



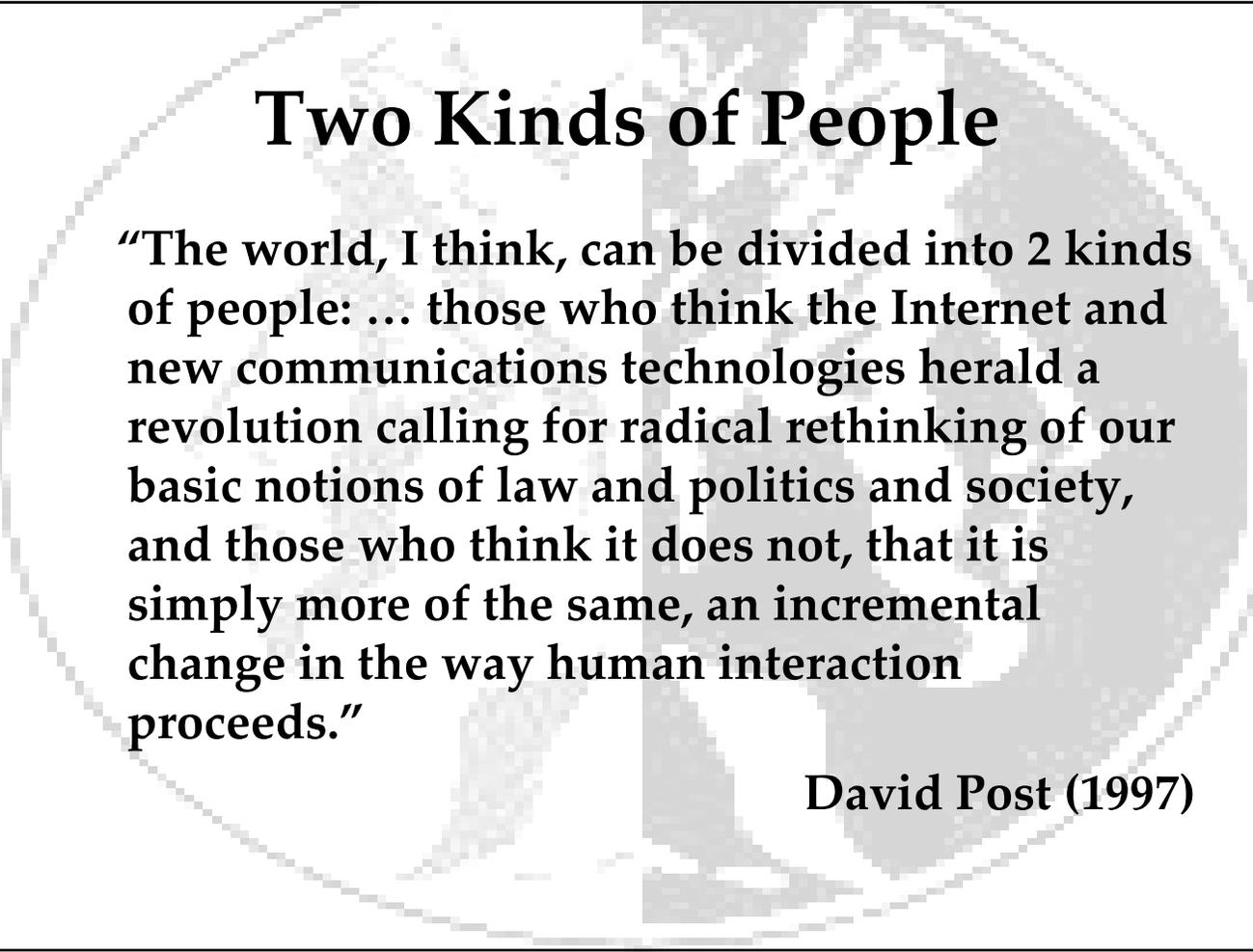
**The Medium Is A Message:
Reaffirming Public Obligations in
the Battle Against Internet Hate**

