Perspectives on the First Amendment: The Impact of Generation on Free Speech Freedoms

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Abstract

Given the constitutional protection of free speech under the First Amendment, to what extent does the American public support that hate speech can be banned while still protecting free speech? The First Amendment states that "congress shall make no law… abridging the freedom of speech." This project analyzes published data from the Cato Institute Free Speech and Tolerance Survey (2017) to determine the role that Americans' generation plays in their support of a hate speech ban. Individuals of various generations differ in their experiences with world events, politics and social norms. These differences can impact views on free speech. Preliminary analysis by the Cato Institute shows that younger generations are more likely to support that hate speech can be banned while still protecting free speech than older generations. Current scholarship lacks a depth of research in this area. As such, this project establishes relationships concerning views on hate speech that are a novel contribution to this field of study.

Keywords: First Amendment, free speech, hate speech, age, generation

Introduction

To what extent does the American public support the idea that hate speech can be prohibited while still protecting free speech? The First Amendment states that "congress shall make no law… abridging the freedom of speech." The purpose of this research is to determine the role that Americans' generation plays in their support that hate speech can be banned while still protecting free speech.

Hate speech has long been a controversial issue regarding the constitutional protection of free speech. Scholars have researched the topic of hate speech to determine what constitutes hate speech, what differentiates hate speech from other forms of speech (i.e. the use of aggressive words, discrimination, dehumanization, demonization and incitement to violence) and what types of speech are or are not protected. Hate speech does not have a scholarly-recognized definition, however scholars have created their own definitions of hate speech (Boeckmann and Turpin-

Petrosino 2002; Yong 2011). Little research has been conducted about the relationship of generation to views on hate speech. Schwadel and Garneau (2014) found no significant difference between generational cohorts in their views on hate speech. In this paper, the relationship will be closely examined to differentiate between generations.

To analyze this differentiation between generations, it is hypothesized that younger generations are more likely to support that hate speech can be banned while still protecting free speech than older generations. This is informed by their increased exposure to technology and social media. Preliminary data from the Cato Institute 2017 Free Speech and Tolerance Survey is used to test the hypotheses. All analysis uses publicly available data from the published survey report. The dependent variable is the level of support that Americans give to the statement that hate speech can be prohibited while still protecting free speech. The independent variable is generation. Other factors, such as demographics, must be taken into consideration as control variables.

Preliminary analysis suggests that younger generations are more supportive of hate speech being banned while still protecting free speech, than older generations. An unexpected pattern is also found among generational cohorts. Further data analysis is necessary to determine the scope of these trends. The current political atmosphere highly values diversity and inclusion. This research project aims to see if this translates into broad free speech protections for a diversity of speech, or more restrictions to protect Americans from hate speech.

Literature Review

As mentioned above, scholars have attempted to define hate speech. One approach utilizes a broad definition of hate speech based on intergroup relations, prejudice, aggression, and law and social policy (Boeckmann and Turpin-Petrosino, 2002). A more specific strategy identifies four basic categories of hate speech. These categories are "targeted vilification, diffuse vilification, organized political advocacy for exclusionary and/or eliminationist policies, and other assertions of fact or value which constitute an adverse judgment on an identifiable racial or religious group" (Yong, 2011). Yong took this idea a step further by identifying which kinds of hate speech are presently protected and unprotected under the First Amendment. Namely, the fourth category which constitutes adverse judgments against a specific group, was classified by Yong as protected speech. Brison (1998) highlights the tangible consequences that speech can have. She

explains that speech is an intentional action, a physical phenomenon, and can have a physical effect on its listeners. As such, verbal assaults involving hate speech can be just as harmful as physical assaults.

Current scholarship focuses on the general themes of how attitudes and politics affect support for the prohibition of hate speech. The way people view a topic can influence their level of support. For example, a 2002 study prepared its subjects with either a freedom of speech or equal protection argument prior to exposing both groups to the same scenario. The results indicated that those prepared with the freedom of speech argument were more likely to advocate for free speech, while those prepared with the equal protection argument directed their attitudes towards the harm of hate speech (Cowan et al., 2002). Other attitudes also play a role, including personality, education and self-image (Downs and Cowan, 2012). The importance of freedom of speech was found to be positively related to intellect, individualism and separate knowing. In contrast, freedom of speech was negatively related to right-wing authoritarianism. One personality trait that played a significant role was empathy. The level of empathy a person purportedly has was found to affect the level of harm they associate with hate speech, with the perceived harm of hate speech being positively associated with empathy (Cowan and Khatchadourian, 2003).

