

# **CULTURAL PERSPECTIVES ON HATE SPEECH: A COMPARATIVE STUDY OF ITS DEFINITION AND IMPACT IN DIVERSE SOCIETIES IN THE LIGHT OF LEGAL REGULATION**

***Dr Dariusz Czakowski, prof. AKP***

*Akademia Kujawsko-Pomorska w Bydgoszczy*

*e-mail: d.czakowski@akp.bydgoszcz.pl, <https://orcid.org/0000-0002-9190-5256>*

**Summary:** Hate speech is a complex issue that has garnered significant attention in recent years. It is defined as any form of speech that attacks a person or group based on their race, ethnicity, religion, gender, sexual orientation, or other characteristic. However, what constitutes hate speech can vary widely across different cultures and legal systems. This article explores the cultural perspectives of hate speech through a comparative study of its definition and impact in diverse societies. First, the challenges of establishing a universal definition of hate speech and the differences in legal definitions of hate speech in different countries will be analyzed. It then delved into the historical context of hate speech, including how it was historically treated in different societies and how cultural values influenced the evolution of the definition of hate speech. It then examined the cultural impact of hate speech, including its effects on individuals and communities and the societal consequences of unchecked hate speech. It also examined how cultural norms and values shape perceptions of the impact of hate speech. The paper will then focus on the regulation and enforcement of hate speech laws, including the approaches taken by different societies and the controversies surrounding the enforcement of these laws. Finally, a comparative analysis was conducted of significant hate speech incidents in different societies and how different cultures responded to these incidents. By exploring these topics, this research paper aims to provide a comprehensive understanding of the cultural perspectives on hate speech and its impact on diverse societies.

**Key words:** cultural studies, hate speech, the right to freedom of speech.

## Defining Hate Speech

The complexity of defining hate speech lies in its deeply contextual nature, which varies significantly across different cultures. In some societies, hate speech may be identified and condemned based on certain expressions towards individuals or groups differentiated by their color, religion, nationality, or ethnic origins. This can encompass a wide range of communication, from overt slurs to subtly coded language that is perceived as derogatory within a specific cultural context. For instance, what might be considered a harmless joke in one culture could be seen as a grave insult in another, highlighting the cultural relativity of language and its interpretation<sup>1</sup>. Moreover, the rise in global awareness about hate speech is partly due to the increased reporting and documentation of such incidents. This growing concern reflects a collective effort to understand and address the impact of hate speech, as it not only harms individuals but also contributes to broader social alienation. As a result, the significance of hate speech becomes embedded in the social processes that foster exclusion and discrimination, underlining the importance of context in its recognition and censure. Given these cultural nuances, it's clear why a universal definition of hate speech remains elusive, emphasizing the need for a more nuanced approach that respects and understands the unique socio-cultural norms of each community<sup>2</sup>.

The international landscape of hate speech legislation illustrates a mosaic of approaches that reflect the diverse legal principles and cultural values of different countries. While some nations have specific laws that clearly define and criminalize hate speech, others rely on broader legislation concerning public order or anti-discrimination to address such conduct. For instance, in the European context, Article 20 of the International Covenant on Civil and Political Rights (ICCPR) mandates the prohibition of any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence. This provision has been interpreted and applied in various ways across European jurisdictions, with some countries enacting laws that explicitly echo the language of the ICCPR, whereas others have developed their own definitions that may include additional protected characteristics such as sexual orientation or gender identity. In contrast, the United States takes a more permissive approach due to the First Amendment, which strongly protects freedom of speech, leading to a narrower definition of hate speech that often requires the demonstration of a clear and present danger of imminent lawless action before it can be legally actionable. The complexity of legal interpretations of hate speech is further exemplified by scholarly discussions in „International Speech Crimes Following the Šešelj Judgment” and „The Hartford Guidelines on Speech Crimes in International Criminal Law,” which explore how international criminal law has approached the subject, particularly in relation

---

1 A. Fino, *Defining hate speech: a seemingly elusive task*, „Journal of international criminal justice” 2020, 18(1), p. 31-57.

2 F. Baider, *Pragmatics lost? Overview, synthesis and proposition in defining online hate speech*, „Pragmatics and Society” 2020, 11(2), p. 196-218.

to crimes against humanity and war crimes, and in the aftermath of landmark legal cases. These academic contributions are crucial in understanding the evolving definitions and the implications of hate speech in a legal context, as they provide a compendium of legal precedents and guidelines that help to navigate the intricate international legal frameworks.

