

Hate Speech And The First Amendment

Answers

- English Close Reading Test ANSWER KEY**
"The Lottery" (Common Core-aligned)
- How is Tessie's point of view different from the villagers' point of view?
 - Tessie was happy after winning the lottery, and the villagers were afraid of her.
 - Tessie felt that the pulling was biased, but the villagers believed the pulling was unbiased.**
 - Tessie was angry that she lost the lottery, and the villagers were happy that she didn't win.
 - Tessie thought the lottery was fair, and the villagers thought the same thing.
 - How does the word **hesitates** in paragraph 4 impact the tone of the story?
 - It creates a frightening tone.
 - It creates a painful tone.**
 - It creates a doubtful tone.
 - It creates a thoughtful tone.
 - What is the meaning of the word **disregarded** as it is used in paragraph 20?
 - put off
 - named
 - ruined
 - overlooked**
 - Which two sentences are used to create an accurate summary of "The Lottery"?
 - The lottery takes place on June 27th.
 - The village has a tradition of pulling by chance.**
 - Everybody earned a chance to pick up a paper.
 - Tessie won the lottery after all papers were picked.**
 - Tessie did not believe the lottery was fair to everyone.
 - Which two pieces of evidence from the text help the reader understand that the lottery is a tradition?
 - "The original paraphrase for the lottery had been lost long ago." (paragraph 5)
 - "Because so much of the ritual had been forgotten or discarded." (paragraph 6)**
 - "A sudden hush fell on the crowd as Mr. Summers cleared his throat and looked at the box." (paragraph 30)
 - "Everyone like Tessie no longer believed in the lottery." (paragraph 20)
 - "The town is the same village where they're taking of giving up the lottery." (paragraph 30)**

Hate Speech and the First Amendment: Answers to Your Burning Questions

The intersection of hate speech and the First Amendment is a complex and often contentious area. The seemingly simple question – "Is hate speech protected under the First Amendment?" – requires a nuanced understanding of legal precedents, societal values, and the ongoing debate surrounding freedom of expression versus the prevention of harm. This post provides clear, concise answers, exploring the legal framework, the limitations of free speech, and the ongoing challenges in balancing these competing interests. We'll unpack the complexities, offering clarity on what constitutes hate speech, its legal protection (or lack thereof), and the implications for online and offline discourse.

What is Hate Speech? Defining a Contentious Term

Defining "hate speech" is the first hurdle. There's no single, universally accepted legal definition. Instead, it's generally understood as expressions that attack or dehumanize individuals or groups based on attributes like race, religion, ethnicity, national origin, gender, sexual orientation,

disability, or other characteristics. Crucially, hate speech often goes beyond mere criticism or disagreement; it aims to incite prejudice, hatred, or discrimination. The line between protected speech and unprotected speech is often blurry and dependent on context, intent, and potential impact.

The Difficulty in Defining Intent and Impact

Determining whether speech constitutes hate speech isn't simply about identifying offensive language. Courts often consider the speaker's intent and the potential impact on the targeted group. Was the speech intended to incite violence or discrimination? Did it create a hostile environment? These are complex questions that require careful consideration of the surrounding circumstances. The absence of direct calls to violence doesn't automatically mean speech is protected; the potential for incitement can be inferred from context and overall message.

The First Amendment and its Protections: A Balancing Act

The First Amendment of the U.S. Constitution guarantees freedom of speech, stating, "Congress shall make no law... abridging the freedom of speech." However, this protection isn't absolute. The Supreme Court has consistently recognized limitations on free speech, particularly when it comes to speech that incites violence, poses an imminent threat, or constitutes defamation.

Exceptions to Free Speech Protections: Incitement and Fighting Words

While the First Amendment protects a wide range of expression, including even unpopular or offensive viewpoints, it doesn't shield speech that incites imminent lawless action. The "incitement" standard is high, requiring a direct and immediate connection between the speech and the unlawful action. Similarly, "fighting words"—words likely to provoke an immediate violent response—are not protected. However, the Supreme Court has narrowly defined these exceptions, recognizing the importance of open dialogue even when it's uncomfortable or offensive.

Hate Speech Laws and Regulations: A Patchwork Approach

The lack of a federal definition of hate speech in the US leads to a patchwork of state and local laws

attempting to address the issue. These laws vary widely in scope and effectiveness, often focusing on specific forms of hate crimes or discriminatory conduct rather than broadly regulating hate speech itself.