There is little scholarship about the influence of gender on the support for the prohibition of hate speech. This may due to the current scholarship largely agreeing that women perceive a greater harm from hate speech than do men (Downs and Cowan, 2012). Additionally, women are more likely to view hate speech negatively than men are (Cowan and Khatchadourian, 2003).

Previous literature does not seem to consider adequate factors that influence the level of support that hate speech can be banned while still protecting free speech. Most of the current scholarship focuses on case analysis. As such, it looks at individual situations where hate speech occurred to make conclusions about hate speech in general. Without studies, it is difficult to isolate specific factors that influence support for or against the prohibition of hate speech. While a portion of the current literature includes studies (Cowan et al., 2002; Downs and Cowan, 2012; Cowan and Khatchadourian, 2003), small sample size was a common weakness. In addition to the small sample size, some of the studies did not use random sampling methods. One study used 159 college students who were recruited from the psychology department of the same school to

satisfy their course requirement (Cowan et al., 2002). Because of this, it is possible that the results were not an accurate representation of the American public as a whole.

There are limited studies that isolate age in order to determine the level of support that hate speech can be banned while still protecting free speech. One such study found that there are no inherent differences in the level of support for free speech based on generation (Schwadel and Garneau, 2014). Instead, it found that the level of support depended on broader changes to society throughout time. This meant that the level of support for free speech moved in the same direction at relatively the same rates for all generations. However, an outlier illustrated that Baby Boomers were found to be particularly tolerant. Preliminary analysis of the data suggests that this research project will find differences among generations in their level of support for the prohibition of hate speech.

Thorough literature review found that the effect of technology was largely left out. Technology has grown exponentially in the past decade. Much of the scholarship on this topic dates to the beginning of this time period or prior to it. Weintraub-Reiter (1998) looked at hate speech on the internet. Specifically, she analyzed various cases where hate speech occurred and how these cases were dealt with. All of the analysis led to the conclusion that the regulation of hate speech was being properly handled by the courts. This study was published more than two decades ago and technology has changed immensely during this time; there have been many cases of hate speech that need to be analyzed.

It is clear that there is a need for research that focuses on Americans' level of support that hate speech can be banned while still protecting free speech. Furthermore, focusing on generation will make this research unique, considering the limited research published in the field. The results of this study have the potential to help guide future decisions about what constitutes hate speech and how it can be regulated.

Theory and Hypothesis

As mentioned previously, scholars define hate speech in slightly different ways. However, the underlying concept remains the same; hate speech inflicts harm using hateful or degrading language. For the purpose of this research, hate speech is defined as "any form of expression directed at objects of prejudice that perpetrators use to wound and denigrate its recipient"

(Boeckmann and Turpin-Petrosino 2002). This project focuses on generation because it is a factor that contributes to the foundation of peoples' worldviews.

The following generations are used: Baby Boomers, Generation X, Generation Y and Generation Z. Because of the varying ages of people in different generations, these individuals have lived varying lengths of time. As such, their experiences with world events, politics and social norms differ. These experiences all have the power to influence a person's outlook on life. For example, a Baby Boomer who lived through the Civil Rights Movement may have a different perspective on speech than someone from Generation Z who grew up with social media. Schwadel and Garneau's (2014) research suggests that broader changes to society over time can influence people's views. These researchers found that Baby Boomers are uniquely more tolerant than other generations. However, it is expected that this research project will find a different pattern of support among generations based on technology and its evolution. Weintraub-Reiter (1998) looked at hate speech and its frequency, on the internet. Younger generations have grown up with social media and internet communication sites. Thus, they have more exposure and access to hate speech on the internet. Because of this amplified exposure to hate speech, it is expected that the data will show that younger generations are more willing to support the restriction of hate speech while still protecting free speech. This leads to the following hypotheses:

H1: Generation impacts whether one supports that hate speech can be prohibited while still protecting free speech.[1]

H1a: Generation Y and Generation Z are more likely to support that hate speech can be prohibited while still protecting free speech than Baby Boomers and Generation X.