The quest to establish a universal definition of hate speech is fraught with complexities, not least because of the inherent challenge in delineating what precisely constitutes this form of expression. Scholars have grappled with the task of systematically defining hate speech, yet few have succeeded in creating a definition that is widely accepted or applied. This is, in part, due to the fact that the current scholarship primarily focuses on the identification of specific words or phrases that cause harm, often directed at immutable characteristics of individuals or groups<sup>3</sup>. The challenge is further compounded by the delicate balance that must be struck between curbing hate speech and upholding the principles of freedom of expression, a tension that has stymied attempts to codify a universally acceptable definition. Moreover, the legal and judicial uncertainty regarding what constitutes a „call to violence,” as opposed to a „call to commit crimes,” has added to the complexity of the issue, leaving a gap in the legal framework that urgently needs to be addressed. This uncertainty raises critical questions, such as whether a direct incitement to violence is required for speech to be criminalized, or if calls to hatred or discrimination, even if they stop short of inciting violence, are sufficient grounds for criminalization. Thus, the pursuit of a universal definition of hate speech is an ongoing endeavor, deeply intertwined with the evolving nature of law, ethics, and societal values.

## Historical Context of Hate Speech

Historically, societies have grappled with the dual imperatives of protecting freedom of speech and curbing the harms caused by hate speech. In the United States, this tension has led to a unique legal stance where a robust tradition of free speech often stands in contrast to the efforts made to regulate hate speech. The American constitutional history has been marked by the deliberation of what constitutes hate speech and the extent to which it can be limited without infringing upon the First Amendment rights<sup>4</sup>. This is particularly challenging when considering how hate speech can cause real-world harm, targeting groups that have been historically oppressed or marginalized<sup>5</sup>. The conversation around hate speech is not a static one but has evolved significantly over time, with legal scholars like Matsuda arguing for a nuanced approach to regulation. Matsuda suggests hate speech laws should specifically address speech that perpetuates racial inferiority and is directed against historically oppressed groups, ensuring that the laws are not overbroad but tailored to

3 A. Sellars, *Defining hate speech. Berkman Klein Center Research Publication*, 2016, 20, p. 16-48.

4 S. Walker, *Hate speech: The history of an American controversy*, U. of Nebraska Press, 1994, p. 1-17.

5 D. Boromisza-Habashi, *Hate speech. The international encyclopedia of language and social interaction*, Colorado 2015, p. 1-11.

protect vulnerable communities from persecutory, hateful, and degrading messages<sup>6</sup>. This view is informed by the understanding that such speech, when left unchecked, can perpetuate a cycle of marginalization and violence, necessitating a careful balance between the protection of free expression and the protection of historically vulnerable populations.

Understanding the events that have shaped the conception of hate speech requires delving into both legal history and social context. The United States, with its robust tradition of free speech, presents a unique case for examining hate speech legislation and its impact. While countries worldwide have grappled with the balance between free expression and the protection of minority groups, the U.S. has been distinct in its approach due to its constitutional history emphasizing individual liberties. Historically, parallels can be drawn to Roman defamation laws, which sought to protect against speech considered contrary to good morals, indicating an early recognition of the harms that unrestricted speech could inflict on individuals and societal order. In modern times, advocates for hate speech bans often cite the need to protect historically marginalized groups, suggesting that such legislation serves not only a protective function but also a corrective one, attempting to ameliorate the conditions of those who have suffered long-standing discrimination. Legal scholar Mari Matsuda's work further refines the discussion by proposing that hate speech regulation be particularly focused on expressions that convey racial inferiority, hate, and degradation aimed at historically oppressed groups, thereby aligning legal sanctions with the goal of social justice. These developments, rooted in a deep-seated history and a complex interplay of societal values, continue to shape the legal landscape surrounding hate speech, as evident in the ongoing debates and analyses that attempt to delineate the boundaries of this contentious issue.

