

Hate Speech and Constitutional Protection: Priming Values of Equality and Freedom

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Freedom of speech and equality are two basic values in American culture that cause a value conflict with regard to hate speech. This study examined the effects of priming of values of freedom of speech and equal protection (equality) on perceptions of and attitudes toward hate speech and value prioritization. Data were collected from 159 college students. Priming of freedom of speech directed participants' attitudes and values toward advocating freedom of speech, whereas priming for equal protection directed attitudes and values toward the harm of hate speech. Participants primed for free speech viewed hate speech (introduced via scenarios) as less harmful and the speaker as less accountable than those primed for the harm of hate speech and a control group.

In the spring of 1990 the Joneses, an African American family, moved into a predominantly White neighborhood of St. Paul, Minnesota. Within 3 months of their move they experienced slashed tires and a broken tail light and were targets of

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racial slurs. By June 1990, Russ Jones found himself staring out his front window at a burning cross (Lawrence, 1995). The prime suspect, a neighborhood skinhead named Robert Viktora, was convicted of trespassing and vandalism for burning a cross on the Joneses' lawn. The case became a judicial landmark that redefined freedom of speech to include hate speech as an expressive act that is entitled to legal protection.

The Jones cross-burning incident became known as *R.A.V. v. St. Paul*; this case sparked a judicial controversy nationwide. The city's ordinance allowed for legal prosecution of bias-motivated conduct that "aroused anger, alarm, or resentment in others on the basis of race, color, creed, religion or gender" (Thompson, 1994, p. 74). But in 1992 the St. Paul ordinance was ruled unconstitutional by the Supreme Court, asserting that the ordinance violated the U.S. Constitution's protection of free speech rights under the First Amendment. This decision jeopardized all state laws that were implemented to deter and punish hate crimes. The constitutional debate over hate crimes once again took center stage. The question that resonates through these arguments is "Should hate speech be protected by the First Amendment?"

R. A. V. v. St. Paul is an example of the collision of core values. On one hand, hate speech harms the targets of such speech. On the other hand, protection of free speech is a primary value among democratic nations. We are assuming that most people in the United States hold both values—that of protection from harm and that of freedom of speech—and that they are deeply held values. This study investigated the effects, on related attitudes and values, of raising an individual's consciousness of either the harm of hate speech or the importance of free speech. Because both values are likely central to individuals, we expected that priming one or the other would increase the salience, and hence the influence, of that primed value on attitudes toward the harm of hate speech and freedom of speech and the values of equality and freedom. If priming can affect attitudes and values, even on a temporary basis, education about the harm of hate speech may sensitize people to the costs of free speech.

Regarding the consequences of hate speech to its victims, hate speech has been defined as "words that are used as weapons to ambush, terrorize, wound, humiliate, and degrade" (Lawrence, Matsuda, Delgado, & Crenshaw, 1993, p. 1). These insidious messages threaten not only the targeted group or individual's physiological and emotional state, but also their personal freedom, dignity, and personhood (Lawrence, 1993; Matsuda, 1993). These hate messages have a profound impact on society as well as on individuals, for society is not immune to this propaganda of hate and racism, sexism, and heterosexism. Hate speech has been used as a weapon to continue the oppression and subordination of groups whose political history has entailed discrimination (Lawrence et al., 1993) and its use as an integral instrument of genocide, as in Nazi Germany. By protecting racist hate speech in particular we are inadvertently protecting the White supremacy doctrine, and

we blindly become advocates of hate while deafening ourselves to the voices of victims who have historically been targets for words that embody hate and violence (Lawrence, 1993). Lawrence concludes that this results in the perpetuation of racism.

One of the underlying problems associated with hate speech is that it serves to maintain inequality. MacKinnon (1993) has argued that the First Amendment has constituted the legal protection of hate and racist speech, as well as pornography. Such protection conflicts with the Fourteenth Amendment's equal protection or antidiscrimination clause, which states that "no state shall deprive citizens equal protection under the law" (Lawrence, 1995, p. 117). Consequently, it is ethnic groups, homosexuals, and women who have had to endure the burden that comes with living in a "free society," which regards patriarchy and bigotry as protected forms of self-expression and free speech (Lawrence, 1995; Schauer, 1995). As Lawrence (1995) has stated, "In the rush to protect the 'speech' of cross burners, champions of the First Amendment must not forget the voices of their victims" (p. 120).

