

Hate Speech Law and Policy

CHERIAN GEORGE

Hong Kong Baptist University, Hong Kong

There is no standard definition of hate speech, but the term is normally used to cover forms of expression aimed at persecuting people by vilifying their racial, ethnic, or other identities. While the immediate target may be a single person or small group, the harm caused by hate speech can extend to entire communities by promoting discrimination and intolerance. In the extreme, hate speech has been used to promote violence and genocide. While the term is always used pejoratively and implies a moral breach, not all hate speech is dangerous enough to merit government regulation. The central law and policy debate over hate speech is where to draw the line between expression that is merely morally objectionable and expression that should be declared legally impermissible. The latter end of the spectrum is sometimes referred to as dangerous or extreme speech.

Hate speech presents a complex policy challenge because what its object perceives as unconscionable could, from the speaker's perspective, be a legitimate expression of genuine grievances and/or a form of political speech. Thus, hate speech often brings two foundational rights into conflict – equality, including the right to be protected from discrimination, and freedom of expression. Digital communication has compounded the problem. First, it spreads messages beyond the intended audience and contexts, with consequences that may be impossible for their creators and publishers to foresee. Second, digital tools – including photo editing software and video games – increase the likelihood of messages being actively manipulated and recontextualized by third parties, again with unpredictable results. Third, digital platforms provide a more open arena for “crowdsourcing” hate speech: many individuals can get involved in the generation,

propagation, and escalation of such expression to a degree not previously possible. Fourth, online hate speech raises jurisdictional conundrums, given the lack of international consensus on laws and norms, including over the liability and responsibilities of global internet intermediaries such as Google and Facebook.

In international law and in every domestic jurisdiction, freedom of expression is a qualified right: states can lawfully limit this right in certain circumstances. There is no consensus on when hate speech falls within those circumstances. Policy responses cluster around three broad approaches. One requires states to balance the right to freedom of expression with the need to protect minorities against incitement to discrimination, hostility, or violence. This is the thrust of international human rights law, which has been usefully crystallized in the Camden Principles on Freedom of Expression and Equality – a 2009 document signed by high-level United Nations and other officials, civil society representatives, and academic experts (Article 19, 2009). These principles are based on the International Covenant on Civil and Political Rights (ICCPR), which informs the work of the United Nations Human Rights Committee and Human Rights Council. Similar balancing approaches are taken by the European Court of Human Rights (which applies the Council of Europe's European Convention for the Protection of Human Rights and Fundamental Freedoms), the Inter-American Court of Human Rights (which applies the Organization of American States' American Convention on Human Rights), and the African Court on Human and Peoples' Rights (applying the African Union's African Charter on Human and Peoples' Rights).

A second approach is epitomized by US jurisprudence. To keep public discourse wide open and free of government interference, the US Supreme Court resists regulation that discriminates among viewpoints, including prohibitions of offensive words or symbols. As a result, hate speech is generally considered to be protected by the First Amendment to the Constitution.

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Hate Speech Law Hate Speech Law

Gregory S. Gordon



Hate Speech Law Hate Speech Law:

The Politics of Hate Speech Laws Alexander Brown, Adriana Sinclair, 2019-09-18 This book examines the complex relationship between politics and hate speech laws domestic and international How do political contexts shape understandings of what hate speech is and how to deal with it Why do particular states enact hate speech laws and then apply extend or reform them in the ways they do What part does hate speech play in international affairs Why do some but not all states negotiate agree and ratify international hate speech frameworks or instruments What are some of the best and worst political arguments for and against hate speech laws Do political figures have special moral duties to refrain from hate speech Should the use of hate speech by political figures be protected by parliamentary privilege Should this sort of hyperpolitical hate speech be subject to the laws of the land civil and criminal Or should it instead be handled by parliamentary codes of conduct and procedures or even by political parties themselves What should the codes of conduct look like Brown and Sinclair answer these important and overlooked questions on the politics of hate speech laws providing a substantial body of new evidence insights arguments theories and practical recommendations The primary focus is on the UK and the US but several other country contexts are also explored and compared in detail including Nigeria Kenya South Africa India China Japan Turkey Germany Hungary and Italy Methodologically the two authors draw on approaches and concepts from a range of academic disciplines including law and legal theory political theory applied ethics political science and sociology international relations theory and international law