The Challenges of Regulating Online Hate Speech

The internet presents unique challenges for regulating hate speech. The global nature of the internet makes it difficult to enforce laws consistently across jurisdictions. Furthermore, the rapid dissemination of information online amplifies the potential harm of hate speech, making its impact more far-reaching and potentially devastating. Platforms like social media struggle to balance free speech principles with the need to protect their users from harmful content. This often leads to content moderation policies that are constantly evolving and subject to intense scrutiny.

Balancing Free Speech with the Prevention of Harm: An Ongoing Dialogue

The tension between free speech and the prevention of harm from hate speech remains a central concern in American society. Striking the right balance requires careful consideration of both individual rights and the need to protect vulnerable communities from violence, discrimination, and harassment. The debate is ongoing, constantly shaped by legal precedents, technological advancements, and evolving societal norms. Finding effective solutions necessitates a multifaceted approach that considers legal frameworks, technological tools, and educational initiatives aimed at promoting tolerance and understanding.

Conclusion

The relationship between hate speech and the First Amendment is a complex and evolving legal and social issue. While the First Amendment broadly protects freedom of speech, this protection is not absolute. Exceptions exist for speech that incites imminent lawless action or constitutes fighting words. The absence of a federal definition of hate speech and the varied approaches taken by states and local jurisdictions reflect the difficulty in balancing the protection of free speech with the prevention of harm. The ongoing debate requires continued dialogue, careful consideration of the legal landscape, and a commitment to fostering a society that values both free expression and the safety and well-being of all its members.

FAQs

1. Can I be sued for expressing hateful opinions online? While expressing hateful opinions is generally protected under the First Amendment, you could face legal action if your speech falls under exceptions like incitement or defamation. The specifics depend on the content, context, and potential harm caused.
2. What constitutes "incitement" under the First Amendment? Incitement requires a direct and immediate call to illegal action that is likely to result in such action. Mere advocacy for violence isn't enough; there needs to be a clear and present danger of imminent lawless action.
3. Do social media platforms have a legal obligation to remove hate speech? No, social media platforms are generally not legally required to remove all hate speech, though they may face pressure from users, regulators, and the public to moderate content that violates their terms of service.
4. What is the difference between hate speech and free speech? Free speech is a broad constitutional right protecting a wide range of expression. Hate speech is a subset of speech that attacks or dehumanizes individuals or groups based on certain characteristics. While hate speech is often offensive, not all hate speech is illegal.
5. Are there any international laws regarding hate speech? Yes, several international treaties and conventions address hate speech, but their enforcement varies significantly across countries, reflecting diverse cultural and legal contexts. These international instruments generally aim to prevent discrimination and protect human rights.

hate speech and the first amendment answers: 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.

hate speech and the first amendment answers: *Dare to Speak* Suzanne Nossel, 2020-07-28 A must read.—Margaret Atwood A vital, necessary playbook for navigating and defending free speech today by the CEO of PEN America, *Dare To Speak* provides a pathway for promoting free expression while also cultivating a more inclusive public culture. Online trolls and fascist chat groups. Controversies over campus lectures. Cancel culture versus censorship. The daily hazards and debates surrounding free speech dominate headlines and fuel social media storms. In an era where one tweet can launch—or end—your career, and where free speech is often invoked as a

principle but rarely understood, learning to maneuver the fast-changing, treacherous landscape of public discourse has never been more urgent. In *Dare To Speak*, Suzanne Nossel, a leading voice in support of free expression, delivers a vital, necessary guide to maintaining democratic debate that is open, free-wheeling but at the same time respectful of the rich diversity of backgrounds and opinions in a changing country. Centered on practical principles, Nossel's primer equips readers with the tools needed to speak one's mind in today's diverse, digitized, and highly-divided society without resorting to curbs on free expression. At a time when free speech is often pitted against other progressive axioms—namely diversity and equality—*Dare To Speak* presents a clear-eyed argument that the drive to create a more inclusive society need not, and must not, compromise robust protections for free speech. Nossel provides concrete guidance on how to reconcile these two sets of core values within universities, on social media, and in daily life. She advises readers how to: Use language conscientiously without self-censoring ideas; Defend the right to express unpopular views; And protest without silencing speech. Nossel warns against the increasingly fashionable embrace of expanded government and corporate controls over speech, warning that such strictures can reinforce the marginalization of lesser-heard voices. She argues that creating an open market of ideas demands aggressive steps to remedy exclusion and ensure equal participation. Replete with insightful arguments, colorful examples, and salient advice, *Dare To Speak* brings much-needed clarity and guidance to this pressing—and often misunderstood—debate.

