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Hate Speech and Freedom of Expression

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Abstract

Unfolding the history of one of the oldest human values, the freedom of expression, while defining its limits, is a complicated task. Does freedom stop where hate starts? This very old dilemma is -now more than ever before- revealing new dimensions. Politicians and new laws aim at regulating free expression, while disagreements over such regulation gradually become a source of endless conflict in newly formed multicultural, interconnected, and digitized societies. The example of the Network Enforcement Act is used to understand the idea of restrictive legal practices in Germany, but also to enlighten the fact that law is a human construction which was created in order to regulate communication among individuals. Alternative practices, to straight legal ones, are summarized to show other dimensions of regulating hate speech without involving top-down approaches. The article proposes the approach of restorative justice as a combination of legal and meditative practices in cases of hate speech. One advantage of the restorative justice approach elaborated in this article is the potential to remedy the inner hate and the pain, both of the victim and perpetrator. Finally, revealing parts of history and new aspects of the 'hate speech-puzzle', leads to a questioning of contemporary social structures that possibly generate hate itself.

Zusammenfassung

Der Schutzbereich und die Grenzen der Meinungsfreiheit müssen stets auf neue definiert und sie muss gegebenenfalls mit anderen Menschenrechten abgewogen werden. Hört die Freiheit dort auf, wo der Hass beginnt? Mit neuen Gesetzen zielen Politiker auf die Regulierung der freien Meinungsäußerung ab, während Meinungsverschiedenheiten über solche Regulierungen zu einer Quelle endloser Konflikte in neu gebildeten multikulturellen, miteinander verbundenen und digitalisierten Gesellschaften werden. Am Beispiel des Netzwerkdurchsetzungsgesetzes wird die Idee restriktiver Rechtspraktiken in Deutschland untersucht, aber auch aufgezeigt, dass Recht eine menschliche Konstruktion ist, die geschaffen wurde, um die Kommunikation zwischen Individuen zu regeln. Alternative, nicht ausschließlich juristische Praktiken werden zusammengefasst, um andere Dimensionen der Regulierung von Hassreden aufzuzeigen, die ohne Top-down-Ansätze auskommen. Wir schlagen den Ansatz der restorativen Gerechtigkeit als eine Kombination aus rechtlichen und meditativen Praktiken in Fällen von Hassrede vor. Ein Vorteil des in diesem Artikel erarbeiteten restaurativen Gerechtigkeitsansatzes ist das Potenzial, den inneren Hass und den Schmerz von Opfern und Tätern zu beseitigen.

I. Introduction

Politicians openly accusing each other, fake news spreading over the internet, right wing groups defaming minorities - the world´s multicultural and technologically connected society is far from a peaceful breed. The dilemma between the right to express freely and the resulting danger of hate speech is not a new phenomenon. It has existed before and philosophers´ thoughts have shaped ways of handling the dilemma in current legal documents. Societal and technological developments of the past decades have increased its complexity and public authorities and civil society are faced with new challenges. Previously applied legal, top down measures seem to be no longer sufficient to deal with the individual experiences. Alternative solutions and rethinking the construction of law are necessary to address the contemporary challenges of that old dilemma.

This study starts with a definition of terms: freedom of expression and hate speech (II.) and then presents the current legal frameworks within which national governments operate (III.). It then focuses on Germany and elaborates on the historical experience that has led German authorities to adopt pro-interference measures in regards to the exercise of free speech (IV.). As the conditions of our globalized world have changed throughout the past decades, the study then analyses those changes and their impact on free speech and freedom from discrimination. The Network Enforcement Act, a law recently passed in the German parliament, illustrates the restrictive character of their legal system. It also highlights the incapacity of the new legal act to address the underlying reasons (V.). Lastly, by considering the law as a social construct, the study depicts alternative solutions, such as informal measures and the concept of restorative justice to foster tolerance and fight hatred (VI.). The study concludes by underscoring the necessity to target the root cause and all of its´ expression instead of focusing solely on the expression.

