
The Problem Of Hate Speech And The Reasons It Should Be Prohibited

INTRODUCTION

In this paper, I am going to argue that hate speech both online and in-person ought to be prohibited. The plan for the discussion runs as follows. In section I., I will examine the parameters of what is and is not considered hate speech and the problems that arise from the use of hate speech. In section II., I will state various reasons why hate speech both online and in-person should be prohibited through the philosophical position of consequentialism. I will then end the paper by addressing and responding to objections to my position.

I.

Hate speech is generally defined as spoken or written words used to insult, disparage, or attack people based on their social or ethnic group (American Library Association 2019). Problems arise from hate speech when something is said by a person and they believe they are protected by the First Amendment to do such. In the United States today, the Supreme Court has interpreted the First Amendment as protecting both political speech and most hate speech from government restriction. The United States is the only country in which hate speech is not restricted.

Many problems arise from hate speech to those on the receiving end such as real psychological harm and have the possibility to incite violence. An example of where hate speech was taken from online into real life in Charlottesville, Virginia. In the summer of 2017, a neo-nazi group planned, advertised, funded, and coordinated a deadly march on a protest. The neo-nazi group used hate speech online that turned into real-life violence with one casualty and twenty-eight civilians injured (Vaughn 600). This poses the question of should hate speech be prohibited or if it should be protected under the first amendment.

II.

The philosophical position I will be defending to argue that hate speech ought to be prohibited is consequentialism. A consequentialist approach argues that the morality of an act is determined by the intended consequences. A more simple way to look at the consequentialist view is this example. If one person needed to be killed to save ten, a consequentialist would agree to kill the one person because that is nine more lives saved and a better outcome. Even though killing is immoral, the best outcome determines the morality of the act. The principle of utility is essential to the consequential approach. The principle of utility approves or disapproves of every action depending upon the tendency in which it has diminished or augmented the happiness, good, or pleasure of the party whose interest is in question (Bethlam 92). Consequentialism encompasses an action that is to be considered good or right if it makes the world better in the future. Therefore, a morally right act is one that will produce a good consequence (Walter 3). Lewis Vaughn, the author of *Doing Ethics* describes consequentialism as, "the notion that right actions must produce the best balance of good over evil" (Vaughn 85).

When faced with a moral dilemma, consequentialists should follow whichever produces the best outcomes. A consequentialist approach will be used to argue for why hate speech ought to be prohibited since the consequences of hate speech are not outweighed by the benefits of free speech.

My argument is as follows:

- Premise 1: Hate speech has a negative connotation.
- Premise 2: Hate speech has the intended consequences to do harm either through inciting violence or psychology damage.
- Premise 3: To do harm on one by using hate speech is to violate their own rights of personal liberties.
- Premise 4: Therefore, hate speech ought to be prohibited.

Oppositions to my argument would take a non-consequentialist approach. Possible objections that follow Kant would be to respect people's right to free speech and to treat them as ends in themselves rather than merely as means to ends. Objections would be based upon the First Amendment stating that free speech is a moral right that is not justified by the good or bad consequences. Free speech is an imperative aspect of a democratic society. Putting limitations on free speech, such as prohibiting hate speech, would be violating one's rights. A flaw within the consequentialist approach is that we can never predict the intended consequences of an act. There is no way to tell what hate speech will spark, whether it will be completely dismissed or incite violence. One could argue that the intended consequences of hate speech is the ability to freely express themselves and their ideas and not to cause harm.

Another objection to prohibiting hate speech is that if anything can be considered hate speech by how someone interprets it, then any speech can be banned. There would then be no right to free speech at all which is a core right to the United States. Potentially allowing the government to censor the speech of some that they do not agree with could result in an abuse of authority.

My response to objections to prohibiting hate speech is as followed. The right to free speech must be balanced with other rights such as privacy, security, justice, and equality. Susan Brison, a professor of philosophy at Dartmouth College stated, "the Supreme Court has not followed the absolutist interpretation of the First Amendment that one might have thought could be read off its straightforward wording: "Congress shall make no law . . . abridging the freedom of speech, or of the press" (Brison 318). Specific case studies where hate speech has violated someone's other rights are as followed. Following the 2016 election of President Trump, the United States has seen a spike in hate speech and crimes. For example, in New York, a Muslim transit worker was called a 'terrorist' and was then pushed down a flight of stairs. The Governor of New York cited this incident as "the work of the Hate Crimes Task Force has never been more urgent" (Elster 1). Allowing others to use hate speech limits the personal liberties of others.

Hate speech additionally creates a more divided society. A study from Poland found that when people repeatedly view hostile content regarding certain groups of people their perception is altered. A psychologist at the University of Warsaw stated that "Ultimately, the contents of these commentaries come to shape their perceptions of [perceived outsiders such as] minorities, immigrant groups, and political adversaries." Over time, people become more exposed to these commentaries which leads to a decreased sympathy to the victims of hate

speech and an increased prejudice (Jacobs 2). Although we cannot predict the consequences of an action, we can look at past examples of similar cases and determine that using hate speech does violate one's rights and it has shown to incite violence.

Hate speech does not include any words that someone can claim to be offensive or disagree with. Simply stating your political views is not spewing hate speech. Hate speech would include the use of derogatory slurs that express prejudice to a particular group on the basis of race, religion, or sexual orientation. One could state their point of view on race, religion, or sexual orientation without using hate speech.

The argument for free speech masks the real intended causes of hate speech. Hate speech is used to spew bigotry and prejudices amongst certain groups of people. Hate speech ought to be prohibited because it impedes the personal rights of many. The intended consequences of hate speech is to use words to cause harm to another human being. The harm caused by hate speech is not counterbalanced to the potential benefits. Through a consequentialist approach, hate speech ought to be prohibited because it allows for the social equality of others to be diminished while discrimination and intolerance is accepted.

Works Cited

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