The cultural underpinnings of a society heavily influence how hate speech is defined and addressed, reflecting the values and norms of that particular community. For instance, in some nations, hate speech is codified in law, with definitions encapsulating any communication that may incite violence or prejudicial action against individuals or groups, based on their association with a specific group, as noted in their legal statutes. These laws often specify protected groups, which may vary widely from one country to another, highlighting the influence of cultural values on such classifications. However, not all countries acknowledge hate speech as a legally distinct category, demonstrating the variability in legal systems and the cultural relativism inherent in the conceptualization of hate speech. Furthermore, the enforcement of hate speech laws also illustrates the role of cultural values; where in some places individuals may seek recourse through civil or criminal litigation, indicating a societal preference for legal mechanisms to address grievances. This diversity in how hate speech is perceived and regulated is a direct reflection of the cultural values that shape legal frameworks, underscoring the assertion that cultural values are instrumental in the evolution of hate speech definitions.

---

6 J. T. Nockleby, *Hate speech in context: The case of verbal threats*, „Buff. L. Rev.” 1994, 42, p. 653-713.

## Cultural Impact of Hate Speech

The corrosive impact of hate speech on individuals and communities is deeply influenced by the cultural milieu in which it occurs. Within different cultural contexts, the power dynamics at play can exacerbate the division between in-groups and out-groups, leading to a heightened sense of alienation among those targeted by such speech. This alienation is not merely an emotional response but has tangible effects on the social fabric of communities, as it undermines the relationships among individuals who share the language in which the hate speech is articulated. Furthermore, these divisions are often a reflection of conflicting views and ideologies that, when expressed through hate speech, serve to reinforce pre-existing fractures within society. The failure of local cultural values to serve as a bulwark against such divisive rhetoric underscores the need for concerted efforts to revitalize these values and foster character building to combat the proliferation of hate speech. This effort is crucial as it addresses not just the symptoms but the underlying societal norms that allow hate speech to thrive<sup>7</sup>. However, one must recognize that the relational nature of online speech, steeped in unique socio-cultural norms, makes it challenging to adopt a universal definition of hate speech. This diversity in interpretation necessitates an approach that is sensitive to the nuances of each cultural context to effectively mitigate the detrimental effects of hate speech on both individuals and communities.

The pervasive nature of hate speech across various platforms and its consequent societal impact cannot be understated, as it not only reflects but also reinforces harmful discursive and cultural practices. As hate speech becomes increasingly visible on mainstream social media platforms, it has escaped the confines of obscure internet forums and now touches the lives of many on a daily basis<sup>8</sup>. The insidious spread of such speech is particularly alarming when considering its impact on children, who can absorb and imitate the hate-filled rhetoric they encounter online, potentially leading to a perpetuation of prejudice and intolerance within the next generation<sup>9</sup>. Moreover, the socio-cultural context in which hate speech is communicated is significant; the meanings and implications of hate speech are shaped by and contribute to the cultural norms within a particular community or society<sup>10</sup>. This creates a complex landscape where the effects of hate speech are diffused through cultural channels, influencing societal attitudes and behaviors in ways that may not be immediately apparent but are nonetheless profound. The challenge, therefore, lies in understanding hate speech as a multi-dimensional phenomenon that operates within

7 O. Oktavianus, *Hate Speech and Local Cultural Values in Indonesia*. In *International Congress of Indonesian Linguistics Society* (KIMLI 2021), Atlantis Press, 2021, p. 151-155.

8 A. A. Siegel, *Online hate speech. Social media and democracy: The state of the field, prospects for reform*, 2002, p. 56-88.

9 B. Tynes, *Children, adolescents and the culture of online hate. Handbook of children, culture and violence*, 2005, p. 267-289.

10 M. A. Paz, J. Montero-Díaz, A. Moreno-Delgado, *Hate speech: A systematized review*. *Sage Open*, 2002, p. 10(4).

a specific socio-cultural milieu, necessitating a nuanced approach to its regulation and the cultivation of a more inclusive and respectful social discourse<sup>11</sup>.

Delving deeper into the cultural dimensions of hate speech, it becomes evident that this phenomenon transcends legal boundaries, morphing into a multifaceted issue that intertwines with the very fabric of society. Hate speech is a complex construct that serves not only as a form of expression but also as a reflection of societal norms and practices, deeply rooted in the cultural consciousness of a community. This intricacy is further exemplified when examining the impact of hate speech on individuals, particularly within their own socio-cultural contexts. Victims of hate speech navigate a landscape where the harm inflicted upon them is interpreted through the lens of cultural identity and societal values, suggesting that the consequences of such speech acts are not universally experienced but are instead shaped by the prevailing socio-cultural setting. Consequently, combating hate speech requires an understanding of cultural dynamics and the integration of cultural education into social life, aiming to foster an environment where the very inclination to engage in hate speech diminishes. This cultural approach to understanding hate speech underscores the importance of considering the unique and sometimes idiosyncratic community norms that define what is considered hateful or offensive, and how these perceptions can vary even within subgroups of the same culture.