II. Definitions

1. The concept of freedom of expression

Before freedom of expression was theoretically tackled by John Locke and John Stuart Mill in the 17th and 19th centuries respectively, it had already existed in the minds of other great philosophers. It was Socrates who claimed to a jury in a trial: "If you offered to let me off this time on condition I am not any longer to speak my mind... I should say to you, Men of Athens, I shall obey the Gods rather than you".[1] Freedom of expression has remained an influential concept shaping the development of international documents, such as the Magna Carta,[2] the Declaration of the Rights of Man and of the Citizen,[3] and eventually the Universal Declaration of Human Rights[4].

The theoretical roots of freedom of expression can be found in Mill's piece "On Liberty", a philosophical essay that describes the negative impact of suppressive governance on the truth-finding process of a society.[5] Mill argues that only by giving voices to the plurality of opinions, can truth be distinguished from false information.[6] This concept is referred to as a market-place approach and is one of the consequentialist justifications for free speech, which stress the desirable effects resulting from an action. In contrast, the non-consequentialist justifications focus on the right or wrong

aspect of an action. It is a question of morality.[7] Principles such as the recognition of rationality, equality and dignity of all individuals by any state are brought forward.[8] John Locke is considered an advocate of non-consequentialists justifications. He justifies free speech by arguing that the private sphere, where free speech is practiced, is outside of the ambit of the interference of a state.[9]

Kent Greenawalt is a contemporary university professor, respected for his academic contributions on freedom of expression. He argues that simply having a *principle* of free speech indicates the higher value that should be attached to the right itself.[10] In his perception, the principle of free speech goes beyond the concept of minimal liberty. It requires the government to either take special measures for its protection or to omit certain restrictive regulations that would hinder its fulfilment. According to Jonathan Gilmore, the special value of free speech derives from the idea that expressing oneself is conceived as realizing oneself.[11] This scholar argues that for certain beliefs and opinions the expression by third parties is not enough. He claims that the process of expressing carries an intrinsic value of conceptualizing one´s own ideas, of committing to those beliefs and desires, and of realizing one's own mind.[12] Given the higher meaning that is attributed to freedom of expression, the state faces a double responsibility, which lies at the root of this dilemma. On the one hand, the state has an obligation to limit the right in case it causes harm, while on the other hand, the sovereign needs to provide for a framework, where the principle of free speech can materialize.[13]

2. The definition of hate speech

Whereas the concept of freedom of expression has been largely discussed in academia and scholars agree on certain justifications and its special value, the term hate speech remains highly debated.

Among academics, Ricardo Delgado’s[14] attempt to define hate speech helps to shed light on the various aspects of the concept. He depicts it as language “addressed to him or her by the defendant that was intended to demean through reference to race; that the plaintiff understood as intended to demean through reference to race; and that a reasonable person would recognize as a racial insult”.[15] Delgado mentions three aspects of hate speech. First, the speaker communicates with a particular intent. Second, this communication and its intent is obvious to the victim. Third, the interaction is perceived by external persons as an expression of racial discrimination. Whereas Delgado´s research focuses on racism, scholars have further developed his definition. Some scholars have opened up the interpretation to include other discriminated groups.[16] Others have emphasized the physical and structural harm,[17] the incitement it caused[18] or the context in which hate speech is observed[19]. Marwick and Miller summarized the existing contributions and stressed three components that hate speech definitions generally include.[20] These components are content, intent and a harm-based elements. Content refers to symbols and words that are generally understood to be offensive to a discriminated group. The intent element refers to the fact that hate speech is actively being used to promote hatred against individuals of minority groups as well as the groups themselves. And lastly, the harm element stresses the subjectively perceived harm of the speech.

Although these common characteristics contribute to a more general definition, there is no international agreement on the term.[21] Commentators mostly use examples to give more value and clarity to those vague constructions, which leads to extremely diverse interpretations.[22] These add to a risky situation, where offenders can use the ambiguous definitions to justify their actions as an exercise of the right of freedom of expression.

III. Legal framework

Taking into consideration the variable interpretations of hate speech and the right to freedom from discrimination, the concept of free speech is of utmost importance in democratic societies. It has influenced the development of the Declaration of the Rights of Men and Citizens, the Bill of Rights and other documents that contributed to the creation of nation states. The established legal framework reflects the inherent confrontation of those basic rights and the way in which public authorities have dealt with it.

