



# Free Speech or Hate Speech

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# Using Free Speech Controversies to teach sociology generally and the sociology of law

- You just got a trigger warning
- But really, set up the class.

# Using Free Speech Controversies to teach sociology generally and the sociology of law

- Space is socially constructed and relational
- Examples of Speech Controversies
- Being on Campus

# Speech, Space, and Subordination or The social construction of space



My home is my castle



# Work



## SEXUAL HARASSMENT IS ILLEGAL

## EL ACOSO SEXUAL ES ILEGAL

### English

#### You Have a Right to a Harassment-Free Workplace!

Sexual harassment is unlawful and unacceptable in the workplace. Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment.

Sexual harassment is illegal whether it is initiated by a supervisor, manager, a co-worker, or any non-employee.

Because of the importance we place on these types of issues, this company has instituted a procedure for investigating harassment complaints. It is our policy to investigate and resolve these issues in a prompt manner. If you have been harassed, or another's conduct creates an intimidating, hostile, or offensive work environment, please notify one of the people below immediately.

#### To Report a Harassment Issue or for More Information, Please Contact:

Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_

#### SEXUAL HARASSMENT IS ILLEGAL!

This poster is intended to provide a general awareness of the subjects covered and should not be construed as legal advice or opinion on any specific facts, circumstance or practices. You are urged to consult appropriate legal professionals concerning your particular situations.

### Español

#### Usted tiene derecho a trabajar sin tener que soportar el acoso sexual!

El acoso sexual es ilícito e inaceptable en su lugar de trabajo. Las insinuaciones sexuales inoportunas, la solicitud de favores sexuales y otras conductas verbales y físicas de índole sexual constituyen acoso sexual.

El acoso sexual es ilegal aunque lo inicie un supervisor, gerente, compañero de trabajo o algún individuo que no sea empleado.

Dada la importancia que le prestamos a este tipo de asunto, esta compañía ha instituido un procedimiento para investigar las quejas por acoso sexual. Nuestra política es la de investigar y resolver estos asuntos sin demora. Si usted ha sido acosado(a), o si la conducta de algún otro individuo crea un ambiente en el trabajo que sea intimidante, hostil u ofensivo, sírvase notificarlo de inmediato a alguna de las personas nombradas a continuación.

#### Para Reportar un Asunto de Acoso Sexual, o para Obtener Información, Sírvase Comunicarse Con:

Nombre: \_\_\_\_\_  
Número de teléfono: \_\_\_\_\_  
Nombre: \_\_\_\_\_  
Número de teléfono: \_\_\_\_\_

#### EL ACOSO SEXUAL ES ILEGAL!

El propósito de este cartel es para proporcionar un conocimiento general de los temas tratados y no debería ser interpretado como consejo legal o opinión sobre cualquier dato específico, circunstancia o práctica. Se le urge consultar con profesionales en el campo legal acerca de su situación particular.

# Public Space/Work Space/Private Space



# So what's this?

In a Facebook post, Charlottesville's mayor, Mike Signer, called it a "cowardly parade of hatred, bigotry, racism, and intolerance."







# Socially constructed spaces

- Are overlapping
- Relational with particular emphasis on POWER
- And law enters in different ways (based on the space but also the relationships)



## Part 2: Speech and Inequality (on College Campus)

- Sexual Violence, Discrimination, and Harassment
- Racial Violence, Discrimination, and Microaggressions

# Sex and Sexual Assault on Campus

- 1 in 4 college women will be sexually assaulted before they leave college
- 1 in 9 college men will be sexually assaulted before they leave college
- 1 in 13 rape victims attempt suicide at some point in their lives
- 4% of men are responsible for 28% of sexual violence
- Only about 30% of rapes are reported to the police
- False accusations are 2-4% of reported rapes



# Racial microaggressions

- “brief and commonplace daily verbal, behavioral, and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults to the target person or group”
- (Sue et. al. 2007).

# Impacts of racial microaggressions

- Racial microaggressions and negative mental health outcomes, including depression and anxiety suicidal ideation, alcohol and drug use, and high blood pressure
  - Donovan et. al. 2012; Nadal et. al. 2014; Ong et. al. 2013; Torres, Driscoll, and Burrow 2010)
  - Donovan et. al. 2012; Huynh 2012; Nadal et. al. 2014)
  - Brown et. al. (1999) use longitudinal data from the National Survey of Black Americans (779 individuals across 3 waves) to provide strong evidence of a causal link between perceived discrimination and psychological distress. Importantly, their analysis indicates that poor mental health *does not predict* perceptions of discrimination, as self-reported psychological distress in Wave 2 was not associated with reports of discrimination in Wave 3.
  - Racism-related stress is also found to mediate observed relationships between racial minority status and drug and alcohol abuse among Latinos (Verissimo et. al. 2014) and African Americans (Martin, Tuch, and Roman 2003). Based on a national sample of 2,638 African American workers, Martin, Tuch, and Roman (2003) find that reports of discriminatory experiences influence problem drinking among African Americans, net of socioeconomic attainment. That is, while the indirect links between racial structure (e.g., segregation, concentrated disadvantage) and African Americans' health outcomes are well understood (Massey 2004), *interpersonal* discrimination is also associated with poorer mental health and risky coping behaviors.



# conclusions

- Conclusions
  - Space is socially constructed
    - And relational (power)
    - Racism and Sexism (or race and sex hierarchies) are examples of kinds of power
  - How we regulate or otherwise use law to ensure equality in the face of those (and other hierarchies) is complex because
    - General first amendment reverence
    - Power tends not to be part of the court's analysis
    - But these very negative outcomes