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 surveys our divided world in which some societies ban hate speech and blasphemy, while others do not. The first session also examines the unique nature of blasphemy – i.e. speech that is alleged to harm the sacred or cause religious offense.

The second class session turns to two challenges the online sphere poses in the hate speech and blasphemy field. On the one hand, in a social media world online hate speech can impose instantaneous harm. At the same time, the extraterritorial nature of the internet complicates both the application of blasphemy laws as well as the global movement to abolish such laws. In this regard, the course examines the international political economy of blasphemy bans. To put it another way, why should it matter in Pakistan whether Ireland or Denmark has a blasphemy ban? We will explore this question on day two.

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.

The fourth (final) session turns to alternative, non-punitive responses to online hate speech. These include encouraging counter-speech, restricting online comment sections to Facebook and/or Google users, more active forum moderation, using tags to target hate speech into specific places on the Internet, and the use of online verification. In addition, the class session also looks at how best to protect online users from allegations of blasphemy while, at the same time, responding to the harm religious believers can experience when they feel that something sacred to them has been disrespected.

GRADE EVALUATION

Grading will consist of a one hour final examination with essay questions (60%) 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

Note – some of the readings contain examples of hate speech that students may find offensive. In a class examining hate speech and blasphemy, these types of words can be hard to avoid. As a warning, I have marked these readings with an asterisk *.

June 29 – A Divided World: Hate speech, blasphemy and Differing Practices of Regulating Speech

Norwood v. the United Kingdom, Application no. 23131/03, Nov. 16, 2004,

*Danish Prosecutors Report for the Danish Cartoons, March 15, 2006.

Snyder v. Phelps, 562 U.S. 443 (2011).

David Nash, "Everyone Knows What Blasphemy Is," *History Ireland* (26)(5)(2018), pp. 48-51, https://www.jstor.org/stable/26565939?seq=1.

Questions:

1) What is hate speech? How does it differ from blasphemy? How according to Nash have the harms of blasphemy changed over time?

2) How does the European approach to hate speech in *Norwood v. The United Kingdom* differ from the approach taken by the United States Supreme Court in *Snyder v. Phelps*?

3) Are the Danish Cartoons hate speech? Are they blasphemous?

June 30 – Instantaneous Harms and Extraterritoriality – Dilemmas of the Internet Age?

*Alexander Brown, "What is so special about online (as compared to offline) hate speech?" *Ethnicities* (18)(3)(2017), https://www.researchgate.net/publication/317075195_What_is_so_special_about_online_as_compared_to_offline_hate_speech

Joelle Fiss, "Anti-Blasphemy in the Digital Age: When Hardliners Take Over," *Brookings*, September 2016, pp. 5-17 ("Introduction" and "Religious speech and technology: Individuals caught in the crossfire"), https://www.brookings.edu/research/anti-blasphemy-in-the-digital-age-when-hardliners-take-over/.

Rob Kahn, "Five Thoughts about the Repeal of Denmark's Blasphemy Ban," *Rutgers Journal of Law and Religion*, v. 19 (2018), pp. 151-55 ("Submitting to Pakistan") and 165-70 ("Repeal, Terrorism and the Unlikely Return of Terrorism").

Questions:

1) How according to Alexander Brown does online hate speech differ from the offline variety? Which qualities make online hate speech more harmful? Do any qualities make it less harmful?

2) How according to Fiss are internet users "caught in the crossfire" when it comes to blasphemy bans?

3) Why should it matter in Pakistan that Denmark repealed it blasphemy ban in 2018? (See Kahn).

June 30 – Consultation – Class Simulation on Online Hate Speech

July 1 – Punitive Responses to Online Hate Speech and Blasphemy

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

--Jonathon W. Penney, "Can Cyber Harassment Laws Encourage Online Speech?"
--Kate Coyer, "State Power and Extremism in Europe: The Uneasy Relationship Between Governments and Social Media Companies"
-- Nighat Dad and Adnan Chaudhri, "Pakistan's Blasphemy Law: Using Hate Speech Laws to Limit Rights Online and Offline."
--Grace Mutung'u, "Internet Shutdowns: Not the Answer to Harmful Speech Online"

Will Oremus, "Go Daddy Joins the Resistance," Slate, Aug. 16, 2017, https://slate.com/technology/2017/08/the-one-big-problem-with-godaddy-dropping-the-daily-stormer.html.

Salman Masood, Pakistan, in a First, Sentence Man to Death Over Blasphemy on Social Media, New York Times, Jun. 12, 2017, https://www.nytimes.com/2017/06/12/world/asia/pakistan-blasphemy-sentence.html.

Fiss, "Anti-Blasphemy in the Digital Age," op. cit., pp. 17-23 ("Cross-border repercussions, diplomatic strains")

Kahn, "Five Thoughts about the Repeal of Denmark's Blasphemy Ban," pp. 170-75 ("Blasphemy Bans by another Name: The Rise of Anti-Terror Laws" and "Conclusion")

Questions:

1) Why does Penny believe that online restrictions on hate speech will lead to more speech? Is his argument compelling?

2) One response to online blasphemy or hate speech is to shut down the internet – or a portion of it. Is this an effective solution to the problem? (See Mutung'u and Fiss). Is the shutdown more justifiable when it comes from a private internet platform rather than from the state? (See Oremus).

3) In what ways, if any, are anti-blasphemy bans and anti-extremism laws similar? Are anti-extremism laws an improvement over blasphemy bans, or do they pose the same concerns? (See Coyer, Masood, Fiss and Kahn).

July 2 – Non-Legal Responses: Forum Moderation and Counter Speech

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/.

From Perspectives on Harmful Speech Online, op cit. please read:

-- Susan Benesch, "Civil Society Puts a Hand on the Wheel: Diverse Responses to Harmful Speech"
--Casey Tilton, "Goodbye to Anonymity? A New Era of Online Comment Sections"
--Andres Lombana-Bermudez, "Moderation and Sense of Community in a Youth-Oriented Online Platform; Scratch's Governance Strategy for Addressing Harmful Speech"
--Helmi Norman, "If We Own It, We Define It: The Dilemma of Self-Regulating Hate Speech"

--Kendra Albert, "Difficult Speech in Feminist Communities"
--Simin Kagar, "Verification as a Remedy for Harmful Speech Online"

Fiss, "Anti-Blasphemy in the Digital Age," op. cit., pp. 24-29 ("Censorship and surveillance: What can be done to protect internet users accused of blasphemy?" and "Recommendations")

Questions:

1) How does Dr. Bojarska propose to address the harms of online hate speech? Are her proposed solutions effective?

2) Many news sites have followed Tilton's advice and restricted access to comment sections to Facebook or Google users. Has this been effective? Does it come at a cost?

3) What role does an online moderator play in responding to hate speech? Lombana-Bermudez seems more hopeful than Norman. What accounts for this?

4) There are other possible responses to online hate speech – for example relying on civil society (Benesch), using tags (Albert), or verifying posts as reliable (Kagar). Are these likely to be effective?

5) Assess the recommendations raised by Fiss. Do they respond to the concerns raised by blasphemy prosecutions in an online age? Are there other concerns that she does not address?

July 3 – In Class Essay Exam