Although opponents of hate speech regulations do not deny the harm that minority groups have had to endure, they claim that the answer does not lie in the regulation of speech. Instead, free speech is viewed as a powerful instrument that has contributed greatly to the success and advancement of minority groups. Freedom of speech and expression has been a vital force and spirit behind historical movements, such as the civil rights movement, the gay liberation movement, and the women's movement. It is this unrestricted freedom that has provided the political platform from which these groups have begun to lower barriers and redefine social norms (Strossen, 1995).

First Amendment advocates claim that censorship in any form would be detrimental to the future of people who have traditionally suffered from discrimination and bigotry (Cole, 1996; Kelley, 1996; Strossen, 1995). To enforce laws that suppress speech on the basis that the majority of people tend to disapprove of a particular expression or form of speech will only result in strengthening the dominant group's control and authority, leaving dissenters and the minority voice to the interpretation of a powerful few. Historically unpopular ideas and expressions that have been scorned by society have been suppressed and prosecuted through speech regulation laws (Strossen, 1995). Strossen (1995), in her book *Defending Pornography*, portrays the backlash of speech regulations by addressing the struggles and oppression Margaret Sanger had to overcome before succeeding in promoting the right of women to obtain information and access to birth control. Strossen (1995) and Gates (1994) also discussed how speech restriction codes can backfire and are used to oppress minority speech. A year and a half after a speech code regulation was implemented at the University of Michigan, the American Civil Liberties Union (ACLU) challenged the campus code. The ACLU revealed that over 20 cases involving the code consisted of Whites accusing blacks of hateful

remarks, and the students who were most likely to be subjected to punishment were Jewish, Asian American, and Black (Strossen, 1995).

Another argument favoring unrestricted speech is that speech regulations cannot prevent intolerance toward minority groups (Kelley, 1996), because the suppression of hate speech will silence, but not extinguish, racist or sexist thoughts and behaviors (Kelley, 1996; Strossen, 1995). As Gates (1994) stated: "That equality must precede liberty is simply to jettison the latter without serving the former" (p. 55). In contrast, unrestricted speech provides an open forum in which people can challenge the views of others and provide an alternative perspective, for free speech has been a potent weapon for those who have strived for social change (Cole, 1996; Kelley, 1996). Rubenstein (1994) suggested that in terms of protecting lesbian and gay rights, the First Amendment is about equality and that it has been an ally of lesbians and gay men.

To summarize, freedom of speech and expression is essential for the advancement of minority groups, which can only continue if the path is clear of restrictions and impositions. Those who are more concerned about the harm of hate speech rather than its protection, however, argue that at the heart of this social controversy is social inequality. Hate speech not only affects targeted individuals and groups but also perpetuates racism, sexism, and heterosexism. Freedom and equality are two fundamental values rooted in the U.S. Constitution, which governs our personal and political worldview (Rokeach, 1968). As Powell (1995) has stated, "there is no principled way of choosing one over another" (p. 334). Instead, one could argue that freedom and equality are inclusive values in which one cannot be accomplished without the other. Which one is perceived as more important, especially when they lead to opposing stands on such issues as hate speech, however, may be governed by accessibility to consciousness.

The issue of broad social values has not been ignored by social psychologists. The discussion of basic conceptual value systems was introduced by Rokeach in the late 1960s. Rokeach (1968) postulated a theory of value-attitude systems that stated that values are the core basis of our belief system and attitudes are peripheral aspects that are derived from these central values (Grube, Mayton, & Ball-Rokeach, 1994). Rokeach's research was concerned with changing an individual's values by presenting self-confrontation methods that produce the negative affect of self-dissatisfaction (Rokeach, 1972).

Katz and Haas (1988), as well as Rokeach (1968), conceptualized values as more central and fundamental than attitudes and also considered ambivalence between core values, specifically in relation to pro- and anti-Black attitudes. Katz and Haas contrasted the two core value orientations of individualism and communalism, which are similar to the values of freedom and equality. In their priming experiment (Katz & Haas, 1988), values (or attitudes) were primed through the administration of a value (Human-Egalitarianism or Individualism) scale or by the administration of a pro-Black or anti-Black attitude scale. As expected, the

priming conditions elicited stronger endorsement of either the attitude or value associated with the prime.