## **Regulation and Enforcement of Hate Speech Laws**

In addressing the complex issue of hate speech, various societies deploy a range of legislative and regulatory measures to curtail its proliferation. One critical element in the effective regulation of hate speech is the role of law enforcement authorities, as their actions are pivotal in the implementation of laws designed to combat such speech. Research indicates that in situations where hate speech is identified, the response by legal authorities is typically in alignment with the provisions of the law. This suggests that law enforcement agencies are, in general, acting within the scope of their legal frameworks when addressing hate speech cases. Furthermore, the use of Information Technology and Electronic Transaction (ITE) laws exemplifies a modern approach to regulating hate speech, particularly in an age where digital platforms can rapidly disseminate harmful content. The enforcement of ITE laws is thereby a testament to societies adapting their legal instruments to confront the evolving nature of hate speech in the digital realm. Additionally, the broader legislative landscape is characterized by specific hate speech legislation that varies from society to society, reflecting the diverse legal philosophies and cultural sensitivities of each jurisdiction. The implementation of these laws, however, is not without challenges. It is imperative that the laws in place are not only reflective of societal values but also practical in their application to daily life, ensuring that law enforcement can effectively uphold them. Thus, the regulation of hate speech by different societies is

11 M. Sherry, T. Olsen, J. S. Vedeler, J. Eriksen (eds.), *Disability hate speech: Social, cultural and political contexts*, Routledge 2019.

a multifaceted endeavor that necessitates a concerted effort from lawmakers, law enforcement, and the community at large to ensure the laws are applicable, enforceable, and responsive to the societal context in which they operate.

Despite the potential of hate speech regulations to curtail incitements of violence and discrimination, the effectiveness of these laws is heavily reliant on the jurisdiction in which they are enforced. Countries have begun to implement prohibitions against hate speech in cyberspace, recognizing the borderless nature of the Internet and its potential to amplify harmful rhetoric. For instance, in recent years, a number of countries have witnessed the effects of these prohibitions within their own territories<sup>12</sup>. These local efforts, however, are challenged by the need for a broader, more cohesive approach, as hateful content can originate from virtually anywhere in the world. In addressing this global issue, there is a discussion around the potential of Customary International Law (CIL) to compel nations, which may otherwise lack comprehensive speech regulations, to adopt international standards for prohibiting hate speech<sup>13</sup>. This would not only set a universal threshold for what constitutes hate speech but also empower international bodies to enforce these regulations across different nations. Furthermore, while the enforcement of hate speech laws may appear to be a direct response to the expression of menacing animus, it is crucial to understand that such laws are not antithetical to free speech. Rather, they aim to balance the protection of civil liberties against the harm caused by hate speech<sup>14</sup>. The United States offers a relevant case study, where courts have traditionally upheld restrictions on freedom of speech when it serves the state's interest in protecting its citizens from harm, as evidenced by past rulings that have provided guidance on shaping hate speech legislation<sup>15</sup>. Through this lens, one could argue that effective regulations are those that strike a balance between safeguarding free expression and mitigating the real-world dangers posed by hate speech.

As national governments grapple with the enforcement of hate speech laws, they encounter the challenge of balancing the regulation of harmful content with the protection of free speech. In the United States, courts have traditionally upheld restrictions on speech when it is deemed necessary for the state to exercise its police power to safeguard the public from harm, including the expression of menacing animus. This principle was exemplified in a landmark case that offered states direction on shaping hate speech laws in a way that enables them to enforce criminal statutes against expressions of hate, while still aligning with constitutional protections<sup>16</sup>. However, this approach contrasts with the international perspective, where the possibility of Customary International Law (CIL) status could compel nations

12 I. Nemes, *Regulating hate speech in cyberspace: Issues of desirability and efficacy*, „Information & Communications Technology Law” 2002, 11(3), p. 193-220.

13 R. Cohen, *Regulating hate speech: Nothing customary about it*, „Chi. J. Int'l L.”, 2014, 15, p. 229-255.

14 M. Herz, P. Molnár (eds.), *The content and context of hate speech: Rethinking regulation and responses*, Cambridge University Press 2012.

