



# The Construction of the Religious Adversary: An Interdisciplinary Investigation into Hate Speech, Human Dignity, and the Limits of Expression

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**Abstract:** This article examines religious hate speech as a discursive technology that constructs adversaries through conceptual antinomies, enabling moral disengagement and legitimising exclusion or violence. It draws on interdisciplinary perspectives from philosophy, law, sociology, and theology and discusses significant cases—including the Northern Ireland Troubles, ISIS propaganda, Hindu extremist rhetoric against Christians, and Buddhist ultranationalism against Rohingya Muslims—demonstrating how religious identities intersect with other factors to create hostile narratives. The article explores definitional challenges, distinguishes hate speech from incitement to genocide and blasphemy laws, and examines US and European legal approaches. It reveals that hate speech produces multilayered harms affecting individuals, targeted groups, and democratic processes, with causal factors including ideological antinomies, political manipulation, and social media amplification. The study argues that combating religious hate speech requires moving beyond punitive criminal law to embrace restorative justice, interfaith solidarity, counter-speech initiatives, and educational programs. Only through multifaceted collective efforts can societies preserve democratic values and protect vulnerable populations from discrimination and marginalization.

**Keywords:** hate speech, religious violence, freedom of expression, human dignity, social cohesion

## 1. Introduction

In this article, I explore the notion of religious hate speech, its harmful effects and its causes, and discuss some possible remedies. Though legal or sociological approaches to the issue are important, and will be included in our interdisciplinary discussion below, the underlying issue

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is a philosophical problem, one of recognition, alterity, and moral exclusion. Religious and theological reflections and sources are nonetheless useful to enrich this debate, and given my formation as Catholic priest and moral theologian, I will include some reflections from my own tradition.

Religious hate speech is a discursive technology that identifies a person or group and uses this to construct an “adversary” by creating *antinomies* (conceptual oppositions), enabling moral disengagement and legitimizing exclusion, violence or destruction of that “adversary”. This is particularly pernicious and effective in radical or fundamentalist contexts. The logic can be found in all human groups and traditions, religious or not.

To illustrate this, let us begin by considering significant cases of religious hate speech, ones which have provoked several legal, philosophical, sociological, psychological, historical and ethical debates (Pérez-Escolar & Noguera-Vivo, 2021). It is important to note that in the conceptual effort to make a clear distinction between the self and the other, and create an adversary, religious identities are often mixed with other factors (such as ethnicity, caste, political vision for the country/region, etc.) It is often hard to measure to what extent religious ideas and practices contribute to create and promote the disdain or hate of the other, and to what extent they are used by strategists to rationalize attitudes or behaviours (ones which would otherwise seem too unsavoury for most people), and to recruit henchmen and corral supporters, in an astute game which seeks to increase the power of a group of elites at the expense of another.

- During the “Troubles” (1968-1998) in Northern Ireland, hate speech from various leaders on both sides (Protestant/Loyalist and Catholic/Republican) contributed to cycles of revenge killings and maintained community divisions that hindered peace efforts. Protestant minister and politician Ian Paisley founded the Democratic Unionist Party and Free Presbyterian Church, delivering speeches characterizing Catholics as enemies of God and Ulster and describing Catholicism as “a dark monster, a foul abomination” (the line between the vitriolic attacks of doctrines and of persons was not always very clear). Meanwhile, Irish Republican propaganda dehumanized British security forces and Protestant “collaborators”, with IRA publications justifying killings of civilians as legitimate targets. Murals, songs, and commemorations on both sides celebrated violence and reinforced sectarian identity (Jarman, 1997; English, 2003; RTÉ 100, 2014).
- The Islamic State (ISIS/Daesh) produced systematic hate propaganda, mainly between 2014 and 2019, through magazines (Dabiq, Rumiya), videos, and social media targeting Shia Muslims (labeled “rafidha”/rejectors and apostates), Yazidis (called “devil worshippers” deserving enslavement), Christians (“crusaders” subject to jizya tax or death), and Muslims who refused their authority (“murtadeen”/apostates). This clever and targeted propaganda explicitly called for and celebrated mass killings, sexual enslavement of Yazidi women and girls, beheadings of Christians, and mosque bombings targeting Shia civilians. The 2014 Sinjar massacre killed approximately 5,000 Yazidis and enslaved 6,800 women and children, while systematic attacks on Shia civilians in Iraq killed thousands through suicide bombings explicitly justified in propaganda materials (Ingram, 2016; Winter, 2015; UN Human Rights Council, 2016).
- Hindu extremist groups including Vishva Hindu Parishad (VHP), Bajrang Dal, and associated leaders have systematically targeted Christians through hate speech portraying them as “foreign agents”, accusing them of fraudulent conversions, and calling for violence. Documented cases include leaders calling for “rape and killing of all Christian men, women, and children” and organizing mob attacks on Christian families with ultimatums to reconvert to Hinduism or face

violence. The 2008 Kandhamal pogrom in Orissa state, preceded by inflammatory speeches accusing Christians of killing a Hindu leader, resulted in approximately 100 deaths, 50,000 displaced, and 300 churches destroyed. More recent incidents include 2021-2023 cases where Christian pastors and communities face accusations of forced conversion accompanied by violent mob attacks explicitly justified through hate rhetoric (Genocide Watch, 2025; Bauman, 2014; Jenkins, 2008).

- In 2010, tight restrictions on the media were relaxed in Myanmar, and by 2012 internet and social media access exploded, giving rise to a Buddhist ultranationalist movement. Buddhist monks (notably Ashin Wirathu) and military figures systematically dehumanized the Rohingya Muslim minority through sermons, rallies, and social media, calling them “Bengali invaders”, “mad dogs”, and threats to Buddhism. The 969 Movement and Ma Ba Tha organization spread conspiracy theories about Muslim demographic takeover and accused Rohingya of planning to destroy Buddhist culture. Facebook played a critical role in disseminating hate speech that portrayed Rohingya as subhuman vermin requiring “removal”. This propaganda campaign directly prepared conditions for the 2016-2017 military crackdown that killed an estimated 10,000-25,000 Rohingya and displaced over 700,000, which UN investigators determined bore hallmarks of genocide (UN Human Rights Council, 2018; Fink, 2018; Ibrahim, 2018).