hate speech and the first amendment answers: The Fight for Free Speech Ian Rosenberg, 2023-05-16 A user's guide to understanding contemporary free speech issues in the United States Americans today are confronted by a barrage of questions relating to their free speech freedoms. What are libel laws, and do they need to be changed to stop the press from lying? Does Colin Kaepernick have the right to take a knee? Can Saturday Night Live be punished for parody? While citizens are grappling with these questions, they generally have nowhere to turn to learn about the extent of their First Amendment rights. *The Fight for Free Speech* answers this call with an accessible, engaging user's guide to free speech. Media lawyer Ian Rosenberg distills the spectrum of free speech law down to ten critical issues. Each chapter in this book focuses on a contemporary free speech question—from student walkouts for gun safety to Samantha Bee's expletives, from Nazis marching in Charlottesville to the muting of adult film star Stormy Daniels— and then identifies, unpacks, and explains the key Supreme Court case that provides the answers. Together these fascinating stories create a practical framework for understanding where our free speech protections originated and how they can develop in the future. As people on all sides of the political spectrum are demanding their right to speak and be heard, *The Fight for Free Speech* is a handbook for combating authoritarianism, protecting our democracy, and bringing an understanding of free speech law to all.

hate speech and the first amendment answers: Free Speech Len Niehoff, E. Thomas Sullivan, 2022-04-28 This book provides a readable and comprehensive overview of the history, theory, law, and current debates over freedom of speech.

hate speech and the first amendment answers: The Harm in Hate Speech Jeremy Waldron, 2012-06-08 Every liberal democracy has laws or codes against hate speech—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 offense—by depicting a religious leader as a terrorist in a newspaper cartoon, for example—is not the same as launching a libelous attack on a group'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.

hate speech and the first amendment answers: The Free Speech Century Lee C. Bollinger, Geoffrey R. Stone, 2019 The Supreme Court's 1919 decision in *Schenck vs. the United States* is one of the most important free speech cases in American history. Written by Oliver Wendell Holmes, it is most famous for first invoking the phrase clear and present danger. Although the decision upheld the conviction of an individual for criticizing the draft during World War I, it also laid the foundation for our nation's robust protection of free speech. Over time, the standard Holmes devised made freedom of speech in America a reality rather than merely an ideal. In *The Free Speech Century*, two of America's leading First Amendment scholars, Lee C. Bollinger and Geoffrey R. Stone, have gathered a group of the nation's leading constitutional scholars--Cass Sunstein, Lawrence Lessig, Laurence Tribe, Kathleen Sullivan, Catherine McKinnon, among others--to evaluate the evolution of free speech doctrine since *Schenk* and to assess where it might be headed in the future. Since 1919, First Amendment jurisprudence in America has been a signal development in the history of constitutional democracies--remarkable for its level of doctrinal refinement, remarkable for its lateness in coming (in relation to the adoption of the First Amendment), and remarkable for the scope of protection it has afforded since the 1960s. Over the course of *The First Amendment Century*, judicial engagement with these fundamental rights has grown exponentially. We now have an elaborate set of free speech laws and norms, but as Stone and Bollinger stress, the context is always shifting. New societal threats like terrorism, and new technologies of communication continually reshape our understanding of what speech should be allowed. Publishing on the one hundredth anniversary of the decision that laid the foundation for America's free speech tradition, *The Free Speech Century* will serve as an essential resource for anyone interested in how our understanding of the First Amendment transformed over time and why it is so critical both for the United States and for the world today.

hate speech and the first amendment answers: *Kindly Inquisitors* Jonathan Rauch, 2013-10-01 The classic "compelling defense of free speech against its new enemies" now in an expanded edition with a foreword by George F. Will (Kirkus Reviews). "A liberal society stands on the proposition that we should all take seriously the idea that we might be wrong. This means we must place no one, including ourselves, beyond the reach of criticism; it means that we must allow people to err, even where the error offends and upsets, as it often will." So writes Jonathan Rauch in *Kindly Inquisitors*, which has challenged readers for decades with its provocative analysis of attempts to limit free speech. In it, Rauch makes a persuasive argument for the value of "liberal science" and the idea that conflicting views produce knowledge within society. In this expanded edition of *Kindly Inquisitors*, a new foreword by George F. Will explores the book's continued relevance, while a substantial new afterword by Rauch elaborates upon his original argument and brings it fully up to date. Two decades after the book's initial publication, the regulation of hate speech has grown both domestically and internationally. But the answer to prejudice, Rauch argues, is pluralism—not purism. Rather than attempting to legislate bias and prejudice out of existence, we must pit them against one another to foster a more vigorous and fruitful discussion. It is this process, Rauch argues, that will enable our society to replace hate with knowledge, both ethical and empirical.