Hate Speech Law Alex Brown, 2015-03-05 Hate speech law can be found throughout the world But it is also the subject of numerous principled arguments both for and against These principles invoke a host of morally relevant features e g liberty health autonomy security non subordination the absence of oppression human dignity the discovery of truth the acquisition of knowledge self realization human excellence civic dignity cultural diversity and choice recognition of cultural identity intercultural dialogue participation in democratic self government being subject only to legitimate rule and practical considerations e g efficacy the least restrictive alternative chilling effects The book develops and then critically examines these various principled arguments It also attempts to de homogenize hate speech law into different clusters of laws regulations codes that constrain uses of hate speech so as to facilitate a more nuanced examination of the principled arguments Finally it argues that it is morally fitting for judicial and legislative judgments about the overall warrant of hate speech law to reflect principled compromise Principled compromise is characterized not merely by compromise over matters of principled concern but also by compromise which is itself governed by ideals of moral duty or civic virtue e g reciprocity equality and mutual respect The Open Access version of this book available at <https://doi.org/10.4324/9781315714899> has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

Hate Crimes James B. Jacobs, Kimberly Potter, 1998 Discusses the evolution of hate crime laws in the United States examining the effectiveness of such laws the interpretation of their legal definitions and

the challenges they pose to law enforcement officials

Freedom of speech vs. Hate speech Caroline Mutuku, 2018-06-14
 Essay from the year 2018 in the subject Law Civil Action Lawsuit Law grade 1 2 language English abstract Freedom of speech appears to be one of the most fundamental rights of the U S citizens This provision is protected by the U S Constitution through the First Amendment of the American Constitution therefore it guarantees the U S citizens with freedom of expression The amendment states Congress shall make no law abridging the freedom of speech or of the press Germani par 1 However hate speech is regarded to as a legal crime because it interferes with other provisions in the U S Bill of Rights As a result there have been numerous enactments carried out by the U S Legislature to protect the loyalty of the U S citizens through expression In regard to the First Amendment of the U S Constitution an individual can be convicted of hate speech crime in circumstances where one s statements evoke violence Moreover statements which constitute threats to other people or the Government are regarded to as hate speech crime However conviction of an individual for crimes related to hate speech requires legal approaches to justify the individual s breach of the law Huhn states Even in cases where it is clear that a person is threatening violence the person may be criminally prosecuted only if the law in question is carefully drawn so that it applies only in appropriate cases

Offensive Speech, Religion, and the Limits of the Law Nicholas Hatzis, 2021 Is a government justified in restricting speech offensive to religious belief If so what principles are at stake Drawing on constitutional theory and social and political philosophy this book discusses the normative reasons that support or negate government interference and their interaction with individual and collective religious freedom

Atrocity Speech Law Gregory S. Gordon, 2017-04-11 This book is the first comprehensive study of the international law encompassing hate speech Prof Gordon provides a broad analysis of the entire jurisprudential output related to speech and gross human rights violations for courts government officials and scholars The book is organized into three parts The first part covers the foundation a brief history of atrocity speech and the modern treatment of hate speech in international human rights treaties and judgments under international criminal tribunals The second part focuses on fragmentation detailing the inconsistent application of the charges and previous prosecutions including certain categories of inflammatory speech and a growing doctrinal rift between the ICTR and ICTY The last part covers fruition recommendations on how the law should be developed going forward with proposals to fix the problems with individual speech offenses to coalesce into three categories of offense incitement speech abetting and instigation

