



The University of Hong Kong
Faculty of Law

Peter Allan Memorial Lecture

The New Challenges of Hate Speech in Constitutional Jurisprudence: A Comparative Analysis

Professor Michel Rosenfeld

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Benjamin N. Cardozo School of Law*

Tuesday, 11 April 2017 || 5:30 pm – 6:30 pm
Academic Conference Centre, 11/F Cheng Yu Tung Tower, HKU.



Hate speech regarding race, religion, ethnic or national origin, poses vexing constitutional challenges. Most democracies prohibit speech that incites to hatred whereas the United States draws the line at speech that incites to violence. Critics find the American approach too permissive and its counterpart too restrictive. Given the present worldwide surge in racism, xenophobia, Islamophobia and anti-Semitism; and given the novel challenges posed by the spread of hate speech through new media such as twitter and face book; it becomes imperative to reexamine the extant approaches to hate speech and to explore suitable alternatives better adapted to evolving political and technological trends.

Michel Rosenfeld is the University Professor of Law and Comparative Democracy, Justice Sydney L. Robins Professor of Human Rights and Director of the Program on Global and Comparative Constitutional Theory at the Benjamin N. Cardozo School of Law. He is the author of several books, including *Affirmative Action and Justice: A Philosophical and Constitutional Inquiry* (Yale Univ. Press 1991), which in 1992 was named outstanding book on the subject of human rights in the U.S. by the Gustave Meyers Center; *Just Interpretations: Law Between Ethics and Politics* (Univ. of California Press 1998), which was translated into French and Italian; *Comparative Constitutionalism: Cases and Materials*, (3d. Ed., West 2016) (with Baer, Dorsen, Mancini and Sajo); *The Identity of the Constitutional Subject: Selfhood, Citizenship, Culture, and Community* (Routledge 2010) and *Law, Justice, Democracy and the Clash of Cultures: A Pluralist Account* (Cambridge U. Press 2011). Professor Rosenfeld is a founding member and president of the United States Association of Constitutional Law, the founding editor-in-chief of the *International Journal of Constitutional Law* (I•CON) from 2001 to 2014, and was president of the International Association of Constitutional Law (1999-2004). He was an editor of the University of California Press' Series on Philosophy, Social Theory and the Rule of Law (1991-2002), and since 2003 an editor of the Series on Discourses of Law published by Routledge. Among his many honors, in 2004, he received the French government's highest and most prestigious award, the Legion of Honor.



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