hate speech and the first amendment answers: *Must We Defend Nazis?* Richard Delgado, Jean Stefancic, 1997 Failed to see the need for relief

hate speech and the first amendment answers: *Free Speech and the Regulation of Social Media Content* Valerie C. Brannon, 2019-04-03 As the Supreme Court has recognized, social media sites like Facebook and Twitter have become important venues for users to exercise free speech rights protected under the First Amendment. Commentators and legislators, however, have questioned whether these social media platforms are living up to their reputation as digital

public forums. Some have expressed concern that these sites are not doing enough to counter violent or false speech. At the same time, many argue that the platforms are unfairly banning and restricting access to potentially valuable speech. Currently, federal law does not offer much recourse for social media users who seek to challenge a social media provider's decision about whether and how to present a user's content. Lawsuits predicated on these sites' decisions to host or remove content have been largely unsuccessful, facing at least two significant barriers under existing federal law. First, while individuals have sometimes alleged that these companies violated their free speech rights by discriminating against users' content, courts have held that the First Amendment, which provides protection against state action, is not implicated by the actions of these private companies. Second, courts have concluded that many non-constitutional claims are barred by Section 230 of the Communications Decency Act, 47 U.S.C. § 230, which provides immunity to providers of interactive computer services, including social media providers, both for certain decisions to host content created by others and for actions taken voluntarily and in good faith to restrict access to objectionable material. Some have argued that Congress should step in to regulate social media sites. Government action regulating internet content would constitute state action that may implicate the First Amendment. In particular, social media providers may argue that government regulations impermissibly infringe on the providers' own constitutional free speech rights. Legal commentators have argued that when social media platforms decide whether and how to post users' content, these publication decisions are themselves protected under the First Amendment. There are few court decisions evaluating whether a social media site, by virtue of publishing, organizing, or even editing protected speech, is itself exercising free speech rights. Consequently, commentators have largely analyzed the question of whether the First Amendment protects a social media site's publication decisions by analogy to other types of First Amendment cases. There are at least three possible frameworks for analyzing governmental restrictions on social media sites' ability to moderate user content. Which of these three frameworks applies will depend largely on the particular action being regulated. Under existing law, social media platforms may be more likely to receive First Amendment protection when they exercise more editorial discretion in presenting user-generated content, rather than if they neutrally transmit all such content. In addition, certain types of speech receive less protection under the First Amendment. Courts may be more likely to uphold regulations targeting certain disfavored categories of speech such as obscenity or speech inciting violence. Finally, if a law targets a social media site's conduct rather than speech, it may not trigger the protections of the First Amendment at all.

hate speech and the first amendment answers: Countering online hate speech Gagliardone, Iginio, Gal, Danit, Alves, Thiago, Martinez, Gabriela, 2015-06-17 The opportunities afforded by the Internet greatly overshadow the challenges. While not forgetting this, we can nevertheless still address some of the problems that arise. Hate speech online is one such problem. But what exactly is hate speech online, and how can we deal with it effectively? As with freedom of expression, on- or offline, UNESCO defends the position that the free flow of information should always be the norm. Counter-speech is generally preferable to suppression of speech. And any response that limits speech needs to be very carefully weighed to ensure that this remains wholly exceptional, and that legitimate robust debate is not curtailed.

hate speech and the first amendment answers: *The Cost of Free Speech* A. Levin, 2010-09-29 The distinctly contemporary proliferation of pornography and hate speech poses a challenge to liberalism's traditional ideal of a 'marketplace of ideas' facilitated by state neutrality about the content of speech. This new study argues that the liberal state ought to depart from neutrality to meet this challenge.

hate speech and the first amendment answers: *Free Speech and Human Dignity* Steven J. Heyman, 2008-01-01 Debates over hate speech, pornography, and other sorts of controversial speech raise issues that go to the core of the First Amendment. Supporters of regulation argue that these forms of expression cause serious injury to individuals and groups, assault in

hate speech and the first amendment answers: *The Soul of the First Amendment* Floyd

