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Can Restrictions on Free Speech Be a Blessing?

Over the last two centuries, the freedom of speech has gained a reputation as a crucial element of democracy. Today, most citizens, politicians, lawyers, and human rights activists recognize that free speech helps maintain the overall transparency and accountability of the government. Similarly, this right empowers stakeholders to inform societies about any abuses of power or significant issues that require attention. However, a variety of controversies and scandals involving hate speech, defamation, and other violations forced many communities to raise questions about reasonable limits to this basic human right. Restrictions on free speech might be a blessing provided they have sufficient grounds and procedural safeguards and are adequate.

The most widespread argument for restricting the freedom of speech is that some people can abuse this right. This might have serious negative impacts on individuals, or even an entire society. For example, one can argue that culprits can take advantage of the right to speak whatever they want to harass or bully other people. Verbal bullying (both in person and online) can provoke the development of mental problems or suicidal thoughts in vulnerable individuals. Other supporters of restrictions can point to the rising threat of hate speech, especially its ability to popularize and encourage inhumane ideologies and violence.

For instance, the U.S., which did not have clear limits on the freedom of speech,

persistently experienced numerous controversies over the alleged abuse of free speech. In 1978, American neo-Nazis secured a permit to hold a march in the town of Skokie, even though it was a home for a large Jewish population, as well as many Holocaust survivors (Bleich 923).

Although a scandal that erupted after the decision forced the neo-Nazi group in question to cancel the event, it revealed the difficulty of protecting social peace. Indeed, it is impossible to guarantee that such a provocative form of self-expression would not cause violence or undermine social stability. In the 1930s, the Nazi Party gained power in Germany, among others, by using propaganda that resulted in millions of deaths and unprecedented human suffering. Many lawmakers justifiably fear the destructive potential of hate speech and seek to restrict it.

Consequently, these restrictions are now common in many democratic countries. After World War II, Austria and Germany passed laws that banned the denial of the Holocaust and any speech that incited violence based on race or any other trait (Bleich 920). The primary rationale for these prohibitions was to overcome the heritage of Nazism and discourage citizens from popularizing dangerous ideas. Other countries followed a similar path to secure social peace. Namely, in 1965, the British parliament banned speech that could provoke violence or hatred against certain social groups, including ethnic minorities (Bleich 919). The French parliament outlawed hate speech in 1972, intending to tackle the problem of a hate crime. Similar provisions now exist in the criminal legislation of Denmark, Italy, Sweden, Belgium, Israel, and other western nations. Even the U.S. now has both federal and state laws targeting all forms of expression that promote "resentment" or discrimination against people based on their ethnicity, gender or other characteristics (Bleich 924). Many experts and policymakers believe that such initiatives helped to reduce the number of hate crimes and, hence, facilitate the integration of

vulnerable minorities into society. If this opinion is correct, restrictions on free speech are indeed a blessing.

Nevertheless, critics argue that such limitations also might become a true curse for societies that struggle to protect democracy and individual rights. Many opponents of restrictions argue that any censorship that seeks to prevent the abuses of free speech might create new abuses of power. Since the government passes such limitations, it receives the power to decide what conduct is permissible. In this context, the fundamental issue is how to distinguish hate speech or other forms of abusive speech from any self-expression that merely criticizes other people or forces them to experience discomfort without attacking them. Lawmakers who intend to frame such restrictions might find it difficult to define boundaries of offensive conduct adequately. For instance, in 2006, when the British parliament decided to extend protections for hate speech to religious groups, many prominent civil society figures and lawmakers criticized the initiative. Notably, comedians feared that the law would render “religious jokes” illegal (Bleich 926).

Even supporters of these laws acknowledge the negative impacts of vagueness and other issues overlooked by policymakers. Hayward (91) notes that many colleges and schools now have statutes banning any expression that might incite hatred, affect students’ performances, or create a “hostile environment.” Sometimes, schools use statutes to regulate students’ conduct outside a campus. In theory, statutes can permit school administrations to penalize students merely for statements they made on controversial topics, deeming them “disruptive” (Hayward 91). This situation makes it difficult for students to exercise their constitutional rights even at home or private life (namely, on their social media accounts).

Similarly, statutes that prohibit “intimidation” often fail to define this term, while a

bullying law of New Hampshire, for example, banned speech, which targeted someone's beliefs or values (Hayward 118-119). Such vagueness creates uncertainty for stakeholders, as well as many opportunities for abuses of power and the arbitrary use of the law. This risk is particularly high in cases when the alleged misconduct concerns the expression of personal beliefs, opinions, and ideas, since persons might receive penalties simply because officials found their beliefs offensive.

While these examples prove the risks of laws restricting the freedom of speech, various procedural precautions might help to minimize such risks and ensure that new laws offer sustainable benefits. One possible option is a careful review of laws by the parliament and civil society. For instance, the British parliament responded to public criticism and modified the draft law so that it only targeted speech, which intentionally seeks to promote religious hatred (Bleich 926). Meanwhile, in the U.S., the Supreme Court overruled state and school policies regarding free speech on multiple occasions. Notably, in *Texas vs. Johnson*, the Court recognized the unacceptability of restricting freedom of speech based on beliefs, while in the *Saxe* case, the Court concluded that prohibited speech did not constitute "substantial disruption" (Hayward 121). These cases are examples of procedural safeguards that any society, which imposes restrictions on the freedom of speech, should have.

In conclusion, restricting the freedom of speech can be a blessing if the speech in question endangers individual or social well-being, provided the government makes such restrictions proportional and recognizes relevant procedural safeguards, including public discussion and the judicial review of laws. Although social panic and other factors can encourage lawmakers to seek radical solutions, any restriction of self-expression has serious implications

for human rights and well-being. Hence, the long-term needs of a society are likely to have a more significant impact on the ability of such limitations to become either a blessing or a malady than immediate political concerns.

Works Cited

Bleich, Erik. "The Rise of Hate Speech and Hate Crime Laws in Liberal Democracies." *Journal of Ethnic and Migration Studies*, vol. 37, no. 6, 2011, pp. 917-934.

Hayward, John O. "Anti-Cyber Bullying Statutes: Threat to Student Free Speech." *Cleveland State Law Review*, vol. 59, 2011, pp. 85-124.



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