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The Harm In Hate Speech (Oliver Wendell Holmes Lectures)



Synopsis

Every liberal democracy has laws or codes against hate speechâexcept the United States. For constitutionalists, regulation of hate speech violates the First Amendment and damages a free society. Against this absolutist view, Jeremy Waldron argues powerfully that hate speech should be regulated as part of our commitment to human dignity and to inclusion and respect for members of vulnerable minorities. Causing offenseâby depicting a religious leader as a terrorist in a newspaper cartoon, for exampleâis not the same as launching a libelous attack on a groupâs dignity, according to Waldron, and it lies outside the reach of law. But defamation of a minority group, through hate speech, undermines a public good that can and should be protected: the basic assurance of inclusion in society for all members. A social environment polluted by anti-gay leaflets, Nazi banners, and burning crosses sends an implicit message to the targets of such hatred: your security is uncertain and you can expect to face humiliation and discrimination when you leave your home. Free-speech advocates boast of despising what racists say but defending to the death their right to say it. Waldron finds this emphasis on intellectual resilience misguided and points instead to the threat hate speech poses to the lives, dignity, and reputations of minority members. Finding support for his view among philosophers of the Enlightenment, Waldron asks us to move beyond knee-jerk American exceptionalism in our debates over the serious consequences of hateful speech.

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Customer Reviews

The author makes an argument against the broad traditional American view of Speech rights. He wants to create a legal and constitutional window for the censoring and suppression of certain speech which he groups under the catch-all title of "hate speech". He invents a "group" right: the right to "dignity" which he then balances off against the right to speech in the system he describes. He tries to define his proposals as a positive (withdrawing a protection) rather than negative (banning something) but I really wonder if that sort of difference means anything at all? Waldron is good at showing the reality of speech today. Of showing the limits under the current American system of law that already exist and how the preceptions of many don't quite line up with the reality of the system. While the arguments in that respect are well made and potentially educational, I don't think that they help his case much. The limits of free speech under the current system do not themselves say anything about the wisdom of new limits on speech. What concerns me about the book is that he is hiding a broad set of concepts and changes to what speech rights means behind a "straw man" called hate speech. His straw man gives him easy examples which are difficult to argue against and at the same time allows him to avoid nearly all the broad consequences of his proposals. The idea of dignity he presents both goes beyond just the issue of "hate speech" and raises difficult questions as a general principle. The book edges toward the logical consequences of applying "dignity" to images of women. Various advertising images and most especially pornography could well be argued as acting against the right to "dignity" of women.

The author took on a subject that most avoid, and for that I congratulate him. At the same time, his arguments are almost always based on false premises. Early on, the author says the publisher of hate speech wants to exclude, beat, and drive out the object of his attacks. Exclusion is NOT the same as beat, the latter being clearly against the law. "Drive out" is tricky, for unless the publisher causes harm to the persons and/or their properties - both clearly against the law separate and apart from hate speech legislation - then the persons may have left (or not left) for any number of other reasons. The liberal links exclusion and beaten because, for the liberal, they are one and the same. For the rest of us, there is a world of difference. Over the past Jewish holidays, I had any number of guests to my home, every one of them Jewish. Clearly I knowingly "excluded" all other peoples, but I certainly didn't and wouldn't beat those peoples. Should I be arrested? The author spends a lot of time extolling and defining a "well-ordered society". Well, the really well-ordered societies are the most homogeneous ones - small towns in which everyone is white and Christian, Orthodox Jewish neighborhoods, Japan, etc. The beloved diversity is the enemy of a well-ordered society, so the

author avoids this inconvenient truth. Hate speech is a slippery slope, starting with defining hate speech. The author says that anything that affects the "dignity" of another individual is hate. Better build more law schools and prisons because we are ALL in trouble by this definition. Is 'NO SHARIA LAW' hate speech or a valid opinion? If I look at someone and smirk, is that hate thought? If a black person smirks at me, is that NOT hate thought by virtue of his melanin?

The Harm in Hate Speech is important and an invaluable resource. I read it with great interest. Waldron argues that there is a sort of public good of inclusiveness that our society sponsors and that it is committed to. Hate speech undermines this public good, or it makes the task of sustaining it much more difficult than it would otherwise be. Hate speech creates an environmental threat to social peace, a "sort of slow-acting poison, accumulating here and there, word by word, so that eventually it becomes harder and less natural for even the good-hearted members of the society to play their part in maintaining this public good". Waldron maintains that hate speech undermines the dignity of the person. A person's dignity is not just some Kantian aura. It is their social standing, the fundamentals of basic reputation that entitle them to be treated as equals in the ordinary operations of society. Hate speech aims "to besmirch the basics of their reputation, by associating ascriptive characteristics like ethnicity, or race, or religion with conduct or attributes that should disqualify someone from being treated as a member of society in good standing". Hate messages undermine the targets' equal status in the community, their entitlement to basic justice and to the fundamentals of their reputation.

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