Data and Variable Description

Data from the Cato Institute 2017 Free Speech and Tolerance Survey was analyzed to determine Americans' support for the prohibition of hate speech. This survey contains questions about attitudes toward free speech, campus speech, religious liberty and tolerance of political expression. Responses were collected by YouGov between August 15, 2017 and August 23,

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[1] The survey question this project is based on from the 2017 Cato Institute Free Speech and Tolerance Survey uses the phrase "prohibit hate speech and protect free speech." All hypotheses use the phrase "hate speech can be prohibited while still protecting free speech" to remain consistent with the spirit of the research question..

2017. There were a total of 2,300 respondents of Americans 18 years of age and older included in the final survey. The results were weighted to be representative of the national adult sample in the United States. The survey asked respondents a series of questions listed in the report[2].

This project looks at the public data report published by the Cato Institute. As such, the data analysis is only preliminary. No models were run for this analysis, however patterns that supported and strayed from the current literature were identified.

Dependent Variable

The dependent variable is the level of support (reflected in a value from a 5-point scale) that Americans give to the statement that hate speech can be prohibited while still protecting free speech. The following survey question is used: "Agree or disagree - society can prohibit hate speech and protect free speech." Responses include strongly agree, somewhat agree, somewhat disagree, strongly disagree, and refused or don't know. It is important to note the two phrases of "prohibit hate speech" and "protect free speech" that are used in the phrasing. Both of these phrases are essential for the research question. The question asks whether or not Americans believe hate speech can be prohibited while still protecting free speech. This is different from asking Americans whether or not they support banning hate speech altogether. A dependent variable capturing only the prohibition of hate speech would be misleading to the results of the survey, which is why both parts are included in the dependent variable and hypotheses.

Independent Variable

The independent variable is generation. Based on the age groups listed in the Cato Institute survey report, the generation breakdown is as follows: Baby Boomers (ages 55 and up), Generation X (ages 45-54), Generation Y (ages 25-44) and Generation Z (ages 18-24).

Other Factors

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[2] More details on the survey methodology used by the Cato Institute can be found here: Cato Institute. (2017b). *Survey Methodology*. Cato Institute. https://www.cato.org/sites/cato.org/files/survey-reports/methodology/cato-free-speech-survey-methodology.pdf

The other factors to consider are demographics. This includes race/ethnicity, gender, education, college enrollment and religious affiliation, which are shown in Table 1. These factors are control variables. They are included to isolate the impact of the independent variable.

Table 1. Variable Description

Dependent Variable	Description
Support for the statement: "Society can prohibit hate speech and protect free speech."	Respondent support, range from "strongly agree" to "strongly disagree."

Independent Variable	Description
Generation	Baby Boomers (ages 55 and up), Generation X (ages 45-54), Generation Y (ages 25-44), and Generation Z (ages 18-24).

Other Variables	Description
Race/ethnicity	
African American	African American or otherwise.
Latino	Latino or otherwise.
White	White or otherwise.
Gender	Male or female.
College enrollment	Current college/grad student or not current college/grad student.
Education	College grad+, some college, and high school or less.
Religious affiliation	Evangelical Protestant, Mainline Protestant, Catholic/Eastern Orthodox, non Christian religious, and not religious.