In some cases, and most notably in the last case, what starts off as hate speech made by a fringe group promoting violence can slowly turn into incitement to genocide as the influence and power of the speakers and their audiences grows, and with it, the capacity to actually commit genocide. We shall come back to the issue of incitement to genocide later, but it is important to note that many cases are much less extreme and much more subtle. Though some cases of hate speech warrant punitive measures, not all can be easily and satisfactorily punished by a criminal or civil conviction in a court of law, followed by a prison term or a fine. Religions can be part of the solution, promoting justice and reconciliation in ways that mend the tear that hate speech creates in the social fabric, but before discussing this, we need to understand the issues, effects and causes of this phenomenon.

## 2. The Concept of “Hate Speech”

### 2.1 Defining The Term

Before focusing on the particular issue of religious hate speech, I would like to explore the term in its wider sense. Let us start with a working definition:

*“Hate Speech” refers to any form of communication (words, writing, behaviour, images, etc.) that attacks or discriminates against an individual or a group based on their identity (true or perceived) or on characteristics they cannot (easily) change.*

This can include:

- *ascriptive* factors like ethnicity, colour, descent, disability, age, gender, sexual orientation, as well as

- *quasi-ascriptive* factors, such as membership in a religious or national community (factors which are in theory *elective* characteristics, but ones which in practise cannot be easily changed), or
- any other identifying characteristic which may need to be “protected” (cf. Brown, 2015, pp. 7–8, 16, 20–41, 153, 319).

The intent of “hate speech” is often to incite fear, distress, isolation, intimidation, or violence, and to spread hatred. It is widely recognised as a serious issue that can undermine social cohesion and even lead to severe acts of violence, including genocide.

Alexander Brown published a series of texts in 2015–2017 which provide a detailed examination of the concept of “hate speech”, exploring its definition, emotional underpinnings, and origins (Brown, 2015; 2016; 2017a; 2017b; 2017c). His work is helpful in our context since most attempts at defining the term come from legal debates in the academia, in lawmaking, and in the regulation of online platforms (Sellars, 2016, pp. 15–24).<sup>1</sup>

Lawyers often lament the lack of a unequivocal meaning of the concept, since they seek a precise, univocal definition to design laws and apply penalties (Brown, 2017b, p. 422). In democracies, legal scholars also seek to narrow the concept to what can conceivably be regulated under constitutions which protect the freedom of expression (Brown, 2017b, p. 439). Yet there is a much wider public debate on the phenomenon which we need to attend to, discussing whether we should approach the issue through criminal law or civil law, through retributive justice or restorative justice, by banning hate speech or by flooding the public space with effective counter speech, by isolating offenders (jail time) or by bringing them in contact with the victims (community service). Hence, it would be a mistake to allow criminal lawyers and criminologists to appropriate the concept and limit it to what is most convenient for their trade (Brown, 2017b, p. 422).

It is important that in non-legal usage we maintain a wider notion which allows us to reflect ethically, sociologically, and politically on the issue at all levels of society. We need to be mindful of the various levels of seriousness and publicity of the speech acts involved, and so to deal with this through a array of creative and effective approaches, and not limit ourselves to the criminological punitive toolkit. Yet, not any form of speech we dislike or deem unethical is “hate speech” and we need to frame the concept.

Instead of seeking a precise definition, Brown suggests that a more effective approach involves identifying words that are used as indicators or proxies for “hate speech” in legal and other contexts<sup>2</sup>; he also proposes that we decompose the notion into the three elements (Brown, 2017b, p. 448) listed below. This author argues that in ordinary parlance, these elements are not always clearly identifiable (Brown, 2017b, pp. 447–61), but can nonetheless be helpful to orientate and associate similar terms and actions (Brown, 2017b, pp. 462–67). Here are the elements:

<sup>1</sup> Brown’s proposal is similar to that of Alice Marwick and Ross Miller (2014) which is based on an extensive review of prior definitions, but Brown does not include a “harms element”.

<sup>2</sup> These can include terms such as ‘hate’, ‘hatred’, ‘contempt’, ‘hostility’, ‘enmity’, ‘inferiority’, ‘racist propaganda’, ‘xenophobia’, ‘anti-Semitism’, ‘Islamophobia’, ‘aggressive nationalism’, ‘homophobia’, ‘group defamation’, ‘group vilification’, ‘insult’, ‘negative stereotyping’, ‘stigmatisation’, ‘humiliation’, ‘degradation’, ‘violation of dignity’, ‘discriminatory harassment’, and ‘intolerance’.

1. *“Hate speech” is an act constituting speech or expressive conduct* (such as the use of images and well-known gestures, or the desecration of symbols);
2. *“Hate speech” is an act concerning any members of groups or classes of persons identified by protected characteristics*. These “protected characteristics” refer to the specific traits of individuals or groups that are targeted by the hate speech, such as being a migrant, adhering to a certain religion (especially a minority religion), being gay, or having a particular skin colour;
3. *“Hate speech” is an act involving, or intimately connected with, certain emotions, feelings, or attitudes, typically those of hate or hatred, or contempt, disdain, or disgust*. Sometimes, however, identical acts can be generated by envy, the need to fit in, the craving for attention, or camaraderie with other “haters” (Brown, 2017b, p. 441).

The third element leads to confusion in English, since despite the name, “hate” speech is not always, strictly speaking, about “hate” or “hatred” (Brown, 2017b, p. 440). In English, “hate” implies a deep-seated, malicious animosity, coupled with a desire for harm, and a lingering negative feeling. However, in the case of “hate speech”, what is often felt or conveyed is a more transient sense of contempt or disgust. Brown (2017b, pp. 447–61) notes that the speech-act can be linked to hate or disgust in various ways: it can be hateful (effect on victims), hate-inciting (effect on sympathisers), hate-laden (content), or hate-fuelled (motive). It is however possible that none of these linkages are clearly present, just as there is no clear link to “pepper” in a “pep talk”, but most English speakers know what we mean by a “pep talk” (which is not reducible to the original meaning of the two components of this expression).

