

# Striking a Balance:

**Hate Speech,  
Freedom of Expression  
and Non-discrimination**

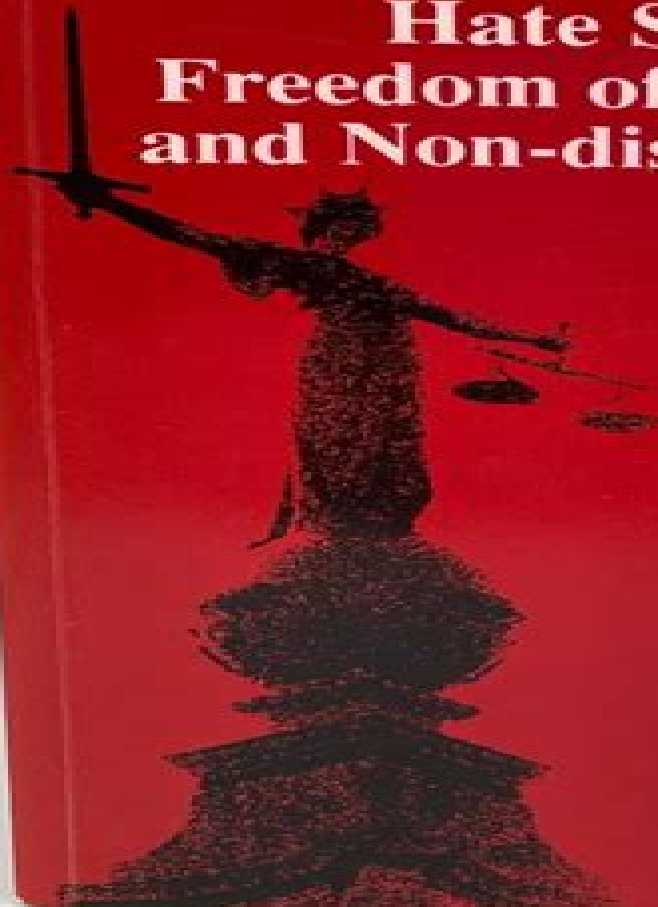
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INTERNATIONAL CENTRE AGAINST CENSORSHIP



# Striking A Balance Hate Speech Freedom Of Expression And Nondiscrimination

**Monwabisi K. Ralarala**



## **Striking A Balance Hate Speech Freedom Of Expression And Nondiscrimination:**

**Striking a Balance** Sandra Coliver, Kevin Boyle, Article 19, University of Essex. Human Rights Centre, 1992 French law by R Errera

**Freedom of Speech and Its Limits** Wojciech Sadurski, 2001-11-30 In authoritarian states the discourse on freedom of speech conducted by those opposed to non democratic governments focuses on the core aspects of this freedom on a right to criticize the government a right to advocate theories and ideologies contrary to government imposed orthodoxy a right to demand institutional reforms changes in politics resignation of the incompetent and the corrupt from positions of authority The claims for freedom of speech focus on those exercises of freedom that are most fundamental and most beneficial to citizens and which are denied to them by the government But in a by and large democratic polity where these fundamental benefits of freedom of speech are generally enjoyed by the citizens the public and scholarly discourse on freedom of speech hovers about the peripheries of that freedom the focus is on its outer boundaries rather than at the central territory of freedom of speech Those borderline cases in which people who are otherwise genuinely committed to the core aspects of freedom of speech may sincerely disagree include pornography racist hate speech and religious bigoted expressions defamation of politicians and of private persons contempt of court incitement to violence disclosure of military or commercial secrets advertising of merchandise such as alcohol or cigarettes or of services and entertainment such as gambling and prostitution

**Hate Speech, Pornography, And Radical Attacks On Free Speech Doctrine** James Weinstein, 2018-10-08 This book devoted to acquainting reader with the basics of American free speech doctrine presents a description of the radical attack on modern free speech doctrine It discusses whether banning this speech would be a remedy for the harms hate speech and pornography are said to cause

The Right to Protection from Incitement to Hatred Mona Elbahtimy, 2021-10-28 Provides an explanatory framework for the challenges facing the development of the international norm prohibiting hate speech

**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

*Contested Words* Ian Cram,2016-05-13 In modern liberal democracies rights based judicial intervention in the policy choices of elected bodies has always been controversial For some such judicial intervention has trivialized and impoverished democratic politics For others judges have contributed to a dynamic and healthy dialogue between the different spheres of the constitution removed from pressures imposed on elected representatives to respond to popular sentiment This book provides a critical evaluation of ongoing debates surrounding the judicial role in protecting fundamental human rights focusing in particular on legislative executive abridgment of a core freedom in western society namely liberty of expression A range of types of expression are considered including expression related to electoral processes political expression in general and sexually explicit forms of expression