Results and Discussion

The figures below include the term "support for the statement." The statement is "hate speech can be prohibited while still protecting free speech." As explained previously, support for this

statement is the dependent variable. Therefore, all data visualizations use "support for the statement" to be consistent with the dependent variable.
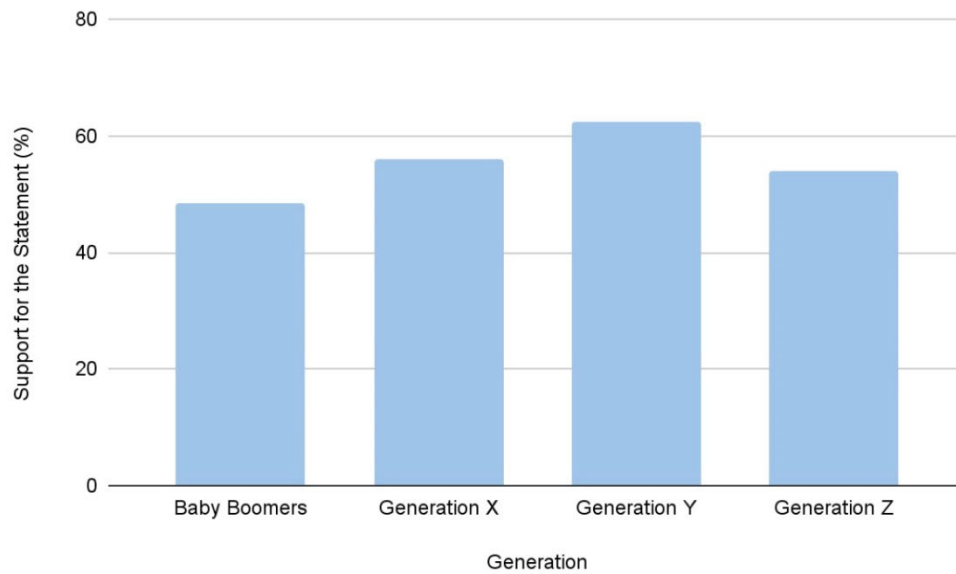

Figure 1. Overall Support for the Statement by Generation. Adapted from Cato Institute. (2017a). *Free Speech and Tolerance Survey* [Data set]. Cato Institute. https://www.cato.org/sites/cato.org/files/survey-reports/tables/cato-free-speech-survey-tables-and-crosstabs.pdf
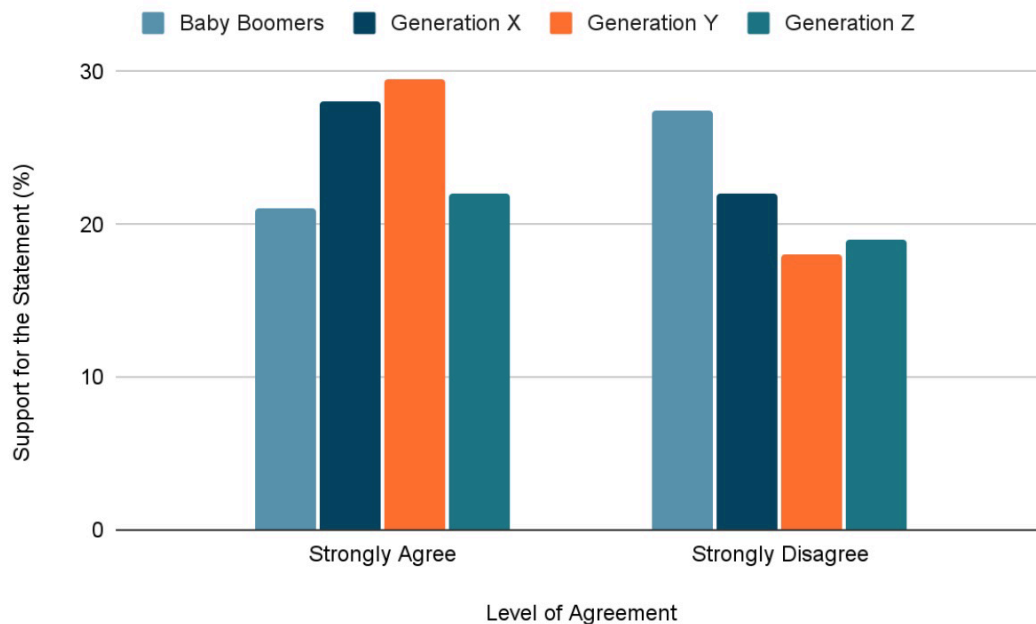
Figure 2. Specific Support for the Statement by Generation. Adapted from Cato Institute. (2017a). *Free Speech and Tolerance Survey* [Data set]. Cato Institute. https://www.cato.org/sites/cato.org/files/survey-reports/tables/cato-free-speech-survey-tables-and-crosstabs.pdf