The current study, however, does not utilize the arousal of self-dissatisfaction to make some values more salient than others, nor does it utilize the administration of a scale to prime attitudes or values, but focuses on enhancing the accessibility or salience of a particular value through conscious awareness and elaborated thinking (Fiske, 1995; Fiske & Taylor, 1991). Nevertheless, this study does draw on Rokeach's and Katz and Haas's concepts that an individual's cognitive system consists of multiple beliefs and values and that one's personal attitude toward a specific situation is dependent on which value is brought into the individual's conscious awareness. Hence, the most salient value should predict the individual's attitude. Further, the importance of the related value itself may be modified by the situational salience of that value.

Based on this conceptual framework, this study examined how increasing, through priming, the saliency of a particular value—equal protection under the law (or equality) or freedom of speech—influences judgments about hate speech and prioritization of values. In the current study, based on previous research (Grube et al., 1994; Katz & Haas, 1988; Rokeach, 1968; Rokeach & McLellan, 1972), the following hypotheses are offered. Priming for the value of freedom of speech should direct the participants' attitudes toward advocating freedom of speech and the costs of censorship. Conversely, priming for the value of equal protection under the law should direct attitudes toward the harm that hate speech produces. In addition, the participants primed for free speech should view hate speech (introduced via scenarios) as less harmful and offensive and the speaker as less liable for his or her behavior than those primed for the harm of hate speech. Finally, the priming conditions should affect the prioritizing of freedom and equality, with those primed for freedom of speech more likely to prioritize freedom over equality and those primed for equal protection more likely to prioritize equality over freedom.

Method

Participants

Participants consisted of 169 students who were recruited from undergraduate psychology courses in order to fulfill a course requirement. The participants were 67 Caucasians, 50 Hispanics, 21 African Americans, 16 Asian Americans, and 15 "others." Of these participants, 46 were male and 122 were female. The average participant was 24 years old, heterosexual (93%), and Democratic (56%) as opposed to Republican (37%) or "others" (7%), and had an annual income between \$15,000 and \$25,000. Participants gave informed consent to participate.

Design and Experimental Conditions

The design was a one-factor, between-participants design with three conditions. A priming technique was used in two of three conditions; the third condition was a control, no-prime condition. The equal-protection prime consisted of a statement followed by specific questions addressing the harm of hate speech and the benefits of limiting hate speech. The freedom of speech prime consisted of a statement followed by specific questions addressing the importance of freedom of speech and the costs of censorship.

Participants in both prime conditions were first provided with a definition of hate speech that consisted of the following sentence: "Hate speech has been defined as a generic term that has come to embrace the use of speech attacks based on race, ethnicity, religion, gender, and sexual orientation or preference." To manipulate the ideology, a statement was then given regarding the Constitution's First or Fourteenth Amendment. For those in the equal-protection prime condition, the following statement was given, along with three questions that participants were asked to respond to in written form:

Many people believe that there should be laws restricting hate speech because of all the harm it causes to those targeted with hate speech, especially members of minority groups. The United States Constitution's Fourteenth Amendment declares that every person has the right to be protected by the law, and that state laws cannot deny individuals the equal protection of the law. For the purpose of this study, we would like you to think about hate speech and the harm it causes.

- (1) Please list some of the costs of hate speech.
- (2) Why and how is hate speech harmful to the people it is directed towards?
- (3) What are some of the benefits of limiting hate speech?

For those in the freedom of speech prime condition, the following statement and questions were provided:

Many people believe that all individuals have the right to freely express themselves regardless of the content of the speech and that no laws can interfere with this right. The United States Constitution's First Amendment declares that no laws can be made to restrict one's freedom of speech. For the purpose of this study, we would like you to think about the importance of freedom of speech and the harm of censorship.

- (1) Please list some of the costs of censoring speech.
- (2) Why is it important to protect all speech in a democratic society?
- (3) What are some of the benefits of freedom of speech?