Protecting Hate Speech: R.A.V. v. St. Paul Susan Dudley Gold, 2014-01-01 The First Amendment to the U S Constitution guarantees a free press and free speech but those rights are not unlimited In Protecting Hate Speech R A V v St Paul award winning author Susan Dudley Gold looks at the issues involved when the Minnesota city of St Paul tried to ban hate speech within its borders The entertaining account of the case explores the fine line legislators must walk when putting restrictions on free speech The U S Supreme Court s decision in the case has become a testament to the sanctity of the First Amendment even when it protects hateful speech and symbol acts that most

Americans despise **HATE** Nadine Strossen, 2018-04-02 The updated paperback edition of HATE dispels misunderstandings plaguing our perennial debates about hate speech vs free speech showing that the First Amendment approach promotes free speech and democracy equality and societal harmony As hate speech has no generally accepted definition we hear many incorrect assumptions that it is either absolutely unprotected or absolutely protected from censorship Rather U S law allows government to punish hateful or discriminatory speech in specific contexts when it directly causes imminent serious harm Yet government may not punish such speech solely because its message is disfavored disturbing or vaguely feared to possibly contribute to some future harm Hate speech censorship proponents stress the potential harms such speech might further discrimination violence and psychic injuries However there has been little analysis of whether censorship effectively counters the feared injuries Citing evidence from many countries this book shows that hate speech are at best ineffective and at worst counterproductive Therefore prominent social justice advocates worldwide maintain that the best way to resist hate and promote equality is not censorship but rather vigorous counterspeech and activism *Genocide Denials and the Law* Ludovic Hennebel, Thomas Hochmann, 2011 In *Genocide Denials and the Law* Ludovic Hennebel and Thomas Hochmann offer a thorough study of the relationship between law and genocide denial from the perspectives of specialists from six countries This controversial topic provokes strong international reactions involving emotion caused by denial along with concerns about freedom of speech The authors offer an in depth study of the various legal issues raised by the denial of crimes against humanity presenting arguments both in favor of and in opposition to prohibition of this expression They do not adopt a pro or contra position but include chapters written by proponents and opponents of a legal prohibition on genocide denial Hennebel and Hochmann fill a void in academic publications by comparatively examining this issue with a collection of original essays They tackle this diverse topic comprehensively addressing not only the theoretical and philosophical aspects of denial but also the specific problems faced by judges who implement anti denial laws *Genocide Denials and the Law* will provoke discussion of many theoretical questions regarding free speech including the relationship between freedom of expression and truth hate memory and history [The Oxford Companion to American Politics](#) David Coates, 2012-07-12 Provides students and scholars with a valuable reference source in the field of American Politics The Companion will equip readers with a deep understanding of the complex interaction between governmental institutions and processes and the wider American economy and society that they govern **The Law of Public Communication, 11th Edition** William E. Lee, Daxton Stewart, Jonathan Peters, 2020-07-20 The eleventh edition of this classic textbook provides an overview of communication and media law that includes the most current legal developments It explains the laws affecting the daily work of writers broadcasters PR practitioners photographers and other public communicators By providing statutes and cases in an accessible manner even to students studying law for the first time the authors ensure that students will acquire a firm grasp of the legal issues affecting the media This new edition

features discussions of hot topics such as the prosecution of WikiLeaks founder Julian Assange for Espionage Act violations the U S Supreme Court s decision in Iancu v Brunetti addressing the registration of offensive trademarks revenge porn FTC guidelines on social media influencers and efforts by social media platforms to develop coherent approaches to misinformation The Law of Public Communication is an ideal core textbook for undergraduate and graduate courses in communication law and mass media law A downloadable test bank is available for instructors at www.routledge.com

9780367476793 **The Law of Public Communication** William E. Lee,Daxton R. Stewart,Jonathan Peters,2019-07-06