As regards the second element, the idea is that certain identity traits need to be protected (by law, ethics codes, social norms, religious taboos) since they target people who are particularly vulnerable or reinforce or perpetuate historical forms of oppression and exclusion of certain groups. How can we identify these traits? In his 2015 book, besides various principles (of basic morality, personal development, civic and political morality, cultural diversity, balance/fairness, and traditional jurisprudence) Brown identifies ten clusters of laws, regulations, and societal codes which help us identify these characteristics. These include norms on group defamation; negative stereotyping (stigmatisation); expression of hatred; incitement to hatred; threats to public order; denial/scepticism/ridicule regarding factual acts of mass cruelty, violence, or genocide; dignitary crimes or torts; violations of civil or human rights; hate crimes committed through expressive conduct (“expression-oriented” crimes, such as verbal intimidation); and time, place and manner restrictions imposed on speech (Brown, 2015, pp. 20–39).

In a long article published in 2017, Brown proposes a “core set” of characteristics based on a mixture of five linguistic strategies for specification (which develop the reflections provided in his 2015 book). These traits tend to be strongly supported and frequently appear in legal texts, literature, and debates. They are: *race, ethnicity, nationality, regional nationality, citizenship status, religion, sexual orientation, gender (or gender identity), and disability* (Brown, 2017a, p. 50). From a legal point of view, this set does not by itself eliminate all

dilemmas about how the basic elements of each characteristic are to be defined and what their boundaries are, but this concern does not invalidate the list.<sup>3</sup>

Not all are purely ascriptive traits; the lists include traits which are in principle elective, but in practice are hard to change (such as religion, citizenship, immigration status, marital status), or ones whereby any undue pressure to change such traits placed on minorities or vulnerable persons would amount to a form of violence or unfair treatment. This point is important and helps us better understand the situations in which religious hate speech often presents itself.

Alexander Brown's philosophy of language approach to the problem of specifying what constitutes "hate speech" in ordinary language is helpful to memorize since it reduces the elements to three. However, it is worth noting that other elements are often mentioned in the literature on "hate speech", which can help design norms and detection algorithms on online platforms, for instance those listed by Sellars (2016, pp. 24–32):

- 1 *Targeting of a Group, or Individual as a Member of a Group*
- 2 *Content in the Message that Expresses Hatred*
- 3 *The Speech Causes a Harm*
- 4 *The Speaker Intends Harm or Bad Activity*
- 5 *The Speech Incites Bad Actions Beyond the Speech Itself*
- 6 *The Speech is Either Public or Directed at a Member of the Group*
- 7 *The Context Makes Violent Response Possible*
- 8 *The Speech Has No Redeeming Purpose.*

It is not necessary that all these elements be present all at once for a form of expression to constitute "hate speech". However, in general, the more elements present, the clearer the case.

## 2.2 Some Important Distinctions

On the basis of the above and similar considerations, authors such as Katharine Gelber distinguish hate speech from "anti-Western terrorist-extremist speech" since in the latter case, the target for harm is the general population of Western liberal democracies (labelled as an oppressor group), not specific marginalised groups, being a "Western citizen" is not a trait which requires "protection", and the intended victims are often oblivious of this discourse (they are not the intended audience) (Gelber, 2019). However, though this distinction is useful, similar concerns arise regarding this kind of speech, insofar as it also implies the social construction of an adversary which is deemed unworthy of respect, an acceptable target for feelings and expressions of hate and disdain.

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<sup>3</sup> Brown also identifies a longer list of "marginal or borderline characteristics" that receive less consistent support by his specification strategies, often due to practical (e.g., lack of substantial evidence of a problem), formal, or functional considerations, but are included here in part due to concerns over parity and consistency. This list includes: *age, age performance, education, employment status, gender performance, language status, marital status, medical status, parental status, personality traits or types, physical appearance, political beliefs, activities, or affiliations, pregnancy, profession, sexual preference, social status, and war record* (Brown, 2017a, pp. 50–51).

We also need to distinguish between hate speech (which in some cases is protected, especially in the US) and incitement to genocide (which is a crime in international law). While, in most countries outside the US, the latter can be considered sociologically and in communication science as an extreme case of the former, in law (and especially in the US), there is a need to create a criminological distinction between the two.

To commit incitement to genocide, a speaker must have authority or influence over the audience, and the audience must already be primed, or conditioned, to respond to the speaker's words. Incitement to genocide is an inchoate crime, so it need not be successful to have been committed, but it would be absurd to consider a speech incitement to genocide when there is no reasonable chance that it will succeed in actually inciting genocide (Benesch, 2008, p. 494).<sup>4</sup>

Many cases of incitement to genocide start off as hate speech, but gradually, as the “marketplace of ideas” is eroded, inciters acquire the means to influence larger audiences, and audiences are primed and equipped to commit violence against the target group, we move into the territory of incitement to genocide. The classical case is that of Julius Streicher<sup>5</sup> who was convicted of crimes against humanity<sup>6</sup> at Nuremberg solely for his publications, establishing that speech inciting genocide constitutes an international crime even without direct participation in killing (Eastwood, 2012). Streicher continued to denigrate Jews and call for their extermination even after learning that hundreds of thousands of Eastern European Jews had been massacred (Benesch, 2008, pp. 509–10).

Yet another important distinction is that between legitimate hate speech regulation and blasphemy laws masquerading as such, especially when used by a majority group — through their political representatives and judicial and administrative appointees — to unjustly limit the religious freedom of minorities (cf. Venice Commission of the Council of Europe 2010). The primary purpose of hate speech laws is to protect vulnerable minorities and marginalized groups (people) from incitement, degradation, exclusion, violence and discrimination in the interest of maintaining social peace and promoting the equal dignity of all citizens and residents of a given polity. Blasphemy laws are often presented as instruments intended to protect religious doctrines and symbols (ideas) from criticism or insult, and indirectly shield powerful, established religious institutions. But when their wording and enforcement are closely analysed, they rather serve to maintain the sociopolitical power of the religious majority, stifle or demonize the public expression of the religion of minorities, portray choices based on a minority's values as offensive or threatening to the majority, discourage conversions to minority religions and encourage conversions to majority religions.

