

LAW Around the World

International Forum on Hate Speech

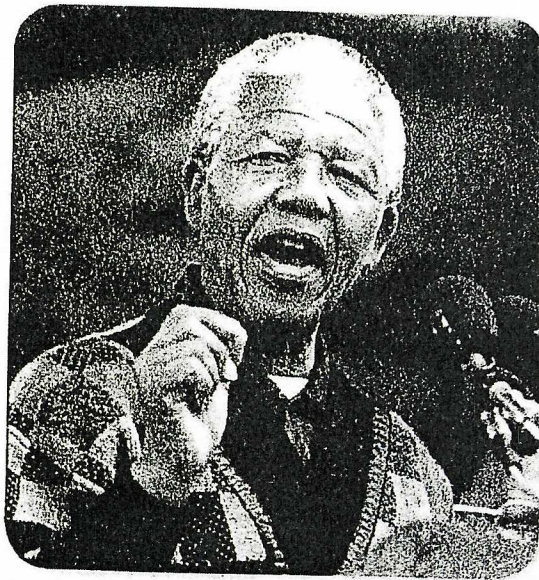
Individuals from many different countries have gathered to discuss whether all countries should enact criminal laws against hate speech. The following speakers give their views.

A German: "Because of the experience of our country under Hitler, we are worried about how speech can be used to condemn and abuse millions of people. If there had been laws forbidding anti-Semitic speech, perhaps the Holocaust could have been prevented. Today, we see strong antiforeigner feeling. We are thankful that we have laws prohibiting 'incitement to hatred' and believe they are needed in all countries."

An American: "Our history includes a revolution that was at least partially a reaction to government censorship. We think it is dangerous to allow government to decide what speech will be allowed. It is true that racism is a serious problem in our country and that racist speech can have a very negative impact on the victims. However, it may be overly paternalistic for the government to try to protect people from such speech. Would it not be better to let the marketplace of ideas condemn the racists?"

An Israeli: "The continual conflict between Arabs and Jews in our region led the government to pass a criminal law governing incitement to racism. However, this law has done nothing but create the illusion of progress against racism. There have been few prosecutions, and the ones that have occurred have been against Arabs. Although the law has symbolic value, it may be better not to have prosecutions, because these just give racists on both sides a platform from which to speak."

A South African: "With its history of ethnic and racial division, my country seems a likely candidate for a law against hate speech. In fact, for many years there has been such a



South Africa's Nelson Mandela

law, which prohibited 'bringing any section of inhabitants of the country into ridicule or contempt.' This law was used principally by the white government to prosecute blacks. But many in my country think that the violence can be stopped only if people aren't allowed to promote racial hatred. My view is that while we work to undo racial injustice, it makes sense to ban racist speech."

Problem 37.6

- Which of the speakers favor laws against hate speech? Why?
- Which of the speakers oppose such laws? Why?
- How do you think the history of each speaker's country affects the viewpoints expressed?
- What are the pros and cons of encouraging countries to enact their own criminal laws against hate speech? What is your position? Give your reasons.