



## Required social consensus against hate speech

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**(Mains GS 1 : Social empowerment, communalism, regionalism & secularism.)**

### **Context:**

On January 12, 2022 , the Supreme Court of India agreed to hear petitions asking for legal action to be taken against the organizers of, and speakers at, the “Haridwar Dharma Sansad”.

### **Increased discrimination:**

- As societies around the world have long understood, the harm in hate speech is not simply restricted to direct and proximate calls to violence.
- Hate speech works in more insidious ways, creating a climate that strengthens existing prejudices and entrenches already-existing discrimination. A good example of this is the history of anti-semitism in Europe.
- This “cultural common sense” traded on stereotypes and social prejudice, and justified ongoing discrimination, social and economic boycotts, and ghettoization, on a day-to-day level.

### **Understanding hate speech:**

- The laws commonly invoked in such cases are section 295A of the Indian Penal Code (blasphemy) and section 153A of the Indian Penal Code (creating enmity between classes of people).
- Hate speech, however, is most certainly not the same as blasphemy, but nor is it captured by the vague phrase “enmity between classes”.

- Hate speech is speech that targets people based on their identity, and calls for violence or discrimination against people because of their identity.
- The Supreme Court of India has gestured towards this understanding of hate speech, both in prior judgments, and in the ongoing case involving Sudarshan TV.

#### **Plausible deniability:**

- The second problem is that hate speech, by its very nature, will not always trumpet itself to be hate speech.
- Rather, it will often assume plausible deniability where statements, worded with the right degree of ambiguity, are now being defended as calls to self-defence rather than calls to violence.
- Indirect hate speech of this kind is known as a “dog-whistle”: which may escape the attention of an external observer but both the speaker and the listener know what – and who – is being referred to.

#### **Reflect individual judgment:**

- **The** most difficult and intractable problem is no matter how precise and how definite we try to make our concept of hate speech, it will inevitably reflect individual judgment.
- If, therefore, social and legal norms against hate speech are to be implemented without descending into pure subjectivity, what is needed – first – is a social consensus about what kind of speech is beyond the pale.
- Social consensus allows us to discount whataboutery, and also distinguish cases of hate speech from other forms of confrontational or agitational speech which nonetheless deserves to belong to the marketplace of ideas.

#### **Conclusion:**

Achieving this social consensus is an immense task, and will require both consistent legal implementation over time, but also daily conversations that we, as a society need to have among ourselves.