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<sup>4</sup> Benesch (2008, pp. 498, 519–25) proposes a six-prong inquiry called the “Reasonably Possible Consequences Test” to help distinguish between hate speech and incitement to genocide: 1. Was the speech understood by the audience as a call to genocide? 2. Did the speaker have the ability to influence the audience and did the audience have the capacity to commit genocide? 3. Had the targeted group already suffered an outbreak of recent violence? 4. Was the “marketplace of ideas” still functioning, allowing contrasting views to be safely expressed publicly? 5. Did the speaker describe the target group as subhuman, or accuse them of plotting genocide, to justify killing? 6. Had the audience received similar messages before the speech?

<sup>5</sup> The Nazi regime employed comprehensive state-controlled propaganda dehumanizing Jews as “vermin”, “parasites”, and “bacilli” threatening German racial purity. Through Hitler's *Mein Kampf*, Goebbels' Ministry of Propaganda, Streicher's *Der Stürmer* newspaper, and films like *The Eternal Jew*, Jews were systematically depicted as subhuman conspirators controlling finance and politics, responsible for Germany's problems, and requiring elimination. This hate speech created ideological conditions for the Holocaust, with approximately 6 million Jews murdered (Herf, 2006).

<sup>6</sup> The terminology “crime of incitement to genocide” did not exist at the time; this case helped to define that crime.

For many years, the Organization of the Islamic Conference (OIC) — an association of 57 Muslim-majority countries — attempted to convince the UN Human Rights Commission and the General Assembly to draft a binding international covenant that makes defamation of religion a legal offense, but this has been rejected by many international legal scholars and by representatives of other countries since it does little more than mirror the problematic domestic blasphemy laws in force in some of the petitioning countries (Uddin, 2011, pp. 5–6). At the same time, some respected Muslim scholars like Abdullahi Ahmed An-Na'im (2009) and Tariq Ramadan (2008) have advanced important critiques of blasphemy laws and proposed moratoriums on *hudūd* punishments in Muslim-majority countries.

A well known case of blasphemy laws is that of Pakistan's Penal Code (Sections 295-298), which can carry the death penalty for theological dissent, and in practice is primarily used against Ahmadi and Christian minorities; accusations are often accompanied by mob violence. Recent cases include those of Mashal Khan (lynched by a mob in 2017 for alleged online blasphemy) and Asia Bibi (sentenced to death and acquitted after 8 years in 2018; she then fled the country). In the case of Bibi, who had an altercation with co-workers while picking berries and offering them a cup of water, and was accused by them of “blasphemy”, there were clerics such as Maulana Yousaf Qureshi who placed generous bounties on her head, and other public figures such as Minorities Minister Shahbaz Bhatti and Punjab Governor Salmaan Taseer who advocated on her behalf and were both assassinated (Uddin, 2011, pp. 1–3; Kakar, 2022; Jenichen & Deka, 2025).

There is a risk of slippage when we start from the claim that “hate speech against Sikhs is prohibited” and equate “criticizing Sikhism” with “attacking Sikhs”, such that the criticism of the religion (the ideas, not the persons) ends up being called “hate speech”. This doesn't mean that countries should never enact reasonable laws promoting respect of religious ideas and symbols, but it is often healthy to allow people to question certain practices and ideas stemming from religious traditions by using cogent philosophical arguments, and it is fair and just to allow members of a religion to argue theologically in favour of their beliefs by presenting what they consider shortcomings in another faith. It is dignity of persons which merits protection, not their “feelings” or “ideas” (Waldron, 2012, pp. 105–11; Venice Commission of the Council of Europe 2010 par. 77). Note that there is a similar risk of slippage also at the other end of the political spectrum when “hate speech against LGBT+ persons” is equated with “criticizing gay culture / gay movements”: a fundamentalist religious preacher may rail against gay ideas or institutions or lobbies, and thereby *offend the feelings* of homosexual persons, but by doing so he does not automatically *violate the dignity* of actual gay persons and engage in hate speech.

## 2.3 Several Notions and Traditions

In English, the term “hate speech” was coined in the late 1980s in an educational context in the United States. This context is important since until very recently the majority of publications on the topic originated in the US (Paz et al., 2020, p. 3). However, the US can be considered as an outlier in the global community regarding this issue, since it upholds a near-absolute notion of its citizens' right to “free speech”, guaranteed by the First Amendment of the Constitution, which has acquired a sacred status (Walker, 1994, pp. 1–3; cf. Fish, 1994).

While the expression “hate speech” itself is a more recent term, earlier concepts existed, such as “race hate” in the 1920s and 1930s, and “group libel” in the 1940s (cf. Gould, 2005, p. 13). The problem, however, did not originate in the United States. The fact that many modern languages have retranslated the term (often quite literally) from US Legal English, and most legal and philosophical debates today (all over the world) are set in a dialogue with the copious recent literature in English on the US Legal term, poses the risk of confining the debate to a framework dictated by recent US-American jurisprudence.

The underlying problem is probably as old as humanity itself. To be sure, not all premodern legal traditions have explicit laws or legal remedies against harmful or offensive speech targeting *groups* (rather than individuals). However, the person who usually appeared in court or sought redress in premodern societies was a paterfamilias or clan leader rather than an individual, and often did so in the name of the honour of the whole extended family or group, and we should be careful not to project our modern, individualist notions of legal subjectivity onto ancient legal and religious texts.

In Ancient Greek culture, notions such as that of speaking “with ugly words” (*aischrois epeessin*) are used to indicate an affront, while *hybris* is used to indicate insolent violence (violation of another’s honour through physical, verbal or psychological abuse), whereby all *aidōs* (respect, awe in front of another person’s dignity) is cast aside (Cairns, 1993, pp. 2, 56–58, 229–30). In Ancient Athens, lawsuits seeking redress from *kakēgoria* (evil speaking/verbal abuse), *loidorein* (unfair insult), and *blasphēmia* (defamation or slander against gods or humans) are well documented; *parrhēsia* (frank and free speech) was valued but some limits were always deemed necessary (Phillips, 2013, pp. 124–36). The Jewish Bible contains prohibitions against harmful gossip (רכילות; cf. Leviticus 19:16), defamation (הוצאת שם רע; cf. Deuteronomy 22:13–19), and other forms of verbal harm, which developed in the Talmud and the Halakhah into a series of laws against evil speech (לשון הרע) (Pliskin, 1975). The buddhist *Samyutta Nikāya* has several suttas on right speech (Bodhi, 2000). Some Islamic scholars associate the concept of hate speech (خطاب كراهية, *khaṭāb karāhīyah*) to the qur’anic notion of “public utterance of evil speech” (al-jahr bi-’sū’ min al-qawl; الجهر بالسوء من القول), which is generally prohibited on the basis of sura “The Women” (4:148), except for the purpose of redress (narrowly defined) in the case of oppression or injustice (*ẓulm*) (Malik, 2023; Yakubovych, 2020).

