

Hate speech is not free speech argumentative essay sample

[Sociology](#), [Community](#)



Introduction

In the case of *Snyder V. Phelps* in 2011, the Supreme Court upheld the decision that a Church's protests and poems against homosexuality were not hate speech. The people's speech was protected by the First Amendment. Members of the Westboro Baptist Church in Kansas invaded the funeral proceedings of Snyder's son by displaying signs with messages such as "God hates you" and "You are going to hell". The church members believe that as soldiers die in wars, God is punishing Americans for accepting homosexuality. The judge decided that although the public may not agree with the church's views, they spoke on matters of public importance as it touched on political and moral conduct.

The church members only displayed the signs, sang hymns and prayed. They did not cause any violence or yell at all. Snyder had sued, stating he had the right to bury his son in a dignified manner, where there would be no interruptions. This is a case that has caused uproar in the public on the future of America's stand on hate speech.

Why Hate Speech is not Free Speech

Hate speech is not free speech protected by the First Amendment because it has (or does not have) these features. Hate speech is different than other kinds of speech and therefore necessitates to be treated differently. There are several reasons why the penalties should be high for hate speech. First of all it is a highly personal crime since an individual attacks another person due to the victim's persona such as race, nationality, gender, sexual orientation, religion and disability. These are aspects of an individual that he

cannot change and do not affect anyone in any way.

Secondly, since the hate speech is directed at a person for who he is physically, it causes intense emotional and psychological pain to the community the victim comes from be it the gay, women or black community. The community ends up having a lot of fear, feeling vulnerable, isolated and terrorized. The law needs to protect the victims from these perpetrators. The hate speech communicates a message to the people in the society. The message says that these different people are not welcomed or needed. The police community has come to appreciate that hate speech has a higher tendency to lead to riots in the community where people may be injured or killed.

The enforcement of hate speech laws limits the potential of the hate speech leading to crimes that spiral out of control and leading to a cycle of violence and community chaos (Lieberman, 2010). In England, laws have been introduced to curb the hate crimes by criminalizing the acts of an individual inciting others to hate homosexuals or people of different races (Tatchel, 2007). These countries have seen that the hate speech more often than not leads to people being attacked and even murdered. Clearly the hate crimes are a serious problem internationally due to the adverse effects on the whole community. The governments in these countries simply want to protect the minorities due to the long history they have had of being attacked and even killed. The reason for singling out incitement of speech against homosexuality and race is that the hate crimes in these two categories are higher than any other category of hate crime.

There is a counter argument against hate speech laws. There are people who

argue that the people's right to speech and other freedoms is being compromised due to these hate speech laws in certain countries. There are those who argued that the support for hate speech laws would lead to the disregarding of the First Amendment's freedom of free speech.

Conclusion

Hate speech laws should be considered as long as racism, anti-Semitism, homophobia and bigotry continue to persist in the world. The message that should be sent across the country when hate speech occurs is that it is a crime that is regarded seriously. The prejudices that people have that lead to hate and crime are unacceptable. The effect of hate speech and crime on victims and the community is awful, causing insecurity and trauma. These people need to be protected by the laws of the country.

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