

Freedom of expression?

Article 19 of that Universal Declaration of Human Rights states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers.” Article 10 of the European Convention on Human Rights also states that “Everyone has the right to freedom of expression.... without interference by public authority and regardless of frontiers.” However, Article 10 also includes a long list of exceptions. This freedom can be limited to prevent crime and protect national security, public safety, the public health and morality, the judiciary, and “the reputation or rights of others.”

In the words of the non-governmental organization Freedom House, “The operative word is ‘everyone.’ To deny that doctrine is to deny the universality of information freedom—a basic human right.”

Free expression, it is argued, distinguishes democratic and non-democratic countries. However, even democracies limit or ban certain kinds of speech considered to be harmful or dangerous. An example of this tension between free expression and other democratic values is **hate speech**—speech that promotes hatred or violence against other persons or groups in society.

Some people believe that hate speech is **not** a crime. They think that although certain expressions are painful and hateful, they are a small price to pay for freedom. They argue that the best way to counter hateful expression is not to make it illegal but to condemn such thoughts and to reject those who say them. With arguments, persuasion, and even “loving” speech, everyone can use free expression to promote the kind of society he or she desires. Others who would permit hate speech argue that laws prohibiting it are unworkable. Such laws require the government to determine the intent of the speaker. This is a difficult and often impossible task. If a word or symbol can mean something to one person and something very different to another person, then the law is the wrong way to classify such expressions. The government can use its time better by punishing hateful actions, not presumed hateful intent

People who want to punish hate speech argue that there is no absolute freedom of expression. Instead, society must decide—through its laws—the **limits** of free speech. By banning hate speech, the government is balancing freedom of expression with other democratic values like respect and tolerance. They also believe that punishing hate speech increases equal protection for all persons, not only the powerful. Hate speech directed against marginal or minority groups is particularly damaging. Punishing hateful speech helps prevent unequal power relations from turning into discrimination.

People who would **permit** hate speech worry that laws punishing it will have the effect of “chilling” free speech: people will be less likely to say what they really mean. They argue that once the government has the power to punish expression, the definition of prohibited speech will grow. Governments should be permitted to control only what people can and cannot do, not what they say or believe. People who would **not permit** hate speech also worry about this “chilling” effect: a message of hate, spoken once, can be more powerful than a message of tolerance spoken many times. History has shown that speech is frequently the first act of persecution against specific persons and groups. So, punishing hate speech establishes necessary and appropriate limits on what can be said in a democratic society.