Holocaust Memorial Day

League for Human Rights of B'nai Brith
Law Society of Upper Canada
Toronto

26 April 2006

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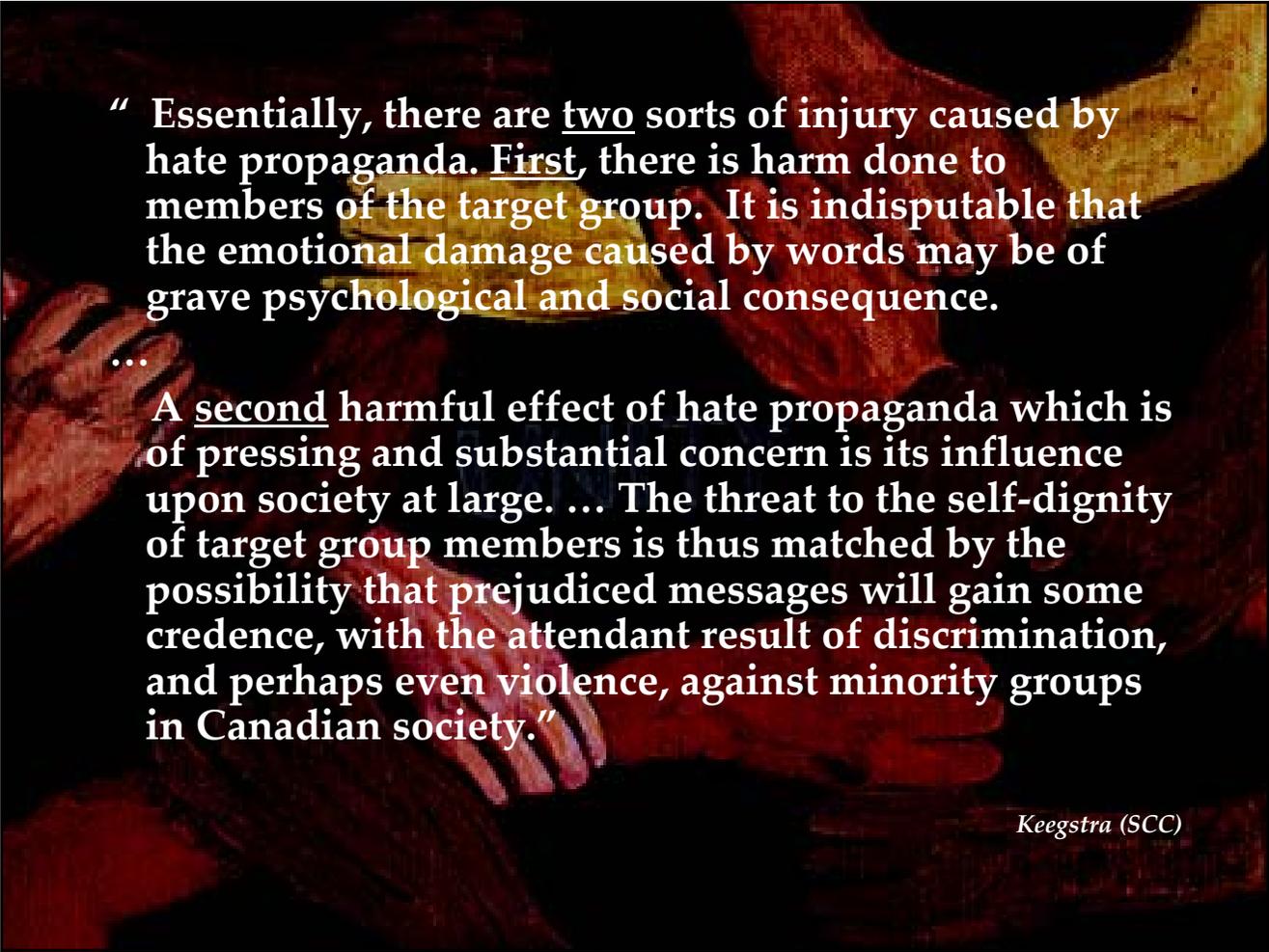
Two Kinds of People

“The world, I think, can be divided into 2 kinds of people: ... those who think the Internet and new communications technologies herald a revolution calling for radical rethinking of our basic notions of law and politics and society, and those who think it does not, that it is simply more of the same, an incremental change in the way human interaction proceeds.”