Abrams, 2017-01-01 A lively and controversial overview by the nation's most celebrated First Amendment lawyer of the unique protections for freedom of speech in America The right of Americans to voice their beliefs without government approval or oversight is protected under what may well be the most honored and least understood addendum to the US Constitution--the First Amendment. Floyd Abrams, a noted lawyer and award-winning legal scholar specializing in First Amendment issues, examines the degree to which American law protects free speech more often, more intensely, and more controversially than is the case anywhere else in the world, including democratic nations such as Canada and England. In this lively, powerful, and provocative work, the author addresses legal issues from the adoption of the Bill of Rights through recent cases such as Citizens United. He also examines the repeated conflicts between claims of free speech and those of national security occasioned by the publication of classified material such as was contained in the Pentagon Papers and was made public by WikiLeaks and Edward Snowden.

hate speech and the first amendment answers: *The First* Stanley Fish, 2019-11-05 From celebrated public intellectual, New York Times bestselling author, and "America's most famous professor" (BookPage) comes an urgent and sharply observed look at freedom of speech and the First Amendment offering a "nonpartisan take on what it does and doesn't protect and what kind of speech it should and shouldn't regulate" (Publishers Weekly). How does the First Amendment really work? Is it a principle or a value? What is hate speech and should it always be banned? Are we free to declare our religious beliefs in the public square? What role, if any, should companies like Facebook play in policing the exchange of thoughts, ideas, and opinions? With clarity and power, Stanley Fish explores these complex questions in *The First*. From the rise of fake news, to the role of tech companies in monitoring content (including the President's tweets), to Colin Kaepernick's kneeling protest, First Amendment controversies continue to dominate the news cycle. Across America, college campus administrators are being forced to balance free speech against demands for safe spaces and trigger warnings. With "thoughtful, dense provocations that will require close attention" (Kirkus Reviews), Fish ultimately argues that freedom of speech is a double-edged concept; it frees us from constraints, but it also frees us to say and do terrible things. Urgent and controversial, *The First* is sure to ruffle feathers, spark dialogue, and shine new light on one of America's most cherished—and debated—constitutional rights.

hate speech and the first amendment answers: Striking a Balance Sandra Coliver, 1992

hate speech and the first amendment answers: *Commentaries on the Constitution of the United States* Joseph Story, 1833

hate speech and the first amendment answers: *On Liberty* John Stuart Mill, 2016-08-05 In his much quoted, seminal work, *On Liberty*, John Stuart Mill attempts to establish standards for the relationship between authority and liberty. He emphasizes the importance of individuality which he conceived as a prerequisite to the higher pleasures—the summum bonum of Utilitarianism. Published in 1859, *On Liberty* presents one of the most eloquent defenses of individual freedom and is perhaps the most widely-read liberal argument in support of the value of liberty.

hate speech and the first amendment answers: *Free Speech* Timothy Garton Ash, 2016-05-24 WINNER OF THE 2017 AL-RODHAN PRIZE Never in human history was there such a chance for freedom of expression. If we have Internet access, any one of us can publish almost anything we like and potentially reach an audience of millions. Never was there a time when the evils of unlimited speech flowed so easily across frontiers: violent intimidation, gross violations of privacy, tidal waves of abuse. A pastor burns a Koran in Florida and UN officials die in Afghanistan. Drawing on a lifetime of writing about dictatorships and dissidents, Timothy Garton Ash argues that in this connected world that he calls cosmopolis, the way to combine freedom and diversity is to have more but also better free speech. Across all cultural divides we must strive to agree on how we disagree. He draws on a thirteen-language global online project - freespeechdebate.com - conducted out of Oxford University and devoted to doing just that. With vivid examples, from his personal experience of China's Orwellian censorship apparatus to the controversy around Charlie Hebdo to a very English court case involving food writer Nigella Lawson, he proposes a framework for civilized

conflict in a world where we are all becoming neighbours. Particularly timely. . . Garton Ash argues forcefully that. . . there is an increasing need for freer speech. . . A powerful, comprehensive book - The Economist

hate speech and the first amendment answers: Protecting the right to freedom of expression under the European Convention on Human Rights Bychawska-Siniarska, Dominika, 2017-08-04 European Convention on Human Rights - Article 10 - Freedom of expression 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. In the context of an effective democracy and respect for human rights mentioned in the Preamble to the European Convention on Human Rights, freedom of expression is not only important in its own right, but it also plays a central part in the protection of other rights under the Convention. Without a broad guarantee of the right to freedom of expression protected by independent and impartial courts, there is no free country, there is no democracy. This general proposition is undeniable. This handbook is a practical tool for legal professionals from Council of Europe member states who wish to strengthen their skills in applying the European Convention on Human Rights and the case law of the European Court of Human Rights in their daily work.