The first international document that addressed basic global rights was the Universal Declaration of Human Rights (UDHR), released in 1948. It refers to the equality and dignity of all members of the human family and advocates for the individual right to freedom of expression.[23] Since the UDHR remained an unbinding document, the Council of Europe worked on a collective enforcement mechanism: the European Convention on Human Rights. This document was based on the rights declared in the UDHR and entered into force in 1953. The Council of Europe also brought forth three institutions responsible for supporting the implementation of the rights outlined in the convention: the European Commission on Human Rights (active until 1998), the European Court on Human Rights and the Committee of Ministers. From the very beginning, signatories agreed to create a dynamic document. The contributions of the judges during the interpretation of legal cases supported the development of the document and its adaptation to changing societal circumstances.[24]

The ECHR established two ways to approach the dilemma of hate speech and freedom of expression. First, Article 10, §1 stipulates that: "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers".[25] The first paragraph stresses the freedom that should be guaranteed. The second paragraph describes situations in which a limitation of that freedom is possible, if it stands in conflict with other rights, such as the right to freedom from discrimination.[26] The second way to deal with the confrontation is contained in Article 17. This article refers to the importance of the respect of all the rights mentioned in the Convention.[27] In other words, it holds that freedom of expression shall not impede access by any person or group to these rights, in particular the right to dignity.

This difficult balance between absolute freedom and its misuse was addressed by Karl R. Popper in his book "Open Society and Its Enemies" in 1945. He refers to the paradox of tolerance, which stipulates that "unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them".[28] So

how can a tolerant society be defended, while protecting the individual's right to freedom? When is a state allowed to interfere in the individual's private sphere and exercise of freedom of expression?

The Council of Europe transferred the responsibility of negotiating this balance to the member states and monitors their performance through the European Court of Human Rights.[29] In regards to Article 10 of the Convention, member states have to ensure the protection of the freedoms stated in §1 but also assure a possible restriction of those freedoms.[30] In order to interfere in a particular situation and thereby restrict other freedoms of the Convention, the states have to prove the existence of three conditions. These conditions are elaborated in the second paragraph of Article 10[31]: First, the interference must be enshrined in the national law. Second, it is only legitimized in certain situations. Third, and mostly debated, the intervention has to be "necessary in a democratic society". Although over the past decades the European Court has established a list of standards that qualify an intervention to be necessary, the definition remains unclear and member states interpret the article differently.[32] In part 4, the study will elaborate on the example of Germany and its law on social media platforms, which clearly illustrates those varying interpretations.

IV. Historical development of the dilemma in Germany

As mentioned above, the international community transfers the responsibility to protect the basic rights to member states and requests an adjustment of the national law to the superior jurisdiction. The historical experiences that nation states has shaped the way in which authorities have developed that specific legislation in order to deal with the conflicting confrontation of hate speech and freedom of expression.

Before Adolf Hitler took over the power of the German state in 1933, the Weimar Republic constitution of 1918 held that "Every German is entitled, within the bounds set by general law, to express his opinion freely in word, writing, print, image or otherwise. [...] There is no censorship [...]".[33] Freedom of expression was thereby guaranteed and protected by the state. In 1933, the arson attack on the home of the German Parliament was misused to implement the Reichstag fire decree (Reichstagsbrandverordnung) and replace the existing legislation. Thereafter, the chancellor and the institutions under his control were able to institute legal proceedings against political enemies, who expressed their opposing opinions. A period of arbitrary judgments, repression and the denial of the established rights in the Weimar Constitution followed.

Shortly after the end of the Second World War the use of Nazi propaganda was legally prohibited in Germany.[34] The law that targets the usage of Nazi rhetoric and symbols was supplemented in 1960 with an additional article, which rendered it illegal to incite to hatred or defame groups or members of groups of the population. Another decade later the penal code eventually also included incitement to hatred on the basis of racism.[35]

One controversial legal provision in the aftermath of the war was the interdiction of the holocaust denial. It was intensively discussed within the German parliament, where scholars and politicians raised concerns about the restriction of the law in regard to freedom of opinion.[36] Nevertheless, the law eventually entered into force in

1994. It demonstrates the German constitutional logic, which is characterized by rather repressive or pro-interference measures in order to guarantee the constituency of the society. Studies have analyzed the impact of Germany's unique experience of the collapse of a democratic system due to elements from within the society and relate it to the nature of the current legal system. The traumatic experience that Germany has undergone, led the state to take relatively repressive measures in order to protect the democracy from another subversion.[37] In the case of freedom of expression, Germany’s system downgrades the value of free speech if it has negative consequences on other basic human rights, such as dignity.[38] Apart from the restrictions in the penal code, the defensive character is also observable in the German Constitution, where Article 18 holds that the state can limit political freedoms of parties or groups of people if they are used to undermine the democratic base of the state.[39]

V. The situation of today

With new developments in the 21st century the dilemma between hate speech and the right to free expression has achieved another level. This part of the study elaborates how the highly debated law on the restriction of hate speech on social media platforms in Germany challenges the confrontation of both rights.

