

The Harm in Hate Speech (Oliver Wendell Holmes Lectures)

By Jeremy Waldron

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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.

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Editorial Review

Review
We have plenty of free speech in this country, but not nearly enough free speech about free speech itself. In this elegantly written, fair minded, and carefully reasoned book, Jeremy Waldron raises important issues about the real harm caused by certain kinds of speech. His argument is certain to give even free speech absolutists pause. (Louis Michael Seidman, Georgetown University)

Jeremy Waldron's vigorous defense of restricting hate speech will benefit those who agree with him and those who do not. The book is clearly written, both subtle and inventive in its arguments, continuously stimulating, and shows a remarkable generosity of spirit. This is quite an achievement. (George Kateb, author of *Human Dignity*)

Waldron is a legal and political thinker at the height of his powers. Even, or perhaps especially, for someone who disagrees with his position on hate speech legislation, this book conveys a subtle, rich, rigorous and deeply challenging argument. (Timothy Garton Ash, St Antony's College, University of Oxford)

A vigorously argued, intelligent challenge to the "liberal bravado" of U.S. First Amendment scholars. In an eloquent reply to free-speech advocates, Waldron moves step by step in building the argument as to why hate-speech laws are good for a well-ordered society...The author argues that the damage caused by hate speech is like an "environmental threat to social peace, a sort of slow-acting poison" that robs the intended victims of their dignity and reputation in society. Waldron's analogy between hate speech and pornography--in terms of the defamation of women--is particularly noteworthy. He responds carefully to the notion of free speech as a necessary part of democracy's "marketplace of ideas" and looks to the Enlightenment philosophes for their views on toleration and defamation. (*Kirkus Reviews* 2012-04-15)

[Waldron's] book sheds light on a number of difficult issues, and occasionally exposes the difference between historical fact and fiction...He elegantly and convincingly advocates that our leaders should not only avoid the use of hate speech themselves, but also condemn its use by others...We should all do our best to preserve President Ford's conception of America as a place where we can disagree without being disagreeable. An understanding of the arguments in Waldron's book may help us to do so. (John Paul Stevens *New York Review of Books* 2012-06-07)

To the (mostly white) liberals who say they hate the content of hate speech, but defend its right to exist under the First Amendment (often while patting themselves on the back for their tolerance), Waldron replies, in essence: easy for you to say. In this brief, eloquent book, he urges readers (at a bare minimum) to think about how hate speech feels from the point of view of its targets...From key court battles Waldron teases out the ideas that matter in deciding how to balance free expression with a free society, one in which everybody can "know that when they leave home in the morning, they can count on not being discriminated against or humiliated or terrorized." (Kate Tuttle *Boston Globe* 2012-05-27)

This is a wonderful book. It conveys complex ideas in an accessible and convincing way...Jeremy Waldron has put together a clear and compelling rationale for hate-speech laws--the harm that it causes to human dignity. (Katharine Gelber *Times Higher Education* 2012-05-31)

Waldron...challenges society and its legal system to do something about [the harm done by hate speech]. But

the likelihood that something will be done is slim if Waldron is right about the state of First Amendment discourse: "[I]n the American debate, the philosophical arguments about hate speech are knee-jerk, impulsive and thoughtless." Not the arguments of this book, however; they hit the mark every time. (Stanley Fish *New York Times* 2012-06-04)

The Harm in Hate Speech is the fullest embodiment of arguments that Waldron has been developing for years...Waldron's treatise is primarily a philosophical defense of hate-speech regulation. He argues that hate speech is an "environmental" problem that pollutes the atmosphere of security and dignity that society should provide to all its members...Speech intended to intimidate or malign destroys this assurance...While we should continue to protect the free speech of those we disagree with, *The Harm in Hate Speech* makes a compelling case that they are not the only ones who need defending. (Daniel Townshend *American Prospect* 2012-06-15)

This book develops a theory of hate speech that challenges existing U.S. legal rubrics. U.S. courts have repeatedly held that the First Amendment forbids criminalization of hate speech, but **Waldron** advances a broader view of the link between free expression and important social values such as tolerance and inclusiveness...If dignity is a concept that is valued by a polity, Waldron argues, then there are important reasons to distinguish hate speech from other forms of expression that merit legal protection. An elegant synthesis of modern legal philosophy and leading cases, as well as a critique of the positions of prominent legal theorists such as Ronald Dworkin and C. Edwin Baker, the book is a readable, thought-provoking contribution to the literature. (S. B. Lichtman *Choice* 2012-12-01)

Waldron is firmly on the side of the hate speech legislators. He wants free speech dogmatists to think again, and presents a series of challenges to the prevailing view in the U.S. (Nigel Warburton *Times Literary Supplement* 2013-01-04)

About the Author
Jeremy Waldron is University Professor, New York University School of Law, and Chichele Professor of Social and Political Theory, All Souls College, University of Oxford.

Users Review

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Willie Wilson:

This The Harm in Hate Speech (Oliver Wendell Holmes Lectures) book is not really ordinary book, you have after that it the world is in your hands. The benefit you get by reading this book is definitely information inside this e-book incredible fresh, you will get details which is getting deeper you actually read a lot of information you will get. This The Harm in Hate Speech (Oliver Wendell Holmes Lectures) without we realize teach the one who looking at it become critical in considering and analyzing. Don't be worry The Harm in Hate Speech (Oliver Wendell Holmes Lectures) can bring whenever you are and not make your case space or bookshelves' turn out to be full because you can have it within your lovely laptop even mobile phone. This The Harm in Hate Speech (Oliver Wendell Holmes Lectures) having excellent arrangement in word and also layout, so you will not feel uninterested in reading.

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