Apart from the crime of *laesae maiestatis* (originally including betrayal of the whole Roman people but then restricted to the emperor), Roman law gradually developed a sophisticated typology of *iniuria verbis* (injury by words, which included *convicium*, *appellatio*, *libellus*). This came to include group defamation (e.g. *iniuria* against the senatorial class, Christian clergy, legally recognized associations) (Manfredini, 1979). Such concepts laid the groundwork for medieval and modern Western law, even in Common Law polities (Brown 2017b, p. 427). For instance, the Bologna school of glossators (11<sup>th</sup>–12<sup>th</sup> centuries) recovered the concept of *iniuria* and adapted it to the social and religious contexts of the time; on this basis, combined with Biblical precepts and Christian ethics, medieval canon law developed the notions of *defamatio*, *contumelia*, *maledictio*, *calumnia* and *detractio*. Later, the Napoleonic Code (1804) and other modern codifications inherited and developed these notions.

This explains why — notwithstanding the relative novelty of the precise terminology — awareness of the harms underpinning “hate speech” and the need to prevent and redress them is quite old. What is actually quite new in most cultures, religions and legal systems is the

awareness of the benefits of a robust and extensive right to free speech for all, which implies some tolerance and protection of forms of speech that might be harmful, offensive or sordid. Most countries outside the US do not consider free speech as an absolute right, and seek to balance it with truth, justice, and human dignity.

The thought of the Catholic Church on this matter, rooted in canon law and moral theology, has influenced ethics, lawmaking and jurisprudence in many Catholic-majority countries. Initially, the Church did not recognize the right to “free speech”, but deemed it could be tolerated within certain limits to avoid greater harms. For instance, in 1888, in his encyclical letter *On Human Liberty*, Pope Leo XIII noted that

while not conceding any right to anything save what is true and honest, [the Catholic Church] does not forbid public authority to tolerate what is at variance with truth and justice, for the sake of avoiding some greater evil, or of obtaining or preserving some greater good. God Himself in His providence, though infinitely good and powerful, permits evil to exist in the world, partly that greater good may not be impeded, and partly that greater evil may not ensue. In the government of States it is not forbidden to imitate the Ruler of the world; and, as the authority of man is powerless to prevent every evil, it has (as St. Augustine says) to overlook and leave unpunished many things which are punished, and rightly, by Divine Providence (*Libertas praestantissimum*, par. 33).

Eventually, in 1963, Pope John XXIII, recognized a limited right to free speech, bounded by a series of other rights:

Man has a natural right to be respected. He has a right to his good name. He has a right to freedom in investigating the truth, and—within the limits of the moral order and the common good—to freedom of speech and publication, and to freedom to pursue whatever profession he may choose. He has the right, also, to be accurately informed about public events (*Pacem in Terris*, par. 12).

A similar belief in the need for balance guided by respect for human dignity undergirds European Human Rights law and the legal traditions of many traditionally Cristian countries. However, the longstanding US polarisation on the issue is slowly creeping into the European debate, with the help of social media. The current US debate pits libertarians — who want the State to protect harmful, hateful speech in the name of maximal freedom and tolerance — against critical race theorists and so-called “woke” thinkers — who demand severe restrictions on speech that is disrespectful to traditionally oppressed groups. Before proceeding, let us briefly trace the history of this debate.

## 2.4 Free Speech and Hate Speech: The Debate in the US

As mentioned previously, in the US, and *in theory*, all speech about *groups in general* — no matter how hateful, disgusting, offensive or cringe — is protected unless it clearly constitutes a direct incitement to imminent lawless action, “true threats”, or harassment (Car & Immenkamp, 2025, pp. 2–3). Defamation lawsuits are nonetheless possible if the speech contains *false factual claims about identifiable individuals*. When seen from cultures which are

less individualistic and from countries which have codified legal systems, this distinction can be confusing and hard to appreciate.

*In practice*, the reality is even more complex; the US is a country where Al Capone was convicted of “tax evasion” and where administrations often find clever ways to use the intricacy of a common law legal system to their advantage. As Sellars (2016, p. 8) explains, “if prosecutors or law enforcement subjectively desire to punish hate speech they often have the tools to do so under the laws as they exist today. A critical review of cases will find examples where courts use the tremendous breadth of criminal and tort law to find a means for sanctioning the person, even when their speech is constitutionally protected”.

The differences between the US and other countries, such as EU member states, on the issue of hate speech has recently come to the fore with Senior members of the second Trump administration strongly criticising the EU for imposing content moderation on social media platforms (most of which have parent companies based in the US), and calling this a unacceptable “limitation of free speech” (Car & Immenkamp, 2025, p. 1). However, conservative free speech ideologues in the US are not always consistent; Charlie Kirk was well known for claiming that “hate speech does not exist legally in America” but in the wake of his death in 2025 many friends and supporters of this conservative influencer (including Attorney General Pam Bondi), engaged in a crackdown often targeting non-defamatory dissent regarding his legacy and ideas (Schulte, 2025). The second Trump administration has also obliged many non-citizens seeking to enter or re-enter the US to provide social media account access to officials, which is patently used to vet visitors and immigrants for disapproved forms of “free speech”, such as pro-Palestinian activism or “anti-Israel” posts. At this point, one might wonder if in the US, free speech is promoted as a right for everyone due to the benefits it engenders, being one of great values of the US-American political system, or rather defended as a privilege for certain groups. Such inconsistencies help us understand why the US is an outlier and why most other countries with a strong rule of law and democratic tradition have a less sanguine attitude towards limitless free speech.

