identity, cultural memory, and symbolic capital of the population. Its denial or distortion may therefore have consequences extending far beyond a theoretical disagreement and may directly affect social cohesion, cultural stability, and national security. This section broadly and analytically examines the social and cultural dimensions of historical denial in order to clarify why many legal systems justify its criminalization on the basis of social and cultural necessities (Ghaed, 2026).

One of the most important social consequences of historical denial is the weakening of social cohesion. Social cohesion refers to a sense of belonging, solidarity, and trust among members of society. Social solidarity is founded on a sense of mutual responsibility and interdependence among members of society (Borham, 2014). If a historical statement provokes ethnic, religious, or national sentiments, this cohesion may be damaged. For example, denying the role of an ethnic group in national history may generate a sense of injustice and discrimination. This perception may lead to social tensions, protests, or even ethnic conflict. Policymakers must therefore consider the social consequences of historical denial and prevent conduct that threatens social cohesion.

Alongside social cohesion, public trust is one of the most important forms of social capital in any society. Public trust refers to the population's confidence in the honesty, transparency, and accountability of formal and informal institutions. If people believe that their history has been distorted or that the truth has been concealed from them, they may lose trust in official institutions, the media, or the educational system. Such distrust may have extensive consequences, including reduced social participation, widening political divisions, and the weakening of governmental legitimacy. Policymakers must therefore prevent conduct that undermines public trust.

Another social consequence of historical denial is the intensification of ethnic and religious divisions. In societies such as Iran, which are characterized by substantial ethnic and religious diversity, history plays an important role in fostering solidarity among different groups. The denial or distortion of events associated with a particular ethnic or religious group may inflame ethnic or religious sentiments and deepen social divisions. For example, denying the role of an ethnic group in Iranian history may produce a sense of injustice and discrimination. This perception may lead to social tensions, protests, or even separatism. Policymakers must therefore consider the ethnic and religious consequences of historical denial and prevent conduct that intensifies such divisions.

In addition to its social consequences, historical denial also has cultural consequences. Culture comprises beliefs, values, symbols, and narratives that develop over time and are transmitted from one generation to the next. History is one of the most important components of culture. The denial or distortion of history may weaken a society's culture and erode cultural identity. For example, denying the role of an ethnic or religious group in national history may generate a sense of identity loss or injustice. This perception may lead to cultural tensions, protests, or even separatism. Policymakers must therefore consider the cultural consequences of historical denial and prevent conduct that threatens the culture of society.

Another cultural dimension of historical denial concerns collective memory. Unlike scholarly history, collective memory consists of beliefs, emotions, and narratives formed within the collective consciousness of society and transmitted from one generation to the next. This memory sometimes overlaps with scholarly history and at other times diverges from it. For example, certain historical events may not have been conclusively established from a scholarly perspective but may occupy an important place in the collective memory of an ethnic group or nation. Denying such events, even where they remain open to scholarly debate, may offend collective sentiments and generate social tensions.

5. Necessities and Requirements of Criminal Policymaking in Response to the Denial of Historical Facts

Criminal policymaking regarding the denial of historical facts can be legitimate, effective, and sustainable only when it is founded on clear legal principles, precise scientific criteria, and social and cultural necessities. As demonstrated in the preceding sections, historical denial is a multilayered phenomenon situated at the intersection of freedom of expression, social responsibility, cultural security, and scientific truth. Its criminalization therefore requires precision, caution, and

multidimensional analysis. This section comprehensively and analytically examines the requirements of criminal policymaking in this field in order to clarify how the legislature may balance freedom of expression against social necessities.

One of the primary requirements of criminal policymaking is compliance with the principle of necessity. This principle provides that criminalization is justified only when non-criminal measures are insufficient to address the relevant harm. Under the three-filter theory, criminalization must constitute the measure of last resort (Mohtashami Asl, 2013). Before historical denial is criminalized, it must therefore be determined whether measures such as education, media initiatives, scholarly dialogue, or cultural interventions can prevent the relevant harm. Criminalization may be justified only when these measures prove ineffective. This principle prevents the uncontrolled expansion of criminal legislation and the transformation of criminalization into a political or ideological instrument.

Alongside necessity, the principle of proportionality is also important. This principle requires that punishment be proportionate to the severity of the harm and the importance of the protected value. Where the denial of a historical truth provokes ethnic or religious sentiments and creates a risk of social tension, a more severe penalty may be necessary. Where the denial merely constitutes a scholarly disagreement, however, severe punishment is not only unjustified but may also restrict academic freedom. The legislature must therefore distinguish among different forms of denial and determine penalties according to the severity of the resulting harm (Ghaed, 2026).