1. New dimensions of an old dilemma

Although the development of technology positively contributed to a vastly simplified exchange of thoughts, it is simultaneously accompanied by major challenges for the political systems and societies. The establishment of anonymous and discriminatory language, disconnected from morality, as well as the integration of fake news into the daily language stimulates prejudices and disapproval and fosters emotional rather than factual debates.[40] Combined with the multicultural dimension of our society, these factors influence the public discourse. Denigrating minorities and accusing political opponents, institutions and media are common observations. The challenge gains in complexity, as the different manifestations of hate speech are strongly attributable to the total canon of social, cultural and political structures.

Due to societal changes which took place during the last decades, such as the fall of the Soviet Union, the Arab spring, as well as an increased flow of people, societies are shifting from a moral perspective of law to a more subjective and psychosocial one.[41] In terms of hate speech, a previously ideologically defined morality, the concept nowadays includes a variety of subjective interpretations of personal experiences. These are addressed with top down bureaucratic regulations imposed by the state and public institutions.

2. The Network Enforcement Act

An analysis of the recently passed Network Enforcement Act (Netzwerkdurchsetzungsgesetz – NetzDG) provides two things: First, an example of how Germany, due to its history, creates a law that focuses on the protection of the democracy by restricting the individual's freedom. Second, an example of how the dilemma between hate speech and freedom of expression has increased in complexity and how it challenges the traditional legal system with the quest to develop new, alternative ways in dealing with it.

As a reaction to the new dimensions of the dilemma in Germany, voices against areas of a legal vacuum on the internet have been raised in recent years. The answer to these demands has been the NetzDG, a legally binding self-regulation through the interference of private companies on social media platforms, which was adopted by the German parliament in October 2017. It requires private companies to ensure compliance with regulatory standards and demands those companies owning social media platforms with at least 2 million members to delete contents containing hate speech or fake news within 24 hours.[42]

While the act is in line with Germany´s pro-interference legal system, it is seen highly controversial within the society and other political parties than those forming the government. Critics address the financial pressure that the companies experience with the potential of being fined (up to €5 million[43]) and highlight the possibility of observing an increased number of contents deleted. Even before the adoption of the act in late 2017, companies such as Facebook already showed removal rates of 100% of the notified content in Germany, whereas the rates in Denmark, Hungary or Portugal remained below 50%.[44] In line with this, the judicial role that the state thereby transfers to private companies, is strongly criticized. Since companies are deciding about the legality of online-content and about which content needs to be considered as hate speech, they interfere into state obligations. It is no longer the state which guarantees freedom of expression, but privately-owned companies.

According to Tobias Schmidt, director of the State Media Authority in North Rhine-Westphalia, it has to be clearly defined whether regulation is needed at all. Schmidt argues that an interference in freedom of expression is justified only if a higher legal asset is to be preserved. However, "all human rights are ultimately liberties".[45] In line with that, David Kaye, UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression, released a report on the NetzDG, highlighting its confrontation with the European law, as it transfers the assurance of a basic freedom of the state to the companies.[46]

The European Union which would have been able to slow down the implementation of the act, when it had been already accepted by the German parliament, has never been too curious and excited about an intervention, although several concerns were raised by European politicians.[47] Vice-president of the EU-Commission, Andrus Ansip, expressed his fears about the adaption of the concept of a similar act in other EU countries because he saw the opportunity to actively curb the right to freedom of expression but stressed at the same time the harmlessness of the act in a country like Germany.[48]