In fact, when the First Amendment was adopted in the late 18<sup>th</sup> century to assuage Anti-Federalist opposition to constitutional ratification, it applied only to laws enacted by Congress (Strauss, 2018, pp. 38–40; Curtis, 2000, pp. 46–78): many believed that harmful communication was best regulated at State level (subsidiarity). Furthermore, civil society institutions — universities, professional guilds, publishing houses, and religious communities — did exercise significant informal control over discourse through social pressure and internal norms. After the Civil war, the perils of granting broad powers to states to control speech were mitigated through the 14<sup>th</sup> Amendment (Curtis, 1992, pp. 1167–74). Eventually, the idea that extremist discourse should be allowed and protected came to be seen as a virtue rather than a legal lacuna, and a series of Supreme Court decisions led to the expectation that all levels of government in the US uphold and protect a quasi limitless notion of “free speech”, and even push institutions which receive State funding to do likewise (Bollinger, 1986).

Several arguments were developed to support this US-American understanding of liberty (Cf. Sellars, 2016, pp. 9–12). For some, the State is not supposed to censor or limit harmful forms of communication — except in very extreme cases, such as discourse that directly incites criminal acts or specific threats of violence (Sellars, 2016, p. 7) — since this is seen as something outside of its remit: states should not regulate the marketplace of ideas. Others fear

that persons in power would abuse of their authority to limit free speech to use it as a Trojan horse to discriminate against certain groups and violate their freedom of conscience. Some note that given the existence of defamation laws which limit attacks on identifiable individuals, the real problem is not one of freedom of expression, but one of group rights – the US tradition does not like to recognize the rights of groups, fearing the crystallization of internal racial, ethnic, cultural, class, or religious divisions and the risks of “tribalism” or “balkanization” which these divisions create in “old world” polities.

Still others highlight that in the US tradition, the role of the State is not that of “doing nothing” but of actively protecting the right to hateful discourse. In their view, by creating a public space where persons can insult one another with guaranteed impunity, citizens are trained to exercise extraordinary self-control when dealing with antisocial behaviour.<sup>7</sup> Some of these idealogues expect that in the process citizens also become desensitized and less aggressive, words lose their power of laceration, and the traditional notion of group honour as a right which needs to be violently defended is weakened: society becomes the rough playground where citizens learn the value of tolerance. This stoic, agonistic view, however, ignores the fact that some persons and communities are particularly vulnerable; they are not equal sparring partners, they bear the mark of a history of social stigmatisation, and putting up with abuse does not automatically strengthen their moral character and their democratic muscles.

After the civil rights movement and the cultural upheavals in the 1960s which challenged many established social norms, universities and higher education institutions in the US found themselves in a complex situation, since they felt they needed to establish norms to deal with harmful forms of expression while seeking to maintain their vocation of being spaces where ideas may be expressed and critiqued freely (Walker, 1994, pp. 127–58). After a series of racist and homophobic incidents on its campus starting in 1987, the University of Michigan instituted a campus speech code, which led to a famous court case and was eventually declared unconstitutional in 1989. The grievances were settled informally and the code was withdrawn (Walker 1994, 151). In this context, a new term came to the fore: in 1988, Tamar Jacoby coined the term “hate speech” when discussing campus speech codes (Sponholz, 2023, p. 143; Jacoby, 1988). Mari Matsuda then used and developed the term (alongside “racist speech”) in her influential 1989 article in the *Michigan Law Review*, “Public Response to Racist Speech: Considering the Victim’s Story” (Matsuda, 1989).

### 3. Harms and Causes

The US debate, notwithstanding its peculiarities and exceptionalism, is important since it help us realize that there is a case to be made for a limited legal tolerance of certain types of hate speech; using legal means to combat it, and criminal law in particular, might engender greater harms. Thus, other remedies should be considered, and not only punitive ones. This argument however should not obfuscate the harms caused by hate speech, which affect individuals, targeted groups, social cohesion, public discourse, and democratic processes. These

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<sup>7</sup> Lee C. Bollinger (1986, pp. 187–200) develops some of these ideas reflecting on the famous Skokie case in which American Nazis were allowed to march in a predominantly Jewish community.

impacts are multifaceted and can manifest in various ways, from direct psychological harm to the subtle undermining of societal values.

### 3.1 Private and Public Harms

At the individual level, hate speech can inflict deep psychological damage by assaulting a victim's self-respect and identity. This deprivation of self-worth is particularly damaging to members of historically oppressed groups (Howard, 2018, pp. 116–17). The discourse aims to compromise the dignity and reputation of targets, both in their own eyes and in the view of society (Waldron, 2012, p. 5). The results are often severe emotional distress, including anxiety, panic, and fear (Matsuda 1989, pp. 2336–38). For some, these effects evolve into long-term physiological health complications, such as hypertension and migraines (Brown, 2015, pp. 56–57).

Furthermore, hate speech drives stigmatization and social exclusion (Schwertberger and Rieger, 2021, pp. 53–54). By intimidating minorities and causing them to question their safety and status, hate speech undermines their sense of meaningfulness and can, in some instances, provoke vindictive or antisocial behaviour in response (cf. Lyons-Padilla et al., 2015). Critical race theorists note that this form of speech can become a mechanism to reproduce historical oppression, and not just a series of insults (Sponholz, 2023, pp. 149, 153). It limits resources and opportunities for marginalized religious communities. Some groups endure “chronic, pervasive, and intergenerational experiences of oppression that, over time, may be normalized, imposed, and internalized” (Burnette & Figley, 2017, p. 38). The experience of the Yazidis, particularly targeted by Daesh, is a poignant example.

The damage extends beyond individuals and groups to the general public. Hate speech amplifies stereotypes and cultivates an “us versus them” mentality. This polarization threatens political stability and social peace. Scholars like Waldron (2012, p. 4) liken it to a “slow-acting poison” that creates a fertile ground for violence, especially when public figures normalize aggressive communication (Wachs et al., 2021, p. 4). This fosters a climate of hostility where discrimination and destruction of property become more likely (Howard, 2018, pp. 116–117; Brown, 2015, p. 67). Hate speech contributes systematically to radicalisation processes, motivating and binding members within extremist groups (Wettstein, 2021, p. 235).