Another requirement of criminal policymaking is the precise and clear definition of the offense. The legislature must specify what is meant by “historical facts.” Does the term refer to scientifically established events, events accepted by a consensus of historians, events embedded in collective memory, or religious events? Each of these categories possesses distinct characteristics and cannot be governed adequately by a single general rule. Denying a scientifically established event, such as the discovery of a continent, differs from denying a religious or ethnic event. The legislature must therefore formulate a precise classification and establish specific criteria for each category.

Alongside the precise definition of the offense, the determination of the mens rea is also important. Historical denial should be treated as a criminal offense only when accompanied by culpable intent. An individual who denies a historical event because of ignorance, mistake, or inadequate education should not be regarded as a criminal offender. However, denial motivated by political or ideological objectives or undertaken with the purpose of inflaming ethnic or religious sentiments may properly constitute an offense. The legislature must therefore define the mental element precisely and distinguish intentional from unintentional denial.

Another requirement of criminal policymaking is the avoidance of the politicization of criminal law. Politicians may resort to symbolic criminalization to secure public support, particularly during periods of crisis (Posner & Yoo, 2005). This risk also exists in the field of historical denial. Policymakers must therefore prevent criminalization from becoming a political instrument and must base their decisions on scientific and social criteria. The politicization of criminal law not only leads to the excessive expansion of criminal legislation but may also restrict freedom of expression and erode public trust.

Alongside these requirements, strengthening scientific and educational institutions is also important. If historical denial is to be criminalized, the educational system must be strengthened so that individuals can acquire accurate and scientific historical knowledge. The media must also play an active role in combating false information and historical distortions. In addition, cultural institutions should develop programs aimed at reinforcing collective memory and national identity. Criminalization alone cannot be effective in the absence of such measures.

Another requirement of criminal policymaking is attention to international experience. Many countries, particularly European states, have criminalized the denial of certain historical events, such as the Holocaust. Such criminalization is founded on human rights principles and respect for human dignity. In some countries, however, the criminalization of historical denial has been criticized as an instrument for restricting freedom of expression. Policymakers must therefore examine international experiences and learn from both their strengths and their weaknesses.

Alongside these issues, judicial requirements are also important. If historical denial is criminalized, the judiciary must possess precise and clear criteria for identifying the offense. These criteria must be based on scientific methodology, the analysis of historical documents, and an examination of the individual’s motivations. Judges should also receive appropriate training in history, sociology, and social psychology to enable them to render accurate and just decisions. Without such training, judicial decisions may be incorrect or arbitrary.

Finally, cultural and social requirements must also be considered. The criminalization of historical denial can be effective only when it is supported by society. If the public perceives criminalization as excessively restrictive of freedom of expression, it may oppose the policy. Policymakers must therefore engage in dialogue with society, consider public views, and formulate policies on the basis of actual social needs.

Overall, the requirements of criminal policymaking demonstrate that criminalizing historical denial is not a simple decision. Such a decision must be based on clear legal principles, precise scientific criteria, and carefully designed policy mechanisms. Only under these conditions can criminalization be prevented from becoming a political or ideological instrument while historical, cultural, and social values are effectively protected.

6. Conclusion

The denial of historical facts is a complex and multilayered phenomenon situated at the intersection of freedom of expression, ethical responsibility, scientific truth, and social security. The analysis conducted in this article demonstrated that the criminalization of historical denial is not a simple legal response but a decision deeply dependent on scientific, ethical, and social analysis. From a scientific perspective, historical denial is often based not on valid methodology but on pseudoscience, misinformation, or political motivations and may weaken public trust in scientific institutions and contribute to epistemic confusion ([Rasekh, 2009](#)). From an ethical perspective, the denial of historical events, particularly those associated with human suffering, genocide, or structural discrimination, constitutes disrespect toward victims and a violation of human dignity, a consideration that many legal systems have adopted as a basis for criminalization ([Mäkinen, 2008](#)). From a social perspective, historical denial may weaken social cohesion, inflame ethnic or religious sentiments, create cultural divisions, and threaten national security ([Borham, 2014](#)).

Based on these analyses, it became clear that the criminalization of historical denial is justified only when three essential conditions are satisfied. First, the conduct in question must inflict serious harm on society. Second, non-criminal measures, such as education, media initiatives, and scholarly dialogue, must be inadequate. Third, criminalization must perform a positive and defensible function. These three conditions, articulated in the three-filter theory, provide a theoretical framework for assessing the necessity and limits of criminal intervention ([Mohtashami Asl, 2013](#)).

Finally, the article demonstrated that criminal policymaking in the field of historical denial must be balanced, cautious, and grounded in the public interest. The legislature must avoid the politicization of criminal law, provide a precise and limited definition of the offense, properly specify the mental element, and prevent criminalization from becoming a political or ideological instrument. Only under these conditions can the historical, cultural, and social values of society be effectively protected while academic freedom and freedom of expression are preserved.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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