David Post (1997)

Questions

- What is the problem?
- Have we regulated here before?
- How did we justify that regulation?
- Do we still generally agree with its underlying legitimacy?
- How does technology affect:
 - our understanding of the problem
 - the legitimacy of regulating the problem
 - how we might address the problem



“ Essentially, there are two sorts of injury caused by hate propaganda. First, there is harm done to members of the target group. It is indisputable that the emotional damage caused by words may be of grave psychological and social consequence.

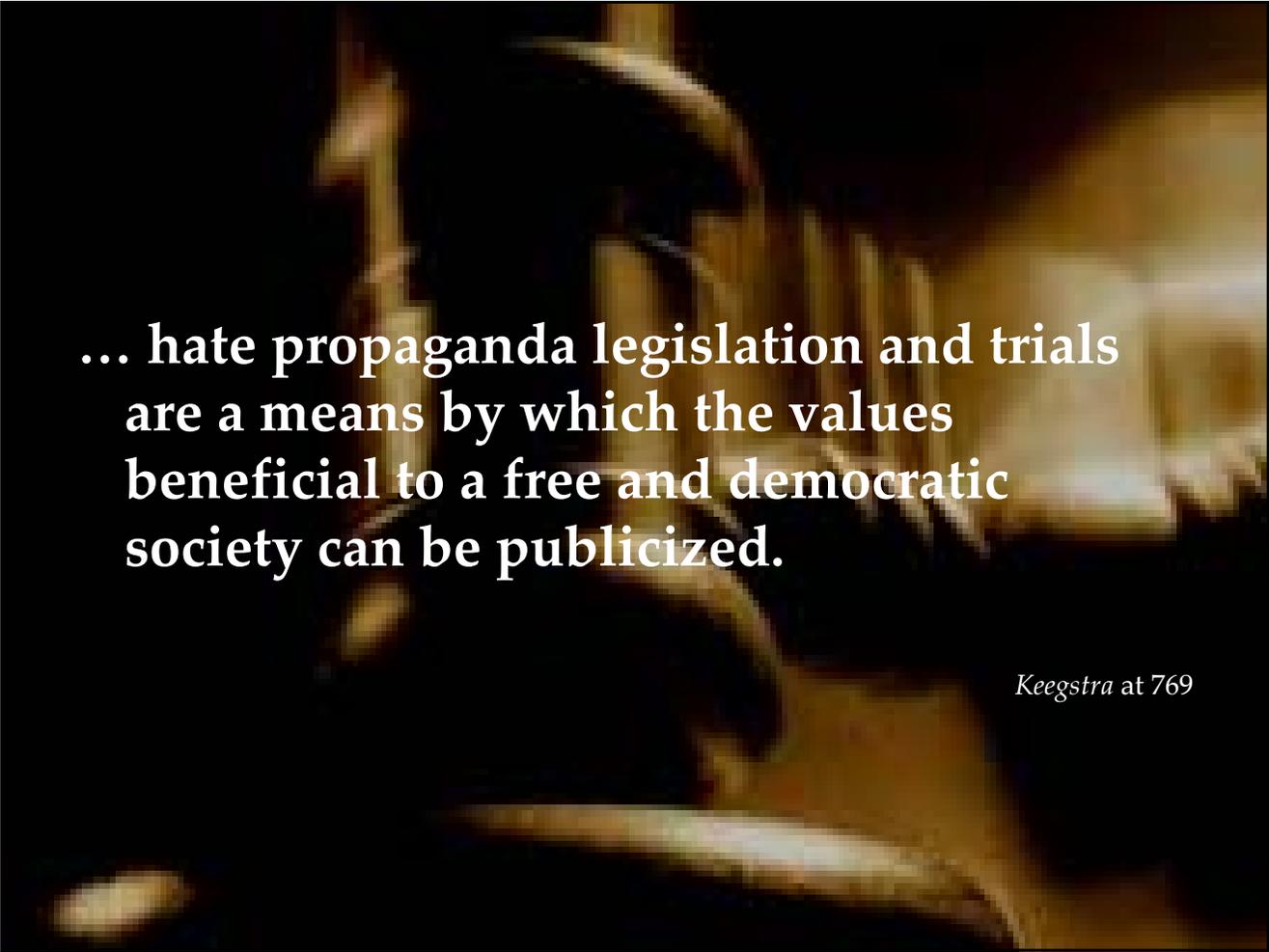
...