hate speech and the first amendment answers: Free Speech on Campus Erwin Chemerinsky, Howard Gillman, 2017-09-12 Can free speech coexist with an inclusive campus environment? Hardly a week goes by without another controversy over free speech on college campuses. On one side, there are increased demands to censor hateful, disrespectful, and bullying expression and to ensure an inclusive and nondiscriminatory learning environment. On the other side are traditional free speech advocates who charge that recent demands for censorship coddle students and threaten free inquiry. In this clear and carefully reasoned book, a university chancellor and a law school dean—both constitutional scholars who teach a course in free speech to undergraduates—argue that campuses must provide supportive learning environments for an increasingly diverse student body but can never restrict the expression of ideas. This book provides the background necessary to understanding the importance of free speech on campus and offers clear prescriptions for what colleges can and can't do when dealing with free speech controversies.

hate speech and the first amendment answers: Student Clashes on Campus Jeffrey Sun, George McClellan, 2019-10-02 This book unpacks the tension between free speech and the social justice priority to support all students. Drawing on court cases, institutional policies and procedures, and notable campus practices, this book answers the question: How do campus leaders develop interests of social justice and create a campus that is inclusive and inviting of all identities while also respecting students' free speech rights? This useful guide provides insights about the myriad of challenges that campus leaders have faced, along with practical approaches to address these issues on their own campuses. Experts Sun and McClellan interrogate the assumptions, thoughts, events, rules, and actions often at-play when free expression clashes with a college's mission of diversity, inclusion, and social justice. This book helpfully guides campus leaders to consider a series of legal frameworks and promising policies as solutions for balancing social justice and free speech.

hate speech and the first amendment answers: The Good Guys, the Bad Guys and the First Amendment Fred W. Friendly, 2013-01-23 Unlike newspapers, TV and radio broadcasting is subject to government regulation in the form of the FCC and the Fairness Doctrine, which requires stations to devote a reasonable amount of broadcast time to the discussion of controversial issues and to do so fairly, in order to afford reasonable opportunity for opposing viewpoints. In this provocative book,

Fred W. Friendly, former president of CBS News examines the complex and critical arguments both for and against the Fairness Doctrine by analyzing the legal battles it has provoked.

hate speech and the first amendment answers: Fighting Words Kent Greenawalt, 1996-05-13 Should hate speech be made a criminal offense, or does the First Amendment oblige Americans to permit the use of epithets directed against a person's race, religion, ethnic origin, gender, or sexual preference? Does a campus speech code enhance or degrade democratic values? When the American flag is burned in protest, what rights of free speech are involved? In a lucid and balanced analysis of contemporary court cases dealing with these problems, as well as those of obscenity and workplace harassment, acclaimed First Amendment scholar Kent Greenawalt now addresses a broad general audience of readers interested in the most current free speech issues.

hate speech and the first amendment answers: FIRE's Guide to Free Speech on Campus Harvey A. Silverglate, David A. French, Greg Lukianoff, 2005

hate speech and the first amendment answers: Hate Spin Cherian George, 2016-09-30 How right-wing political entrepreneurs around the world use religious offense—both given and taken—to mobilize supporters and marginalize opponents. In the United States, elements of the religious right fuel fears of an existential Islamic threat, spreading anti-Muslim rhetoric into mainstream politics. In Indonesia, Muslim absolutists urge suppression of churches and minority sects, fostering a climate of rising intolerance. In India, Narendra Modi's radical supporters instigate communal riots and academic censorship in pursuit of their Hindu nationalist vision. Outbreaks of religious intolerance are usually assumed to be visceral and spontaneous. But in *Hate Spin*, Cherian George shows that they often involve sophisticated campaigns manufactured by political opportunists to mobilize supporters and marginalize opponents. Right-wing networks orchestrate the giving of offense and the taking of offense as instruments of identity politics, exploiting democratic space to promote agendas that undermine democratic values. George calls this strategy “hate spin”—a double-sided technique that combines hate speech (incitement through vilification) with manufactured offense-taking (the performing of righteous indignation). It is deployed in societies as diverse as Buddhist Myanmar and Orthodox Christian Russia. George looks at the world's three largest democracies, where intolerant groups within India's Hindu right, America's Christian right, and Indonesia's Muslim right are all accomplished users of hate spin. He also shows how the Internet and Google have opened up new opportunities for cross-border hate spin. George argues that governments must protect vulnerable communities by prohibiting calls to action that lead directly to discrimination and violence. But laws that try to protect believers' feelings against all provocative expression invariably backfire. They arm hate spin agents' offense-taking campaigns with legal ammunition. Anti-discrimination laws and a commitment to religious equality will protect communities more meaningfully than misguided attempts to insulate them from insult.

