

Hate speech and blasphemy in the online sphere

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OVERVIEW OF THE COURSE

This course explores the challenges posed by online hate speech and blasphemy in the social media age. The first class session focuses on hate speech and the internet. The first two readings examine the scope of the problem – from a US and global perspective. The other readings take up the possibility of approaching hate speech in non-punitive ways.

The second class session turns to blasphemy, with a focus on Pakistan which is well known for its harsh anti-blasphemy laws. The readings describe the operation of these laws, the dilemmas facing reformers inside Pakistan who seek to reform them, as well as the role social media has played in human rights struggles over anti-blasphemy laws. Finally, we explore the extent to which reform/repeal of anti-blasphemy laws is, in a globally connected world, compatible with milder restrictions on anti-religious hate speech in other countries.

The third session turns to legal or coercive responses to online hate speech and blasphemy. These include cyber-harassment laws, government monitoring of the internet, shutdowns of the internet and the pro and cons of viewing online hate speech and blasphemy through the lens of laws against extremism. While it is easy – especially for someone from the United States – to be critical of such approaches, the class session also seeks to arrive at a sympathetic understanding as to why a given country might take a punitive approach.

GRADE EVALUATION

Grading will consist of a take home examination with essay questions (75%) and class participation (25%).

CLASS FORMAT

Class sessions will consist of lecture, small group exercises and class discussions. On the day of the consultation, we will have an in class simulation exercise based on the online regulation of hate speech and blasphemy.

READING ASSIGNMENTS

July 1 – Hate Speech and the Internet

Snyder v. Phelps, 562 U.S. 443 (2011), <https://www.supremecourt.gov/opinions/10pdf/09-751.pdf>

Norwood v. United Kingdom, European Court of Human Rights, Nov. 16, 2004, <http://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-67632&filename=001-67632.pdf>.

Jerome A. Barron, "Internet Access and Hate Speech on the Internet," 18 *First Amendment Law Review* 1 (2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3726160.

Dr. Katarzyna Bojarska, "The Dynamics of Hate Speech and Counter Speech in the Social Media – Summary of Scientific Research," Centre for Internet and Human Rights, Feb. 1, 2019, <https://cihr.eu/summary-of-scientific-research-the-dynamics-of-hate-speech-and-counter-speech-in-the-social-media/>.

Questions:

- 1) How does the United States Supreme Court define punishable hate speech of speech in *Snyder v. Phelps*? How does this differ from the way the European Court of Human Rights views hate speech? What does Justice Alito say about the online component of the speech acts in *Snyder*? How does the majority respond to this?
- 2) How do Barron and Bojarska conceptualize the threats posed by online hate speech and the power of the state to regulate it? To what extent does the difference turn on the US-based focus of Barron?
- 3) How is online hate speech different from in-person hate speech? Does the online context of hate speech make it more or less worthy of regulation?

July 2 – Anti-Blasphemy Laws, Social Media, and Pakistan: A Case Study

Dr. Muhamad Asif Khan and Farooq Hayat, "Pakistan's Vulnerable Minorities and the Anti-Blasphemy Laws: Is there a way out?" *Europa Ethnica* 1-2/2015, pp. 49-54, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2676484

Sanam Noor, ""Social Media Challenges and Opportunities for Human Rights: A Case of Blasphemy Laws in Pakistan," Masters Thesis, Roehampton University, University of Gothenberg, University of Trømso (2016), <https://munin.uit.no/bitstream/handle/10037/13028/thesis.pdf?sequence=1&isAllowed=y>.

Joelle Fiss, "Anti-Blasphemy in the Digital Age: When Hardliners Take Over," *Brookings*, September 2016, <https://www.brookings.edu/research/anti-blasphemy-in-the-digital-age-when-hardliners-take-over/>.

Questions:

- 1) What forms of blasphemy Pakistan punish? Why does Pakistan punish it? What is the social dilemma reformers face (see pp.8-9). How does this dilemma shape the reforms that Khan and Hayat are willing to propose?
- 2) According to Noor, has the rise of social media helped or hindered the campaign against anti-blasphemy laws? What do you think of the recommendations Noor makes for Pakistan, Facebook, and civil society groups at the end of her thesis?
- 3) How does Fiss view the role of social media in the campaign against blasphemy laws? Is there anything about the case of Pakistan that shapes your thoughts about the recommendations Fiss makes in her article?

July 5 –Responses to Online Hate Speech and Blasphemy

Perspectives on Harmful Speech Online, a collection of essays, Berkman Klein Center for Internet & Society 2017 <https://cyber.harvard.edu/publications/2017/08/harmfulspeech>.

Nadine Strossen, *HATE: Why We Should Resist It With Free Speech, Not Censorship*, (New York Law School 2018), pp. 1-9, https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1089&context=fac_books.

Eva Hauksdóttir, “Restricting Freedom of Expression for Religious Peace: On the ECHR’s Approach to Blasphemy,” *European Convention on Human Rights Review* 2:1 pp. 75-118. https://brill.com/view/journals/eclr/2/1/article-p75_75.xml

Questions:

- 1) What are the pros and cons of using punitive measures to punish hate speech and blasphemy online? (See Perspectives on Hate Speech Online, pp. 10-13; 21-24; 27-30 -- discussing punitive measures).
- 2) Is it possible to respond to the harm of online hate speech and blasphemy without punitive measures? (See Perspectives on Hate Speech Online, pp. 31-44; 46-52). Or is online hate speech and blasphemy something should learn to accept? (See Strossen).
- 3) Assess Hauksdóttir’s critique of the ECHR approach to blasphemy laws. What types of speech would she punish? What would she tolerate? How does her approach compare to reform suggestions for Pakistan’s blasphemy laws (see Hayat and Khan, and Noor).

July 5 – Consultation – Class Debate: What is the Best Way to Respond to Online Hate Speech and Anti-Blasphemy Laws?