A second harmful effect of hate propaganda which is of pressing and substantial concern is its influence upon society at large. ... The threat to the self-dignity of target group members is thus matched by the possibility that prejudiced messages will gain some credence, with the attendant result of discrimination, and perhaps even violence, against minority groups in Canadian society.”

Keegstra (SCC)

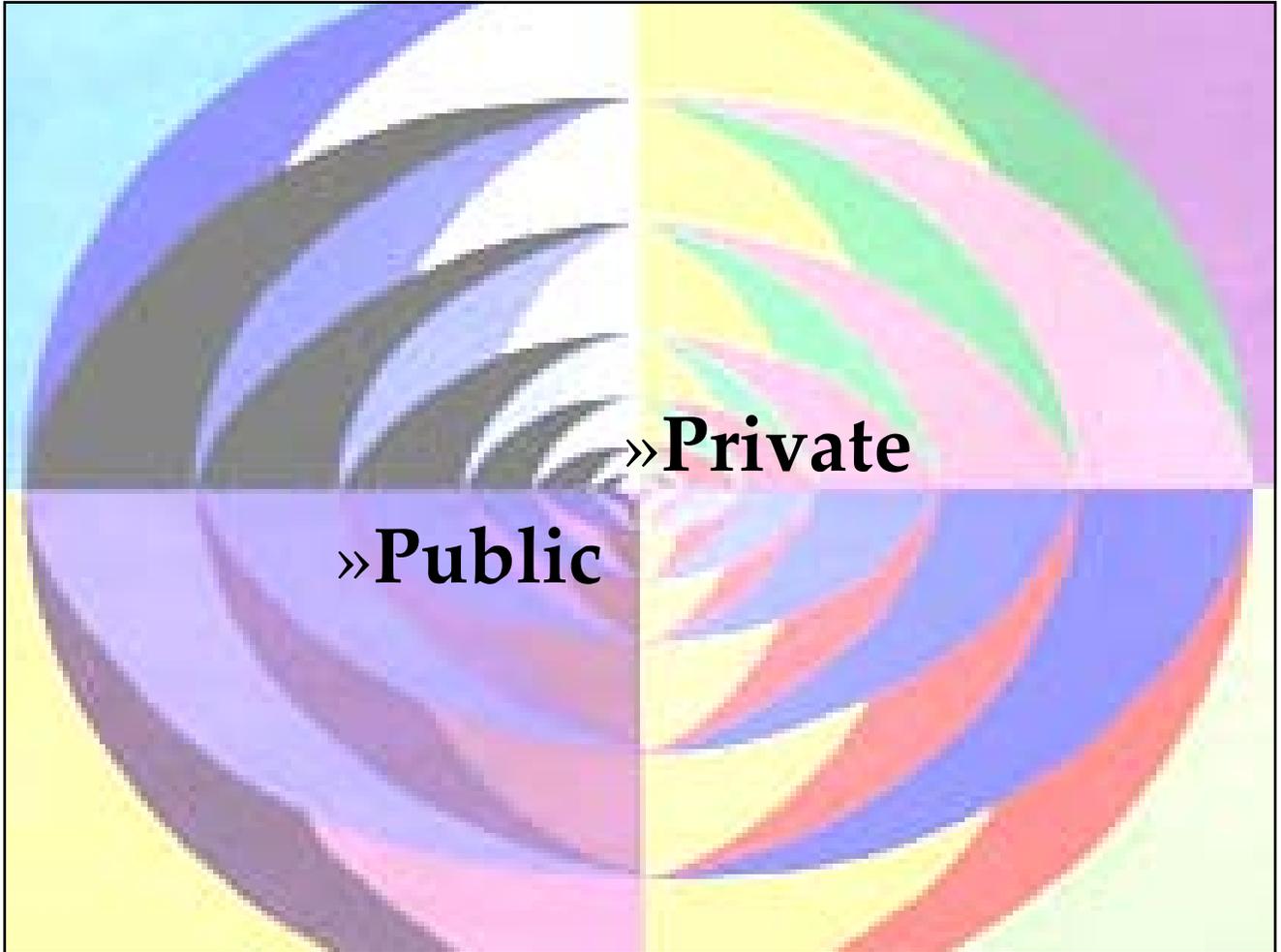
... Prejudices are means for convincing oneself why it is appropriate to act in ways that contradict basic ethical standards against inflicting harm. ... Ethnocentric people recognize that oppressive acts are not humane. So, derogatory images portraying outgroups as inferiors help them to dismiss the notion that the others are by nature worthy of compassionate treatment, too. A violation of ethical norms is easier to explain away if the victims belong to an outgroup and are widely portrayed as demonic adversaries who are purportedly menacing to the population.