**Caste-based Discrimination in International Human Rights Law** David Keane,2016-04-08 With particular focus on the Hindu caste system this book represents a comprehensive analysis of the elimination of all forms of racial discrimination in international law It evaluates the strategies that have informed the work of the United Nations in this area mapping a new path that moves from standard setting to implementation Combining legal analysis with the meaning and origin of caste it explores the remedies human rights law can propose towards the prohibition of caste based discrimination and the abolition of the caste system itself The book provides a benchmark on the achievements of the international community in combating all forms of racial discrimination and the policies that must inform future measures With its clear and accessible style this volume will be of interest to scholars of law and human rights as well as policy makers and practitioners working in this area

*Freedom of Religion* Paul M. Taylor,2006-01-12 A critique of the treatment of the right to freedom of religion within the UN and Europe first published in 2005

**New Frontiers in Forensic Linguistics** Monwabisi K. Ralarala,2019-07-22 The field of forensic linguistics is a niche area that has not enjoyed much participation from the African continent The theme of language and the law in this book is one that straddles two important aspects of the legal history of South Africa in particular and how it has impacted on the country's legal and education systems The declaration by the United Nations of 2019 as The International Year of Indigenous Languages is opportune not only for the launch of this book but for what its research content tells us of the strides taken in ensuring access to justice for all citizens of the world in a language they understand The contributions by authors in this book tell the story of many African citizens and those hailing from beyond our borders who straddle the

challenges of linguistic and legal pluralism in courtrooms across their respective countries It is our hope that the contributions made in this book will assist in ensuring human rights become a reality for global citizens where indigenous voices have not been heard and that these citizens will be free to give their testimonies in a language of their choice and that they may be heard and understood

*The Psychology of Hate Crimes as Domestic Terrorism* Edward W. Dunbar, Amalio Blanco Ph.D., Desirée A. Crèvecoeur- MacPhail Ph.D., 2016-11-21 In this three volume set an international team of experts involved in the research management and mitigation of hate motivated violence examines and explains hate crimes in the United States and around the globe drawing comparisons between countries as well as between hate crimes overall and domestic terrorism The Psychology of Hate Crimes as Domestic Terrorism U S and Global Issues takes a hard look at hate crimes both domestically and internationally enabling readers to see similarities and disparities as well as to make the connections between hate crimes and domestic terrorism The entries in this three volume set discuss subjects such as the psychology and motivation in hate crimes the cultural norms that shape tolerance of outgroups or tolerance of hate and the fact that hate crimes are a pervasive form of domestic terrorism as well as myriad issues of proliferation public policy policing law and punishment and prevention The set opens with an introduction that discusses hate crime research and examines issues of identification of the bias element of hate crimes via empirical and case vignettes The subsequent chapters discuss subjects such as the socio demographic profiles of hate crime offenders hate crime legislation and policy in the United States the effects of hate crime on their victims as well as society the incidence of hate crime in specific regions such as Europe the Middle East and South America and programs and therapeutic interventions to heal victims Readers will also learn how specific educational approaches in communities schools and universities can be implemented to help prevent future escalation of hate motivated violence

Freedom of Expression in the 21st Century Robert Trager, Donna L. Dickerson, 1999-01-25 An ideal supplement for any course with the goal to make free speech issues meaningful and relevant to young media professionals today Features of the text INTERACTIVE it helps instructors engage students in meaningful discussions about current free speech issues It presents situations often taken from court cases followed by questions that challenge students to clarify and justify their own beliefs about freedom of expression INTERNATIONAL communicates how and why countries and governments other than the United States deal with free speech issues in different ways NEUTRAL not a flag waving catechism for the American way Asks difficult questions as to whether the freedoms many U S citizens take for granted are the best approach to some issues It develops critical thinking skills

Redressing Everyday Discrimination Karla Portilla, 2016-04-14 This book examines the harm that everyday discrimination can cause and proposes ways in which it can be redressed Extreme forms of harmful expression such as incitement to hatred have been significantly addressed in law Everyday generalised prejudice negative stereotypes and gross under representation of disadvantaged groups in mainstream media are however widely perceived as normal and their criticism is regularly trivialised In response this book draws on

critical and feminist theory in order to forge a theoretical analysis of the harm created through everyday discrimination. Arguing that anti discrimination law can and should be extended as a tool to offer protection against the harm inflicted the book goes on to consider both its limits and possibilities for redressing this discriminatory practice. *European and US Constitutionalism* Georg Nolte, European Commission for Democracy through Law, 2005-01-01 This book compiles the papers and comments delivered at the Conference on European and American constitutionalism which took place in Göttingen in 2003. Through topics like freedom of speech human dignity the protective function of the state adjudication and democracy and international influences the conference papers identify salient features of the constitutional systems on both sides of the Atlantic and address recent developments following the end of the soviet era in eastern Europe and the terrorists attacks of 11 September 2001.