3. The need for new answers

The NetzDG provides an opportunity to portray the particular stance of Germany, which, due to its historical development, perceives itself as being obliged to intransigently act against any signs of hatred and radicalism. Furthermore, it shows that the traditional, top down legal measures are no longer sufficient to address all aspects of the dilemma. Due to the disconnection of law and morality that the intercultural societies of today's world face, bureaucratic regulations are no longer apt to deal with the subjective experiences of the individuals. If law is no longer the sole mechanism to solve those societal challenges and in particular the dilemma between hate speech

and freedom of expression, alternatives have to be developed. Alternatives, that consider not only external factors, but also the subjective experience of the individuals. The concept of hate speech is so particular, because it is not only dealing with the perpetrator violating hate speech laws or a punitive reaction of a state. It is rather a violation of human relations. In order to address the demands of multicultural societies and the increased rapidity of technological development, societies must come up with alternative ways to achieve the same objective which restrictive laws of regulating hate speech are also aiming at: prevent conflicts and increase tolerance.

VI. The rule of law as a construct and its alternatives in new intercultural societies

By analyzing law as a social construct, this part proposes new alternatives for the needs of intercultural societies that have been formed through the technological and societal developments of the past decades.

1. Law as a social construct

The aforementioned disconnection of law and morality lights up the way for legal positivism, and thus for the realization that law exists to fulfil a function. In other words, society created the law in order to regulate living together. Derived from this thought, law is socially constructed. Frederick Schauer elaborates that "a concept of law is subject to change over time and may vary across cultures".[49] Assuming that law is a social concept, it can be reconstructed in a way which allows it to function in accordance with the development of society. Just as other concepts, such as language or communication, change over time, law itself is not static and history has proved it. Compared to the fast development of our society, law's conceptual change is slow, incremental, and uncertain, as Hart argued in 1958.[50] Keeping in mind the potential of reconstructing legal practices can support the finding of solutions for current societal challenges, such as the dilemma between freedom of expression and hate speech.

2. Approaches against hate speech

By taking into account the technological and societal developments as well as the intersubjective experiences attached to the dilemma, the following part depicts other existing preventive and reactive approaches to the dilemma.

In addition to governmental measures, a variety of preventive practices can be used by individuals or private companies to restrain hate speech. Examples are the coverage of topics related to prejudices by university lecturers and hate speech narratives, the introduction of peaceful dispute resolution in school systems, practises that involve the promotion of tolerance and support of civil organizations in order to raise the awareness for the topic. Museums and public cultural centers are also important institutions for the prevention of hate speech, as they assume the crucial obligation of keeping awareness on the art maker´s potential of expressing signs of hatred.

Other practices are rather reactive, such as social disapprobation, boycotting or counter speech. One approach which is both, preventive as well as reactive, is the online project "Sag's mir in's Gesicht!", that the German public television launched in 2017. Since the anchors often find themselves in situations of being victims to hate speech, the aim of the project is to simplify the understanding for triggers of the phenome-

non and to confront hate speakers with their own wrongdoings by inviting them to directly have the discussions via skype.[51] The project revealed that for the offenders it became much more difficult to express their hatred offensively when they realized that their targets were real people.

Journalist Kübra Gümüşay proposes a rethinking of opinion-forming processes by the media. She calls for the setting of a medial and political agenda, for example, by dealing with education and justice issues. Gümüsay notes that by focusing on such topics, society is involved more holistically. A black-and-white outlook is in her opinion almost impossible due to the potential variety of topics which could be debated over. By promoting questions and debates in which there is no clear image of an enemy, she hopes to reduce stigmatization. This would bring the whole of society closer, as well as point out an intrinsic, distinctive culture of reflection and debate.[52]

These informal practices have been implemented as alternative measures to legal restraints, since they avoid the top down approach of restrictive jurisdiction. At the same time these practises give rise to critical viewpoints, questioning their effectiveness, and asking: Who is or who should be responsible for counter speech or censorship? Are the aforementioned measures qualified to overcome the pain of the victims caused by hate speech? To a certain degree, do opinion-shaping institutions such as Media share similar values as hate speakers? How can the boycott of hate speech by individuals be justified, when controversial content of newspapers is rarely questioned?

Following these concerns, the above methods alone do not appear effective enough to solve the dilemma. Nevertheless, thanks to their contribution in shaping the public opinion, they should certainly not be abandoned nor replaced by restrictive legal concepts. But new solutions that consider the perspective of the person inflicting or receiving forms of hatred should be investigated and developed.

