

Minorities, Free Speech and the Internet

**Edited by
Oscar Pérez de la Fuente,
Alexander Tsisis and Jędrzej Skrzypczak**

First published 2023
by Routledge
4 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge
605 Third Avenue, New York, NY 10158

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2023 selection and editorial matter, Oscar Pérez de la Fuente, Alexander Tsisis and Jędrzej Skrzypczak; individual chapters, the contributors

The right of Oscar Pérez de la Fuente, Alexander Tsisis and Jędrzej Skrzypczak to be identified as the authors of the editorial material, and of the authors for their individual chapters, has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

With the exception of Chapter 1, no part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Chapter 1 of this book is available for free in PDF format as Open Access from the individual product page at www.routledge.com. It has been made available under a Creative Commons Attribution-Non Commercial-No Derivatives 4.0 license.

Project 'New challenges of Law'. This work has been supported by the Madrid Government (Comunidad de Madrid-Spain) under the Multiannual Agreement with UC3M in the line of Excellence of University Professors (EPUC3M06), and in the context of the V PRICIT (Regional Programme of Research and Technological Innovation).

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

Names: Pérez de la Fuente, Oscar, editor. | Tsisis, Alexander, editor. | Skrzypczak, Jędrzej, editor.

Title: Minorities, free speech and the internet / edited by Oscar Pérez de la Fuente, Alexander Tsisis, and Jędrzej Skrzypczak.

Description: Abingdon, Oxon ; New York, NY : Routledge, 2023. | Series: Routledge studies in human rights | Includes bibliographical references and index.

Identifiers: LCCN 2022054872 (print) | LCCN 2022054873 (ebook) | ISBN 9781032228358 (hardback) | ISBN 9781032228488 (paperback) | ISBN 9781003274476 (ebook)

Subjects: LCSH: Freedom of speech. | Hate speech. | Information society—Political aspects. | Internet—Political aspects. | Internet—Censorship.

Classification: LCC JC591 .M56 2023 (print) | LCC JC591 (ebook) | DDC 323.44/3—dc23/eng/20230106

LC record available at <https://lcn.loc.gov/2022054872>

LC ebook record available at <https://lcn.loc.gov/2022054873>

ISBN: 978-1-032-22835-8 (hbk)

ISBN: 978-1-032-22848-8 (pbk)

ISBN: 978-1-003-27447-6 (ebk)

DOI: 10.4324/9781003274476

Typeset in Times New Roman
by Apex CoVantage, LLC

Contents

PART I

Introduction 1

1 Introduction: minorities, free speech and the Internet— an overview 3

OSCAR PÉREZ DE LA FUENTE

PART II

Legal cultures on free speech and Internet 17

2 Democratic values and the regulation of hate speech 19

ALEXANDER TESIS

3 Freedom of speech, minorities and the Internet from the European perspective: words matter 44

JĘDRZEJ SKRZYPCZAK

4 Free speech and Internet: is there a new interpretation for human rights? With particular reference to Chinese and Russian approaches to Internet regulations 69

OSCAR PÉREZ DE LA FUENTE

PART III

Democracy, hate speech and (mis)information 91

5 Manipulation and the first amendment 93

HELEN NORTON

6 Fake news published during the pre-election period and free speech theory	108
FILIMON PEONIDIS	
7 Misinformation and hate speech: when bad becomes even worse	123
GUSTAVO FERREIRA SANTOS	
8 Sexist hate speech against women: towards a regulatory model	137
IRENE SPIGNO	
9 Artificial intelligence and hate speech	153
MIGLE LAUKYTE	
PART IV	
Free speech and minorities	165
10 Disentangling “cancel culture”	167
DAVID S. HAN	
11 Government speech and minority rights: the American view	181
WILLIAM D. ARAIZA	
12 SLAPP: between the right to a fair trial and the chilling effect in favour of free speech	197
JĘDRZEJ SKRZYPCZAK	
13 The freedom of speech and the protection of religious feelings: the case of Dorota Rabczewska—comparative analysis	212
TOMASZ LITWIN	
PART V	
Conclusion	227
14 Conclusion	229
ALEXANDER TESIS AND JĘDRZEJ SKRZYPCZAK	
<i>Notes on contributors</i>	237
<i>Index</i>	239