

Abstract

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Speaking Back: The free speech versus hate speech debate

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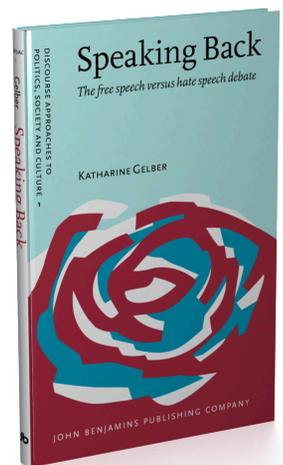
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Abstract

What is hate speech? How does a person suffer when they are vilified? What can public policy do to redress it? In this book, I make a proposal for a new type of hate speech policy. I propose a policy of “speaking back” — providing institutional, material and educational support to enable the victims of hate speech to respond. By responding with their own counter speech, victims can contradict the messages contained in the hate speech and counteract the disempowering and silencing effects of the hate speech, at one and the same time. This policy is justified by integrating elements of Habermas’ theory of communicative action, which allows the development of an understanding of what hate speech *does*, with Nussbaum’s capabilities theory, which justifies the provision of assistance to those whose capabilities may be harmed by the hate speech of others. This policy is designed to overcome the shortcomings of existing policy approaches, which tend to counterpose the two goals of securing free speech rights and ameliorating the harms of hate speech. In the policy proposal outlined in this book, these two goals are viewed as mutually collaborative and able to be achieved simultaneously. The argument that existing policy tends to counterpose these two goals is supported by outlining a comprehensive and original study of an existing hate speech policy in practice in New South Wales, Australia over a period of ten years.