Updated to reflect new developments through 2019 the tenth edition of The Law of Public Communication provides an overview of communication and media law that includes the most current legal developments It explains the laws affecting the daily work of writers broadcasters PR practitioners photographers and other public communicators By providing statutes and cases in an accessible manner even to students studying law for the first time the authors ensure that students will acquire a firm grasp of the legal issues affecting the media This new edition features color photos as well as breakout boxes that apply the book s principles to daily life The new case studies discussed often reflect new technologies and professional practices including hot topics such as cyber bullying drones government surveillance campaign financing advertising and digital libel The Law of Public Communication is an ideal core textbook for undergraduate and graduate courses in communication law and mass media law A downloadable test bank is available for instructors at www.routledge.com

9780367353094 *The Far-Right in International and European Law* Natalie Alkiviadou,2019-04-18 Since the Second World War the international community has sought to prevent the repetition of destructive far right forces by establishing institutions such as the United Nations and by adopting documents such as the Universal Declaration of Human Rights Jurisprudence and conventions directly prohibit far right speech and expression Nevertheless recently violent far right entities such as Golden Dawn of Greece have received unprecedented electoral support xenophobic parties have done spectacularly well in elections and countries such as Hungary and Poland are being led by right wing populists who are bringing constitutional upheaval and violating basic elements of doctrines such as the rule of law In light of this current reality this book critically assesses the international and European tools available for States to regulate the far right It conducts the analysis through a militant democracy lens This doctrine has been considered in several arenas as a concept more generally in the sphere of the European Convention on Human Rights in relation to particular freedoms such as that of association and as a tool for challenging the far right movement through the spectrum of political science However this doctrine has not yet been applied within a legal assessment of challenging the far right as a single entity After analysing the aims objectives scope and possibility of shortcomings in international and European law the book looks at what state obligations arise from these laws It then assesses how freedom of opinion and expression freedom of association and freedom of assembly are provided for in international and European law and explores what limitation grounds exist which are directly

relevant to the regulation of the far right The issue of the far right is a pressing one on the agenda of politicians academics civil society and other groups in Europe and beyond As such this book will appeal to those with an interest in International European or Human rights Law and political science *Human Rights Controversies* Luke McNamara,2007-08-07 A comparative socio legal examination of three recent controversies in four countries this book provides a foundation for finding answers to many of the questions surrounding the universality of human rights values **Studies in Law, Politics, and Society** Austin Sarat,2021-01-18 This volume brings together an interdisciplinary collection of scholars to critically examine issues around hatred and the law With chapters on different elements of the nexus between hatred and law the volume makes a key contribution to the field and is essential reading for legal scholars **Trager's The Law of Journalism and Mass Communication** Victoria Smith Ekstrand,Caitlin Ring Carlson,Erin Coyle,Susan Dente Ross,Amy Reynolds,2023-03-24 Trager s The Law of Journalism and Mass Communication provides a clear and engaging introduction to media law with comprehensive coverage and analysis for future journalists and media professionals Grounded in the traditions and rules of law along with fresh facts and examples the authors demonstrate how the law functions in everyday life The Eighth Edition of this bestselling text offers students a new breadth and diversity of material and brings the law to life with cutting edge research the latest court and legislative rulings and a wealth of new content Included with this title LMS Cartridge Import this title s instructor resources into your school s learning management system LMS and save time Don t use an LMS You can still access all of the same online resources for this title via the password protected Instructor Resource Site Public Law Mark Elliott,Robert Thomas,2014 Public Law is an introductory textbook that offers a mixture of black letter law and political analysis to give students an excellent grounding in the subject It covers all of the key topics on undergraduate courses and includes a number of pedagogical features to aid understanding Handbook on Crime and Deviance Marvin D. Krohn,Nicole Hendrix,Gina Penly Hall,Alan J. Lizotte,2019-08-28 This 2nd edition of the Handbook provides an interdisciplinary coverage of new understandings of the most important developments in the sociology of crime and deviance that is current and emerging for research methodology practice and theory in criminology It fosters research to take the fields of criminology and criminal justice in new directions Unlike any other handbook it includes chapters on cutting edge quantitative data and analytical techniques that are shaping the future of empirical research and expanding theoretical explanations of crime and deviance It further devotes a section to the most current and innovative methodological issues Chapters are updated providing an inclusive discussion of the current research and the theoretical and empirical future of crime and deviance This handbook is of great interest for advanced undergraduates graduates students researchers and scholars in criminology criminal justice sociology and related fields such as social welfare economics and psychology