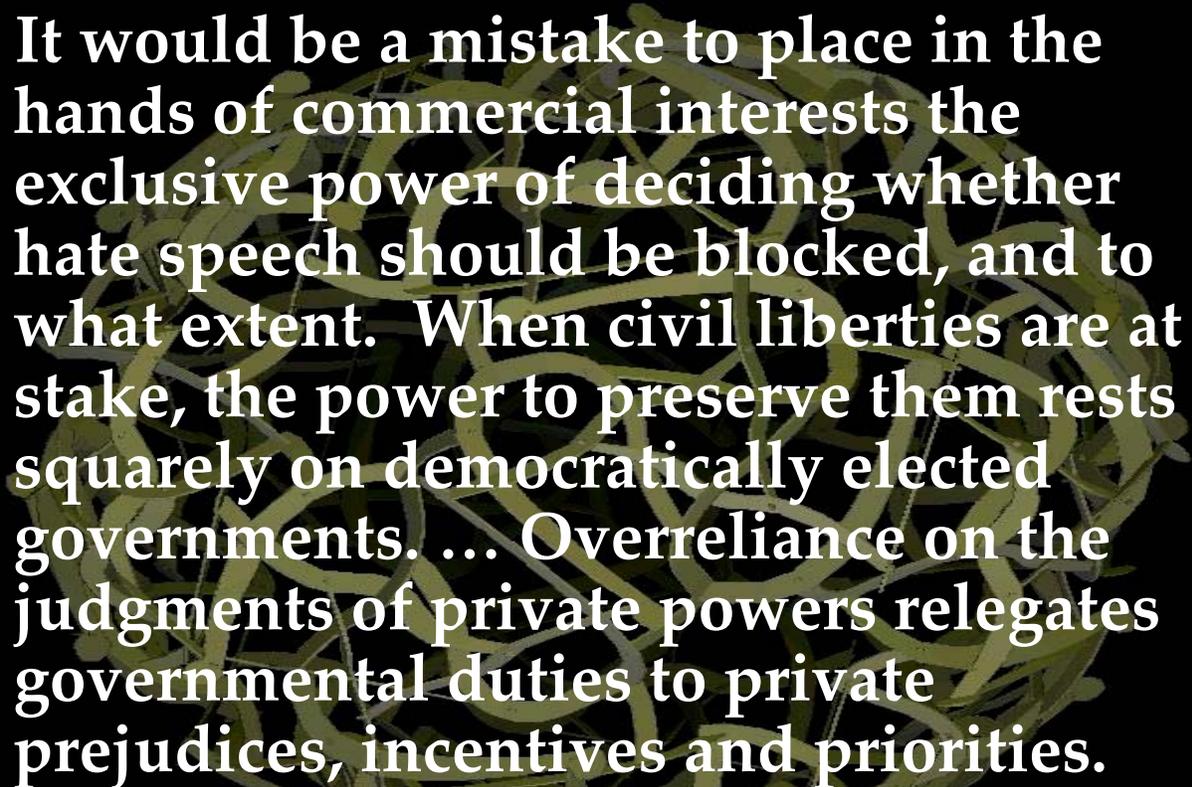
Alexander Tsesis, *Destructive Messages* at 91



... hate propaganda legislation and trials
are a means by which the values
beneficial to a free and democratic
society can be publicized.

Keegstra at 769





It would be a mistake to place in the hands of commercial interests the exclusive power of deciding whether hate speech should be blocked, and to what extent. When civil liberties are at stake, the power to preserve them rests squarely on democratically elected governments. ... Overreliance on the judgments of private powers relegates governmental duties to private prejudices, incentives and priorities.

Alexander Tsesis, Destructive Messages at 73-74