Consequently, hate speech destroys public goods, such as the sense of “inclusiveness” and security that allows vulnerable minorities to live without fear of hostility (Waldron, 2012, p. 4). This erodes social cohesion (Brown 2015, p. 240), and the resulting atmosphere hampers democratic processes. Hate speech enforces functional segregation and impoverishes civil society, undermining the free exchange of ideas by silencing specific groups and thus preventing serene participation in deliberation (Sponholz, 2021b). It also serves as a tool for radicalization, for instance aiding recruitment in extremist religious networks and establishing dominance in discourse. It can distort public opinion by manufacturing a “false consensus” simply by silencing contradicting voices (Schwertberger & Rieger, 2021, p. 68), strengthening the in-group's position at the expense of the out-group (Wettstein, 2021). It can move hate from the sphere of deviance into the sphere of legitimate controversy.

Online platforms often exacerbate these issues. Monetization algorithms often promote sensational content, while the disinhibiting nature of social media allows for coded or humorous hate speech (such as memes) that is difficult for moderation tools to detect (Schwertberger and Rieger, 2021, p. 63).

While the harms are widely acknowledged, researchers note the difficulty in empirically proving a direct causal link between hate speech and physical violence in stable democracies (Brown, 2015, pp. 56–57). Many posit a “indirect” or “symbolic” causation which accumulates over time (Waldron, 2012, p. 97; cf. Howard, 2018, pp. 171–72). However, there is an international consensus that hate speech causes harm individually and to society as a whole (Pejchal, 2020, p. 285).

Some religious leaders have become more concerned and outspoken about this in recent years. For instance, Pope Francis (2018, par. 115) has lamented that “Christians too can be caught up in networks of verbal violence through the internet and the various forums of digital communication” and “even in Catholic media, limits can be overstepped, defamation and slander can become commonplace, and all ethical standards and respect for the good name of others can be abandoned”. By lying, vilifying others, and applying double standards, such Christians undermine the values they pretend to promote. Similarly, the Catholic Synod of Bishops (2018, par. 24) have noted that many online platforms can create echo chambers which “facilitate the spread of fake news and false information, fomenting prejudice and hate” and in this setting “the reputation of individuals is put in jeopardy through summary trials conducted online”.

### 3.2 The Causes of Hate Speech

For lawmakers and civil society actors to better deal with the issue and its harms, it is important to understand the causes of hate speech. Analysing the production of hate speech in the comments section of news websites, Karmen Erjavec and Melita Kovačič distinguish between *authoritarian* soldier-types and believer-types, on the one hand, and *libertarian* player-types and watchdog-types, on the other (Erjavec & Kovačič, 2012). *Soldiers* use hate speech “according to the orders of superiors” (for instance, in xenophobic political parties and NGOs), *believers* “faithfully follow their political and ideological role models”, *players* use hate speech as an online game and enjoy riling others up, while *watchdogs* use hate speech to draw attention to social issues and are motivated by social injustice, both real and perceived.

These types point to the variety of causes of hate speech, a phenomenon which stems from a complex interplay of ideological, systemic, emotional, historical, political, and technological factors. However, the actions of the various actors are based on ideological thinking that activates pre-existing “antinomies” or conceptual oppositions between groups, transforming natural or cultural differences among humans into hierarchies of dominance such that people are depicted as unequal and exclusive opposites (Sponholz, 2021a, p. 22). Hate speech brings such hierarchized antinomies to public attention (Marková, 2000); in religious hate speech, binary conceptual oppositions (e.g., the saved vs. the damned, the just vs. the wicked) turn neighbours into mutually exclusive enemies and engender false or harmful stereotypes and prejudices (Wachs et al., 2021). Negative stereotypes portray certain groups as less deserving

of respect due to their being “different” (Latour et al., 2017, p. 33). Analyses of Daesh/ISIS’s *Dabiq* magazine illustrate these dynamics (Ingram, 2016). In religious hate speech, the adversary comes in various shapes and sizes: the *infidel* (external enemy or rival truth-claimant) is constructed through narratives of cosmic struggle, eschatology, or civilizational conflict and portrayed as morally corrupt or spiritually seductive; the *apostate* (internal traitor) can be more threatening than the infidel because she “betrays” the truth, and her existence is used to justify identity policing; the *heretic* (doctrinal deviant) is constructed as intellectually or spiritually dangerous and used to justify orthodoxy policing, and the *moderate* (insufficiently committed) is framed as a collaborator or an obstacle.

Attractive discourses that highlight and exaggerate such antinomies can be created by player or watchdog types, and then spread by solidier and believer types, fomenting antisemitism, Islamophobia and other ideologies of religious prejudice. It is however possible for the speaker to not feel any particular hatred or disgust for the target group: the main motivation could be their desire for belonging to a “hate community” and acceptance by a group which is considered powerful. Association with such groups can provide persons who feel weak or marginalized (e.g. soldier or believer types) the possibility of exerting social influence and power over targeted groups and in-groups, while cultivating feelings of superiority (Zick, 2022; Wettstein, 2021, pp. 234–35). The “hate” element can be a calm, calculated act, used strategically in political propaganda and group leadership dynamics (Sponholz, 2021b, p. 58). It is sometimes justified by (misguided) ideological or ethical convictions (e.g. watchdog types) or the thrill of taunting others and playing power games (e.g. player types).

Hate speech can be fuelled and exacerbated by economic interests (stoking anger in the media can be very profitable) and political and social crises (such as the refugee crisis of 2015/2016 in Central Europe, and the Corona pandemic of 2020/2021). The phenomenon of “hate spin” involves politicians (and other public figures and influencers) deliberately labelling rivals’ expressions as “hate speech” to gain political advantage and inflame hostilities (Strossen, 2018, p. 149). By fragmenting the marketplace of ideas, social media platforms too can contribute to the dissemination of populist and hateful content (Chou et al., 2021), and by creating an perception of anonymity and distance, they can disinhibit certain speakers (Latour et al., 2017, 10).

## 4. Some Responses

### 4.1 Legal Remedies: The European Debate

The case of the satirical Danish cartoons of the Prophet Muhammad (originally published in 2005 and later republished throughout Europe) and of subsequent cartoons which upped the ante (such as those published by Charlie Hebdo) is one where the legal limits of the freedom of speech in Europe were tested, copying libertarian tactics in the US. Some scholars have claimed that the offensive cartoons targeted religious ideas, not the dignity of Muslim believers, and so does not constitute religious hate speech, but the case is quite ambiguous. When depicting Prophet Muhammad in crude, sexual ways, or associating him with terrorists, in a context of Islamophobia after the 9/11 Terrorist Attacks, it is hard to argue convincingly that such

depictions constitute a mere critique of religious ideas or abstract authority figures, and that there is no deliberate intention to degrade Muslims as a group of actual persons, *through* the sacred symbol.