3. The application of restorative justice in hate speech

Restorative justice is a concept that derives from the dissatisfaction of retributive justice. It combines both: informal and formal legal practices. In traditional legal practices, victims of hate crime were usually given the passive role and served as a tool to prove the guilt of accused offenders, while lawyers and judges were attributed with the active one. A turning point was the "Elmira" case,[53] where the probation officer Mark Yanzi proposed to the court to establish an encounter between victims and perpetrators of a criminal act. Yanzi was convinced of the offenders' therapeutic experience triggered by an exchange of feelings such as shame, anger, or comprehension. This first process of "victim-offender reconciliation project" evidently helped the offenders to stay away from further criminal acts, due to facing the derogatory feelings of their victims.[54] Thereby restorative justice does not only focus on the victim but takes proof of evidence as well as the offender's behavior into account. This fosters the fact that offenders and perpetrators reflect upon their own actions.

There are cases in which victims feel intimidated or even embarrassed by the direct and formal interrogation within a judicial process and as a result hesitate to present in court. In such cases, restorative justice offers a safe space for victims as the community and mediators are involved in the informal conflict-solving process.

Regarding hate speech crimes, this practice could be a solution worth the attempt. The initial role of the court remains stable but hate speech cases can be transferred straightforward to the responsibility of a mediator by courts proposal. If all parties agree on the proposal for dialogue, the victim as well as the offender of hate crime find themselves in a process of open discourse and investigation of each other's understandings. Practices of involving the community do not only provide victims with trust and support, as shown above, but can also lead to a more inclusive understanding coming from an entire community, in the sense that something shapes not only the individual organs but the whole body.

Although there are critics who stress the impossibility to evaluate the restored feelings of the victims and question the objectivity of the mediator, several hate crime cases addressed with restorative justice, show achievable positive outcomes.[55]

4. The fight against hatred itself

While initiatives of private companies and individuals are bottom-up, restorative justice takes into consideration the individual experiences of all the people involved. We should not forget that at the core of the dilemma as well as the solution, lies in the fight of hatred itself. In fact, the main issue concerning hate speech prevails in hatred and not in the form of its expression. Hate speech is only the valve through which loathing is communicated. It is the expression of ideas, fostered by fears, doubts, anger and mistrust. The realization that the intention of hate remains is crucial in the search for a solution.

Social conflicts and feelings of dissatisfaction have emerged due to aggravated system structures as well as technological and societal developments. Expressed hatred is the product of these material circumstances which emerge through widespread contradictions of the system (accumulation of wealth versus inequalities), people are born and raised in.

VII. Conclusion

By elaborating on the contemporary nature of the dilemma between hate speech and freedom of expression that has evolved in the past years, the study demonstrates the challenging situation in which we find ourselves. In a multicultural society, where law is detached from morality, but coupled with individual experiences, traditional, legal approaches no longer serve to avoid conflicts resulting from the confrontation of those two basic rights. While the newly passed act on the control of social media platforms in Germany is in line with a traditional, legal approach, it does not target hatred itself, but rather reacts restrictively. The analysis of the contemporary character of our society reveals the necessity to not only respond to hatred, but to also prevent its creation and expression. Informal practices, such as the educational and interactive ones mentioned above, that aim to create tolerance among citizens, have to be applied in order to fight at the root of hatred. There are times where these methods are ineffective in preventing expressed hate speech and attacks and hate speech attacks prevail. By analyzing all of the above, we see that understanding is needed in societies with high conflict levels to create such a safe space. This can only be achieved through the merging of traditional and out-of-the-box approaches where states need to give over some parts of their legal sovereignty. The concentration of

power only in the hands of judges and lawyers cannot bring prosperity in society as a whole, while the approach of retributive justice generates much more hatred at the moment when a de-escalation is needed. Finally, in order to protect diversity and not allow it to become a tool of segregation, we need to learn to foster acceptance for our differences and create better forms of communication, instead of solely focusing on punishment. For that, a constructive understanding of legal practices, towards the direction of societal needs, is needed. By returning to the core of law and pairing it with an understanding of why people feel hatred for one another, we can work to change the conversation and heal the wounds created through this timeless dilemma.

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