**Cross-Border Infringement of Personality Rights via the Internet** Symeon C. Symeonides, 2021-01-11 Conflicts of laws arising from injuries to rights of personality such as defamation or invasion of privacy have always been difficult if only because they implicate conflicting societal values about the rights of freedom of speech and access to information on the one hand and protection of reputation and privacy on the other hand. The ubiquity of the internet has dramatically increased the frequency and intensity of these conflicts. This book explores the ways in which various Western countries have addressed these conflicts but also advances new practical ideas about how these conflicts should be resolved. These ideas are part of an international model law unanimously adopted by a Resolution of the Institut de droit international which addresses jurisdiction choice of law and recognition and enforcement of foreign judgments. The book provides extensive article by article commentary which explains the philosophy and intended operation of the Resolution.

*The United Nations and Freedom of Expression and Information* Tarlach McGonagle, Yvonne Donders, 2015-06-11 Maps the UN legal instruments relevant for the protection and promotion of the rights to freedom of expression and information.

*The Freedom to Be Racist?* Erik Bleich, 2011-09-05 The Freedom to be Racist focuses on the tension between combating racism and protecting freedom of speech.

Extreme Speech and Democracy Ivan Hare, James Weinstein, 2009 This book considers the constitutionality of hate speech regulation and examines how liberal democracies have adopted fundamental differences in the way they respond to racist or extreme expressions.

**Hate Speech and Democratic Citizenship** Eric Heinze, 2016 Most modern democracies punish hate speech. Less freedom for some they claim guarantees greater freedom for others. Heinze rejects that approach arguing that democracies have better ways of combatting violence and discrimination against vulnerable groups without having to censor speakers. Critiquing dominant free speech theories Heinze explains that free expression must be safeguarded not just as an individual right but as an essential attribute of democratic citizenship. The book challenges contemporary state regulation of public discourse by promoting a stronger theory of what democracy is and what it demands. Examining US European and international approaches Heinze offers a new vision of free speech within Western democracies.

*Leading Works in Law and Religion*

Russell Sandberg, 2018-12-07 *Leading Works in Law and Religion* brings together leading and emerging scholars in the field from the United Kingdom and Ireland. Each contributor has been invited to select and analyse a leading work which has for them shed light on the way that Law and Religion are intertwined. The chapters are both autobiographical, reflecting upon the works that have proved significant to contributors, and also critical analyses of the current state of the field, exploring in particular the interdisciplinary potential of the study of Law and Religion. The book also includes a specially written introduction and conclusion which critically comment upon the development of Law and Religion over the last 25 years and likely future developments in light of the reflections by contributors on their chosen leading works. **Tackling Militant**

**Racism** Peter Jepson, 2020-07-26 This title was first published in 2003. Militant racism is concerned with antagonism and hostility associated with racist activity. Within a society it is expressed by material that may stir up racial hatred and or discrimination. It can also be seen on the streets and indeed the alleged racist criminality orchestrated by militant gangs. After examining the possible causes of militant racism and its effects, this book considers the new laws designed to tackle racially motivated crime found in the 1998 Crime and Disorder Act. A central theme of the book is the balance between freedom of expression and penalizing racially offensive expression.

Striking A Balance Hate Speech Freedom Of Expression And Nondiscrimination: Bestsellers in 2023 The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous compelling novels enthralling the hearts of readers worldwide. Let's delve into the realm of bestselling books, exploring the captivating narratives that have enthralled audiences this year. Striking A Balance Hate Speech Freedom Of Expression And Nondiscrimination : Colleen Hoover's "It Ends with Us" This heartfelt tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover masterfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Striking A Balance Hate Speech Freedom Of Expression And Nondiscrimination : Taylor Jenkins Reid's "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reid's captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Striking A Balance Hate Speech Freedom Of Expression And Nondiscrimination : Delia Owens' "Where the Crawdads Sing" This evocative coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, entrancing readers with its evocative prose and mesmerizing setting. These top-selling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a masterful and thrilling novel that will keep you guessing until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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