The Law of Journalism and Mass Communication Susan Dente Ross,Amy Reynolds,Robert Trager,2019-11-12 This is the best all around media law text for undergraduate and graduate students alike The clear nonthreatening writing style of the

authors by itself sets this book apart And yet it does so by not leaving out any important areas of inquiry That s why my colleagues and I continue to adopt this for all of our media law classes Jonathan Kotler University of Southern California In The Law of Journalism and Mass Communication authors Susan Dente Ross Amy Reynolds and Robert Trager present a lively up to date and comprehensive introduction to media law that brings the law to life for future professional communicators The book is grounded in the traditions and rules of law but also contains fresh facts and relevant examples that keep readers engaged Tightly focused breakout boxes highlight contemporary examples of the law in action or emphasize central points of law as well as intersections with international law and policy The thoroughly updated Seventh Edition contains a wealth of new content that is as timely as possible from the U S Supreme Court federal and state courts Congress executive agencies federal and state policymakers and advisory groups and media organizations and allies A refreshed look feel and flow of chapters provide readers an understanding of fast expanding areas of the law and legal complexities *Assessing Hate Crime Laws* Lucille Micheletto,2023-03-01 This book offers a critical analysis of hate crime law using Italy as a case study Employing a multidisciplinary approach it develops an international framework for mapping hate crime laws onto the phenomenon of hate crime itself allowing for better legislation to be drafted It shows how this analytical tool may be used in practice by applying it to legislation in Italy where Parliament recently dismissed a legislative proposal to extend hate crime law to sex gender sexual orientation gender identity and disability The framework allows readers to critique the rationale behind hate crime laws and the effect of or potential effect of their implementation This book ultimately seeks to answer to the question of how and whether States can legitimately introduce a harsher sentence for bias motivated crimes It bridges interdisciplinary hate studies and more traditional legal analysis It speaks to an international audience as well as to an audience with a specific interest in the Italian context

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Table of Contents Hate Speech Law Hate Speech Law

1. Understanding the eBook Hate Speech Law Hate Speech Law
 - The Rise of Digital Reading Hate Speech Law Hate Speech Law
 - Advantages of eBooks Over Traditional Books
2. Identifying Hate Speech Law Hate Speech Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Hate Speech Law Hate Speech Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from Hate Speech Law Hate Speech Law
 - Personalized Recommendations
 - Hate Speech Law Hate Speech Law User Reviews and Ratings
 - Hate Speech Law Hate Speech Law and Bestseller Lists
5. Accessing Hate Speech Law Hate Speech Law Free and Paid eBooks
 - Hate Speech Law Hate Speech Law Public Domain eBooks
 - Hate Speech Law Hate Speech Law eBook Subscription Services

- Hate Speech Law Hate Speech Law Budget-Friendly Options
- 6. Navigating Hate Speech Law Hate Speech Law eBook Formats
 - ePub, PDF, MOBI, and More
 - Hate Speech Law Hate Speech Law Compatibility with Devices
 - Hate Speech Law Hate Speech Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Hate Speech Law Hate Speech Law
 - Highlighting and Note-Taking Hate Speech Law Hate Speech Law
 - Interactive Elements Hate Speech Law Hate Speech Law
- 8. Staying Engaged with Hate Speech Law Hate Speech Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Hate Speech Law Hate Speech Law
- 9. Balancing eBooks and Physical Books Hate Speech Law Hate Speech Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Hate Speech Law Hate Speech Law
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Hate Speech Law Hate Speech Law
 - Setting Reading Goals Hate Speech Law Hate Speech Law
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Hate Speech Law Hate Speech Law
 - Fact-Checking eBook Content of Hate Speech Law Hate Speech Law
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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