15 J. C. Knechtle, *When to regulate hate speech*, „Penn St. L. Rev.” 2050, 110, p. 539-578.

16 A. Tsesis, *Dignity and speech: The regulation of hate speech in a democracy*, „Wake Forest L. Rev.” 2009, 44, p. 497-532.

without specific hate speech laws to adopt international standards against hateful expressions. This international enforcement mechanism could apply to countries with lax regulations, pressuring them to align with the global stance against hate speech. Nevertheless, the enforcement remains complex due to the vast expanse of the Internet, which hosts numerous sites dedicated to spreading hate against minority groups and others. Such online platforms illustrate the tension between maintaining free speech and curbing hate speech, a dilemma that is particularly pronounced in countries like the United States, where the value of unobstructed free expression is deeply rooted in the national ethos<sup>17</sup>. Despite the difficulties in regulation and enforcement, the increasing prevalence of cyber hate speech has prompted some countries to enact prohibitions within their jurisdictions, feeling the effects of such regulations within their own borders, but with limited extraterritorial impact.

## Comparative Analysis of Hate Speech Cases

Within the realm of diverse societies, the intricacies of hate speech cases are further complicated when the individuals prosecuted for such offenses are themselves part of historically marginalized communities. This paradox is exemplified by instances where members of communities, which have been targets of systemic racism, find themselves at the center of legal scrutiny for espousing race-based statements deemed as hate speech<sup>18</sup>. Such cases underscore the tension between the protection of free speech and the need to maintain a respectful and non-discriminatory public discourse. The legal landscape in the United States, in particular, has undergone significant evolution since the mid-20th century. Initially, the Supreme Court tended to reject free speech challenges during periods marked by national security concerns, such as World War I and the Cold War<sup>19</sup>. However, the pendulum swung in the subsequent decades of the 1960s and 1970s, which saw a liberalization in the Court's approach towards free speech, reflective of the broader social and political changes of the time. These historical shifts provide a pivotal context for understanding current legal standards and their application in cases of hate speech, emphasizing the dynamic nature of constitutional interpretation in this area<sup>20</sup>. Meanwhile, international perspectives, such as those derived from the European Convention on Human Rights, offer a contrasting view on the balance between free expression and restrictions on hate speech. The inherent limitations doctrine within Article 10 (1) of the Convention has sparked debate on the extent to which hate speech should be outlawed in democratic states, a discussion that remains highly relevant in contemporary legal discourse.

---

17 A. Tsesis, *Hate in cyberspace: Regulating hate speech on the Internet*, „San Diego L. Rev.” 2001, 38, p. 817-874.

18 M. Rosenfeld, *Hate speech in constitutional jurisprudence: a comparative analysis*. „Cardozo L. Rev.” 2002, 24, p. 1523-1567.

19 M. M. McKeown, D. Shefet, *Hate Speech: A Comparative Analysis of the United States and Europe. In Regulating Cyber Technologies: Privacy vs Security*, 2023, p. 257-282.

20 B. A. Appleman, *Hate speech: a comparison of the approaches taken by the United States and Germany*, „Wis. Int'l LJ” 1995, 14, p. 422-429.



The response to hate speech has varied significantly across different cultures, influenced by their unique historical contexts and legal frameworks. For instance, European nations, under the European Convention on Human Rights, have generally taken a more prohibitive stance against hate speech, reflecting a consensus that such speech poses a direct threat to democratic values and the rights of individuals. This is particularly evident in the case against the 'inherent limitations doctrine' concerning Article 10 (1) of the European Convention on Human Rights, where the need to balance freedom of expression with the protection against hate speech is a legal and ethical challenge<sup>21</sup>. In contrast, the United States has historically adopted a more protective approach towards free speech, even when it intersects with hate speech, due to the strong emphasis on the First Amendment rights. This divergence is highlighted in comparative studies that juxtapose the German system, with its stringent laws against hate speech, to the constitutional interpretation in the U.S. demonstrating a broader tolerance for such speech under the guise of free expression. Interestingly, this comparative analysis reveals not only differences in legal boundaries but also the underlying societal values that shape these legal interpretations<sup>22</sup>. Moreover, the complexity of these cases is reflected in the fact that members of historically victimized groups have, at times, been prosecuted for engaging in hate speech, which underscores the multifaceted nature of the issue and the challenges in regulating it equitably.

