Hate, Politics, Law Critical Perspectives on Combating Hate

Edited by THOMAS BRUDHOLM AND BIRGITTE SCHEPELERN JOHANSEN



OXFORD UNIVERSITY PRESS

1125565

Oxford University Press is a department of the University of Oxford. It furthers the University's objective of excellence in research, scholarship, and education by publishing worldwide. Oxford is a registered trade mark of Oxford University Press in the UK and certain other countries.

Published in the United States of America by Oxford University Press 198 Madison Avenue, New York, NY 10016, United States of America.

© Oxford University Press 2018

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission in writing of Oxford University Press, or as expressly permitted by law, by license, or under terms agreed with the appropriate reproduction rights organization. Inquiries concerning reproduction outside the scope of the above should be sent to the Rights Department, Oxford University Press, at the address above.

You must not circulate this work in any other form and you must impose this same condition on any acquirer.

CIP data is on file at the Library of Congress ISBN 978-0-19-046554-4

987654321

Printed by Sheridan Books, Inc., United States of America

CONTENTS

Acknowledgments vii List of Contributors ix

Introduction 1 Thomas Brudholm and Birgitte Schepelern Johansen

PART I | Historicizing Hatred

- CHAPTER 1 From Race to Hate: A Historical Perspective 15
 Erik Bleich
- CHAPTER 2 Hate and the State in Ancient Greece 34

 David Konstan

PART II | Conceptualizing Hatred

- CHAPTER 3 Hatred Beyond Bigotry 53

 Thomas Brudholm
- CHAPTER 4 Problematizing Hatred in Democratic States 76
 Niza Yanay
- CHAPTER 5 Toward a Legal Concept of Hatred: Democracy,
 Ontology, and the Limits of Deconstruction 94
 Eric Heinze

PART III | Responses to Hatred

CHAPTER 6 Criminalizing Hate? 115

R A Duff and S E Marshall

STJ00106600

- CHAPTER 7 Readdressing Hate Crime: Synthesizing Law,
 Punishment, and Restorative Justice 150
 Mark Austin Walters
- CHAPTER 8 Tolerance: An Appropriate Answer to Hate? 172
 Birgitte Schepelern Johansen
- CHAPTER 9 From Hate to Political Solidarity: The Art of
 Responsibility 192
 Mihaela Mihai

PART IV | Democratic Hatreds?

- CHAPTER 10 Democratic Hatreds: The Making of "the Hating Enemy" in Liberal Democracy 215 Mikkel Thorup
- CHAPTER 11 When the State Hates 236

 Kathryn Abrams

Epilogue

CHAPTER 12 Concluding Thoughts: The Legality and Politics of Hatred 263 Robert Post

Index 281