It is expected that the hypotheses will be confirmed. Figure 1 shows that Generation Y and Generation Z are slightly more likely to support that hate speech can be banned while still protecting free speech than Baby Boomers and Generation X. It appears that Generation Z shows less support than Generation Y. This is interesting because it was expected that younger age is correlated with more support for the prohibition of hate speech. Looking only at the preliminary data, the difference in percentages for the overall level of support is relatively small. Comparing the two poles of "strongly agree" and "strongly disagree" responses offers insight into the differences of Generation Y and Generation Z. In Figure 2, Generation Y shows the highest level of "strongly agree" while Generation Z and Baby Boomers have similar ratings for "strongly agree." This suggests that respondents in Generation Z do not feel as strongly as those in Generation Y. Figure 2 also reveals that Generation Z may actually be the most similar to Baby Boomers with regard to this research question. While these findings are taken into account, the cause for these relationships is still unknown. Running data models may reveal more about this unexpected finding.

Conclusion

This project explores whether Americans support that hate speech can be banned while still protecting free speech. Based on the analysis, the findings provide insight that can help answer the research question: To what extent does the American public support the idea that hate speech can be prohibited while still protecting free speech? The generation hypotheses were loosely confirmed by the data. There were still some discrepancies that could benefit from further analysis.

Unanswered questions left by this project deal with the generation hypotheses. Why is Generation Y the most tolerant generation? More specifically, why is Generation Z less tolerant than Generation Y? It was expected that the level of support that hate speech can be banned while still protecting free speech would be highest for Generation Z and lowest for Baby Boomers. It was surprising to see in the data that Generation Z had similar levels of support as

Baby Boomers, but it is unclear. Answering these questions would be helpful in formulating theory behind these results.

A limitation of this project was the little time spent on data analysis. In the future, more time must be spent looking at statistical patterns in the data rather than taking the numbers at face value. This project used a preliminary analysis based on secondary survey data so there are limitations to the depth of conclusions that can be drawn. This is due to the fact that the raw data was not publicly available for use. Nonetheless, the findings from this project are still noteworthy and can be useful to future studies. Future analysis will confirm the findings and help explain some of the discrepancies noted in this paper.

Another limitation with this project was the complexity of the survey question. The question from the Cato Institute survey "agree or disagree - society can prohibit hate speech and protect free speech" is a double-barreled question. It deals with views on hate speech and free speech at the same time. As such, it is difficult to gauge how the survey results could be different if only one type of speech was asked about. The wording of survey questions is crucial because it can impact how a participant responds. There is a big difference between believing that hate speech can be banned while still protecting free speech and supporting a complete ban on all hate speech. Therefore, conducting a survey as a primary source would be ideal to isolate individuals' views on this topic. This option was not possible for this project due to time and resource constraints. However, it provides an avenue for future research.

One result of this research is that it can be helpful to explain the current political climate. Today, there is a great deal of focus on hate speech. Regardless of the reasons for that, the level of support that different people have for hate speech being banned while still protecting free speech is valuable information. Knowing peoples' difference in views can help foster greater understanding among the general public. Another result is the novel contribution to the existing body of literature. Noticeable differences in the level of support for hate speech being banned while still protecting free speech were found with generation. This contrasts with other scholars that found no discernible difference in views of free speech among generations. Not only this, but it was found that Generation Z and Baby Boomers have similar levels of support.

The unexpected results from the generation hypotheses offer additional avenues for future research. Researchers can more closely examine why Generation Z may have responded how they did. As the youngest generation, this generation is by default studied the least. The

uncharacteristically low level of support from this generation coupled with the lack of research makes this generation ideal for future study. Perhaps future research can determine why Generation Z and Baby Boomers have similar levels of support for hate speech being banned while still protecting free speech, even though the generations are approximately 30 years apart. As discussed in the literature review, there is limited research on this topic. With the addition of these new findings, conclusions from previous scholarship are confirmed and the novel contributions of newly discovered trends offer ideas for future studies.

Acknowledgements

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