In analyzing the lessons derived from a comparative study of hate speech cases, it becomes evident that context plays a critical role in the interpretation and regulation of such speech. A striking example is the evolution of American jurisprudence concerning free speech, which has seen a significant transformation over the years. Initially, during periods of national stress such as World War I and the Red Scare, the U.S. Supreme Court tended to reject free speech challenges, aligning with a more restrictive approach to public discourse. However, this attitude shifted dramatically in the 1960s and 1970s, a time marked by the civil rights movement and a growing recognition of individual liberties, leading to a broader protection of speech. This historical shift underlines the importance of temporal and social contexts in shaping legal outcomes. Moreover, the comparative study highlights that the regulation of hate speech is not a monolithic concept but varies across democracies, as evidenced by the inherent limitations doctrine of Article 10 (1) of the European Convention on Human Rights. This doctrine, in contrast to American interpretations, suggests that in certain democratic states, there is a recognition of the potential harm of hate speech and thus a willingness to enforce stricter limitations. The juxtaposition of the American and European approaches offers a nuanced understanding that legal systems adapt their regulations of hate speech to reflect their underlying social values and historical experiences. Therefore, a comparative study not only illuminates the differences in legal interpre-

21 J. Reis Goncalves Pereira, R. Medeiros de Oliveira, C. S. Coutinho, *Hate Speech Regulation: Comparative Analysis in Global South Countries*, „Braz. J. Int'l L.” 2020, 17, p. 196-202.

22 R. M. Meza, H. O. Vincze, A. Mogos, *Targets of online hate speech in context: A comparative digital social science analysis of comments on public Facebook pages from Romania and Hungary*, „Intersections. EastEuropean Journal of Society and Politics” 2018, 4(4), p. 26-50.

tations but also underscores the influence of societal context on the adjudication and regulation of hate speech.

## Conclusions

The comparative study of cultural perspectives on hate speech sheds light on the complexity of defining and regulating hate speech across different societies. The research highlights the deeply contextual nature of hate speech, which varies significantly across cultures and legal frameworks. The study reveals that not all societies recognize hate speech as a legally distinct category, reflecting the cultural relativism inherent in the conceptualization of hate speech. The research underscores the importance of context in recognizing and censoring hate speech, as the significance of hate speech becomes embedded in the social processes that foster exclusion and discrimination. The comparative analysis also reveals the underlying societal values that shape legal interpretations and the evolution of hate speech definitions. While some societies have specific laws that clearly define and criminalize hate speech, others rely on broader legislation concerning public order or anti-discrimination to address such conduct. The research highlights the tension between protecting freedom of speech and curbing the harms caused by hate speech, which varies across different cultures and legal frameworks. The comparative study provides a compendium of legal precedents and guidelines that help to navigate the intricate international legal frameworks, facilitating a more nuanced approach that respects and understands the unique socio-cultural norms of each community. The research suggests that combating hate speech requires an understanding of cultural dynamics and the integration of cultural education into social life, aiming to foster an environment where the inclination to engage in hate speech diminishes. The research also acknowledges the limitations and gaps in the study, such as the relational nature of online speech, which makes it challenging to adopt a universal definition of hate speech. Future research should continue to explore the evolving nature of law, ethics, and societal values, as well as the impact of hate speech on individuals, particularly within their own socio-cultural contexts.

## References

- Appleman B. A., *Hate speech: a comparison of the approaches taken by the United States and Germany*, „Wis. Int'l LJ” 1995, 14.
- Baider F., *Pragmatics lost? Overview, synthesis and proposition in defining online hate speech*, „Pragmatics and Society” 2020, 11(2).
- Boromisza-Habashi D., *Hate speech. The international encyclopedia of language and social interaction*, 2015.
- Cohen R., *Regulating hate speech: Nothing customary about it*, „Chi. J. Int'l L.” 2014, 15.
- Fino A., *Defining hate speech: a seemingly elusive task*, „Journal of international criminal justice” 2020, 18(1).