hate speech and the first amendment answers: Hate Speech Is Not Free W. Wat Hopkins, 2024-02-02 Hate speech has been a societal problem for many years and has seen a resurgence recently alongside political divisiveness and technologies that ease and accelerate the spread of messages. Methods to protect individuals and groups from hate speech have eluded lawmakers as the call for restrictions or bans on such speech are confronted by claims of First Amendment protection. Problematic speech, the argument goes, should be confronted by more speech rather than by restriction. Debate over the extent of First Amendment protection is based on two bodies of law—the practical, precedent determined by the Supreme Court, and the theoretical framework of First Amendment jurisprudence. In *Hate Speech Is Not Free: The Case Against Constitutional Protection*, W. Wat Hopkins argues that the prevailing thought that hate is protected by both case law and theory is incorrect. Within the Supreme Court's established hierarchy of speech protection, hate speech falls to the lowest level, deserving no protection as it does not advance ideas containing social value. Ultimately, the Supreme Court's cases addressing protected and unprotected speech set forth a clear rationale for excommunicating hate speech from First Amendment protection.

hate speech and the first amendment answers: The Tolerant Society Lee C. Bollinger, 1988 In *The Tolerant Society*, Bollinger offers a masterful critique of the major theories of freedom of

expression, and offers an alternative explanation. Traditional justifications for protecting extremist speech have turned largely on the inherent value of self-expression, maintaining that the benefits of the free interchange of ideas include the greater likelihood of serving truth and of promoting wise decisions in a democracy. Bollinger finds these theories persuasive but inadequate. Buttrressing his argument with references to the Skokie case and many other examples, as well as a careful analysis of the primary literature on free speech, he contends that the real value of toleration of extremist speech lies in the extraordinary self-control toward antisocial behavior that it elicits: society is strengthened by the exercise of tolerance, he maintains. The problem of finding an appropriate response -- especially when emotions make measured response difficult -- is common to all social interaction, Bollinger points out, and there are useful lessons to be learned from withholding punishment even for what is conceded to be bad behavior.

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protect free expression without disrupting education.

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2017-10-13 How the essential democratic values of diversity and free expression can coexist on campus. Safe spaces, trigger warnings, microaggressions, the disinvitation of speakers, demands to rename campus landmarks—debate over these issues began in lecture halls and on college quads but ended up on op-ed pages in the New York Times and the Wall Street Journal, on cable news, and on social media. Some of these critiques had merit, but others took a series of cheap shots at “crybullies” who needed to be coddled and protected from the real world. Few questioned the assumption that colleges must choose between free expression and diversity. In *Safe Spaces, Brave Spaces*, John Palfrey argues that the essential democratic values of diversity and free expression can, and should, coexist on campus. Palfrey, currently Head of School at Phillips Academy, Andover, and formerly Professor and Vice Dean at Harvard Law School, writes that free expression and diversity are more compatible than opposed. Free expression can serve everyone—even if it has at times been dominated by white, male, Christian, heterosexual, able-bodied citizens. Diversity is about self-expression, learning from one another, and working together across differences; it can encompass academic freedom without condoning hate speech. Palfrey proposes an innovative way to support both diversity and free expression on campus: creating safe spaces and brave spaces. In safe spaces, students can explore ideas and express themselves without feeling marginalized. In brave spaces—classrooms, lecture halls, public forums—the search for knowledge is paramount, even if some discussions may make certain students uncomfortable. The strength of our democracy, says Palfrey, depends on a commitment to upholding both diversity and free expression, especially when it is hardest to do so.

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