We should not downplay the horror of the violent reactions to the Danish cartoons and Charlie Hebdo murders. However, many politicians intentionally avoided making a clear distinction between Muslims in general and Islamist individuals and cells who took the bait and engaged in terrorist acts. The sad events led to an increase of vitriolic Islamophobic rhetoric in some European countries, supposedly in an effort to “train” Muslims to tolerate and ignore religious insults, just as devout Catholics (and other Christians) were “trained” by anticlerical regimes in the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> century to submit to secular authorities and to accept the fact that they were now politically powerless as a group. Rather than complain or protest, Christians were cynically expected to accept this humiliation and suffer insults like Christ did during his Passion. When engaging in such logic regarding Muslims, pundits forget that when Christians and their faith were abused in this manner, this was in no way a just and harmless exercise.

Some authors like Erica Howard have recently sought to understand hate speech by focusing on the case law of the European Court of Human Rights (ECtHR) and the Islamophobic rhetoric of European politicians such as Geert Wilders. While claiming that rights to Freedom of Expression (Article 10 ECHR) and Freedom of Religion (Article 9 ECHR) are not absolute, she insists that Article 9 ECHR does not include a right not to be offended in one’s religious feelings (Howard, 2018, pp. 23). Howard (2018, p. 77) expresses concerns about the “chilling effect” of criminal hate speech laws on free and open public debate, particularly for politicians and journalists, and about a possible blanket use of article 17 (prohibition of abuse of rights) to criminalise offenders (pp. 84-92). In her opinion, the freedom of expression of politicians and those contributing to the public debate should only be restricted via criminal provisions in two circumstances. Firstly, when they incite to hatred or violence and there is an imminent danger that violence will follow; secondly, where such discourse stops people from holding or manifesting their religion (Howard, 2018, p. 99).

Given the limitations of the criminal law apparatus, Howard (2018, pp. 124–37) examines alternatives, including *Anti-discrimination laws* (for instance, those under EU law, which can provide civil remedies and are less likely to interfere with freedom of expression), *Codes of conduct* (such as the Charter of European Political Parties for a Non-Racist Society), *Counter-speech* (which implies proactively responding to and addressing hateful messages) and *Education and awareness-raising* (which entails informing the public and empowering minorities to effectively respond to hate speech).

## 4.2 Responses from Civil Society and Religious Leaders

Howard’s conclusions invite us to be wary of seeing criminal law as the only or best remedy to hate speech, even when some form of punishment may be due. By automatically demanding the criminalisation of the speaker without even considering the other alternatives, we risk reinforcing the antinomy logic instead of challenging it.

Sometimes, civil society and religious leaders can work together to challenge hate speech and propose remedies using a restorative justice framework. One example of counter-speech is that of the Abu Dhabi Declaration by Pope Francis and Grand Imam Ahmad Al-Tayyeb (2019):

We resolutely declare that religions must never incite war, hateful attitudes, hostility and extremism, nor must they incite violence or the shedding of blood. These tragic realities are the consequence of a deviation from religious teachings. They result from a political manipulation of religions and from interpretations made by religious groups who, in the course of history, have taken advantage of the power of religious sentiment in the hearts of men and women in order to make them act in a way that has nothing to do with the truth of religion. This is done for the purpose of achieving objectives that are political, economic, worldly and short-sighted. We thus call upon all concerned to stop using religions to incite hatred, violence, extremism and blind fanaticism, and to refrain from using the name of God to justify acts of murder, exile, terrorism and oppression. We ask this on the basis of our common belief in God who did not create men and women to be killed or to fight one another, nor to be tortured or humiliated in their lives and circumstances. God, the Almighty, has no need to be defended by anyone and does not want His name to be used to terrorize people.

Religious communities can combat hate speech effectively through *interfaith solidarity and cooperation* (e.g. the Shoulder to Shoulder Campaign which combats anti-Muslim hatred in the US) and *multistakeholder partnerships* (e.g. KAICIID in Europe), the *creation of alternative narratives* based in each community's compassion and human dignity traditions (e.g. the UN EDIN project used to train young religious leaders in Europe and the MENA region), *educational initiatives* (e.g. the "Faith for Rights" toolkit developed by the UN Office of the High Commissioner for Human Rights), the establishment of *early warning mechanisms* (in communities with a history of intercommunal tensions), as well as *institutional commitments and accountability* (e.g. the Beirut Declaration and its 18 commitments on "Faith for Rights") (Barnas, 2022; Omer et al., 2019; International Dialogue Centre (KAICIID), 2022).

Furthermore, religious communities have a panoply of powerful languages at their disposal to counter hate speech. Unity in diversity and solidarity with the victims of hate speech can be expressed through public and private rituals, contemplative prayer, sacred art, and even taboos which can counter the disinhibition dynamics of hate speech. Given their spiritual and symbolic power, these languages are be used wisely and insofar as they prove effective to promote the common good and heal social imaginaries poisoned by hatemongering. Effective counter-speech draws on religious texts and teachings to frame messages in ways that resonate with believers (cf. Yakubovych, 2020). Examples include the German Protestant and Catholic churches' document "11 Commandments for Digital Civility (anstanddigital.de)" which adapts familiar religious frameworks to address contemporary challenges.

## 5. Conclusion

Hate speech is not merely an exchange of offensive words but a profound social challenge that jeopardizes inclusivity, civic engagement, and democratic integrity. Its insidious effects permeate public discourse, fostering division and undermining societal harmony. Therefore,

combating hate speech demands a manifold approach, including educational initiatives, coordinated faith-based initiatives and community organizing, creative works by artists and writers with the power of challenging hostile narratives and transforming social imaginaries, legislative frameworks, and technological solutions to mitigate its spread, especially in digital spaces. Only through collective efforts can societies aspire to preserve their democratic values and ensure a secure environment for all individuals, particularly those most vulnerable to discrimination and marginalization.

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