- Herz M., Molnár P. (eds.), *The content and context of hate speech: Rethinking regulation and responses*, Cambridge University Press 2012.
- Knechtle J. C., *When to regulate hate speech*, „Penn St. L. Rev.” 2005, 110.
- McKeown M. M., Shefet D., *Hate Speech: A Comparative Analysis of the United States and Europe. In Regulating Cyber Technologies: Privacy vs Security 2023*.
- Meza R. M., Vincze H. O., Mogos A., *Targets of online hate speech in context: A comparative digital social science analysis of comments on public Facebook pages from Romania and Hungary. Intersections*, „East European Journal of Society and Politics” 2018, 4(4).
- Nemes I., *Regulating hate speech in cyberspace: Issues of desirability and efficacy*, „Information & Communications Technology Law” 2002, 11(3).
- Nockleby J. T., *Hate speech in context: The case of verbal threats*, „Buff. L. Rev.” 1994, 42.
- Oktavianus O., *Hate Speech and Local Cultural Values in Indonesia. In International Congress of Indonesian Linguistics Society (KIMLI 2021)*, Atlantis Press 2021.
- Paz M. A., Montero-Díaz J., Moreno-Delgado A., *Hate speech: A systematized review*. „Sage Open” 2020, 10(4).
- Reis Goncalves Pereira J., Medeiros de Oliveira R., Coutinho C. S., *Hate Speech Regulation: Comparative Analysis in Global South Countries*, „Braz. J. Int’l L.” 2020, 17.
- Rosenfeld M., *Hate speech in constitutional jurisprudence: a comparative analysis*, „Cardozo L. Rev.” 2002, 24.
- Sellars A., *Defining hate speech*, Berkman Klein Center Research Publication, 2016.
- Sherry M., Olsen T., Vedeler J. S., Eriksen J. (eds.), *Disability hate speech: Social, cultural and political contexts*, Routledge 2019.
- Siegel A. A. (2020). Online hate speech. Social media and democracy: The state of the field, prospects for reform, 56-88.
- Tsesis A., *Hate in cyberspace: Regulating hate speech on the Internet*, „San Diego L. Rev.” 2001, 38.
- Tsesis A., *Dignity and speech: The regulation of hate speech in a democracy*, „Wake Forest L. Rev.” 2009, 44.
- Tynes B., *Children, adolescents and the culture of online hate, Handbook of children, culture and violence 2005*.
- Walker S., *Hate speech: The history of an American controversy*, U of Nebraska Press 1994.

**KULTUROWE PERSPEKTYWY MOWY NIENAWIŚCI:  
STUDIUM PORÓWNAWCZE JEGO DEFINICJI I WPLYWU  
W RÓŻNYCH SPOŁECZEŃSTWACH W ŚWIETLE REGULACJI PRAWNYCH**

**Streszczenie:** Mowa nienawiści to złożony problem, któremu w ostatnich latach poświęcono wiele uwagi. Definiuje się ją jako jakąkolwiek formę wypowiedzi, która atakuje osobę lub grupę ze względu na jej rasę, pochodzenie etniczne, religię, płeć, orientację seksualną lub inną cechę. Jednak to, co stanowi mowę nienawiści, może się znacznie różnić w różnych kulturach i systemach prawnych. W tym artykule zbadano kulturowe perspektywy mowy nienawiści poprzez badanie porównawcze jego definicji i wpływu w różnych społeczeństwach. Najpierw przeanalizowano wyzwania związane z ustaleniem uniwersalnej definicji mowy nienawiści oraz różnice w prawnych definicjach mowy nienawiści w różnych krajach. Następnie zagłębio się w historyczny kontekst mowy nienawiści, w tym w to, jak była ona historycznie traktowana w różnych społeczeństwach i jak wartości kulturowe wpłynęły na ewolucję definicji mowy nienawiści. Następnie zbadano kulturowy wpływ mowy nienawiści, w tym jej wpływ na jednostki i społeczności oraz społeczne konsekwencje niekontrolowanej mowy nienawiści. Zbadano także, jak normy i wartości kulturowe kształtują postrzeganie wpływu mowy nienawiści. Następnie artykuł skupił się na regulacji i egzekwowaniu przepisów dotyczących mowy nienawiści, w tym na podejściu przyjętym przez różne społeczeństwa i kontrowersjach wokół egzekwowania tych przepisów. Na koniec przeprowadzono analizę porównawczą znaczących przypadków mowy nienawiści w różnych społeczeństwach i sprawdzono, jak różne kultury zareagowały na te przypadki. Eksplorując te tematy, niniejszy artykuł badawczy ma na celu zapewnienie wszechstronnego zrozumienia kulturowych perspektyw dotyczących mowy nienawiści i jej wpływu na zróżnicowane społeczeństwa.

**Słowa kluczowe:** kulturoznawstwo, mowa nienawiści, prawo do wolności słowa.