In addition, we wanted to examine the effects of the priming conditions on responses to a variety of targets to assess the generality of the priming effects. For this purpose we analyzed scenarios targeted at homosexuals, Blacks, and women separately as well as combined for an overall analysis.

Dependent Measures

Following the prime (or no-prime) manipulations, participants were asked to complete a value survey adapted from Rokeach's original Value Survey (1968). The value survey served to examine whether the priming condition affected participants' ranking of equality and freedom values. Although 8 out of the 18 original terminal values were used, the researchers were primarily interested in the ranking of the equality value relative to the freedom value (i.e., whether participants ranked equality or freedom more important). The values were listed in alphabetical order with brief definitions, and the participants were asked to rank the values in terms of personal importance. The eight terminal values consisted of the following: (1) "A Comfortable Life," (2) "A Sense of Accomplishment," (3) "A World at Peace," (4) "Equality," (5) "Family Security," (6) "Freedom," (7) "Inner Harmony," and (8) "Wisdom." The value scale was scored dichotomously, with either freedom more important than equality or equality more important than freedom.

The participants then completed the Harm and Freedom of Speech Scales developed by the first author. The combined scale consisted of 32 items, 16 of which measured attitudes regarding freedom of speech and the costs of censorship and another 16 that measured attitudes regarding the harm of hate speech and benefits of limiting speech. Sample items of the Freedom of Speech Scale include "Freedom of speech offers hope for changing tolerant attitudes," "A free exchange of ideas, even hateful, is necessary in a free society," and "Censorship of speech leaves little room for debate and diverse points of views." Sample items of the Harm Scale include "Hate speech violates the civil rights of minority members," "Hate speech intimidates and casts fears in the hearts of victims," and "Hate speech encourages discrimination against minorities." Each statement was rated on a 5-point Likert scale that ranged from 1 (*strongly disagree*) to 5 (*strongly agree*). Factor analysis with varimax rotation revealed two factors, each consisting of the items corresponding to the Harm and Freedom of Speech Scales and accounting for 36% of the variance. The Harm and Freedom of Speech Scales yielded reliability coefficients of .88 and .85 respectively and were negatively related, $r(168) = -.44, p < .001$. The mean score was calculated for the Harm and Freedom of Speech Scales.

In addition, participants responded to one question regarding freedom of speech relative to the harm of hate speech: "In general, how important is the right of speech relative to the harm it can cause?" The participants indicated their choice on a scale from 1 (*strongly prefer freedom of speech*) to 6 (*strongly prefer protection from harm*).

Table 1. Speech Scenarios

Female Group Target: A female student passes a certain fraternity house located in a street crowded with students on the way to the dorms. When the female student passes by, the fraternity members make sure a cassette-taped song with antiwomen lyrics is played loudly enough to be clearly heard by everybody on the street, including the female student. The song describes mutilating and chopping up the bodies of women into small parts.

Female Individual Target: Students are leaving a class in psychology where there was a discussion of nonverbal behavior of women versus men. As a female student is leaving the room, a male student passes the female student a note that reads "Women's nonverbal behavior should be on their backs with their legs in the air."

Gay Group Target: While entering the bookstore to purchase books for the upcoming quarter, a gay student is publicly confronted in the presence of others by a student who is handing out hate literature to passing students. The literature depicts homosexuals as genetically inferior. The literature also contains graphic descriptions of gays having sex with children.

Gay Individual Target: A large poster exhibiting an ugly caricature depicting the exaggerated image of a particular homosexual student with the symbol of a red circle and slash mark superimposed on it is found tacked on all the dorm bulletin boards in a wing that houses the gay student. There is no mistaking that the posters are a public message for all to see directed at the gay student.

Black Group Target: A fraternity party moves from the fraternity house to an on-campus Black rights rally whose guest speaker is a prominent African American rights activist. The fraternity members proceed to mock African Americans by running around dressed in costumes and acting in ways that unmistakably exaggerate the most offensive stereotypes of African Americans.

Black Individual Target: While seated waiting for an evening lecture on minority issues to begin, an African American student is publicly confronted by a White student seated directly behind who loudly proclaims "I'm sick of hearing about your stupid issues. You damned stupid f_cking nig-gers don't belong in this university. You belong in the zoo."

Participants also responded to six hate speech scenarios (see Table 1). The scenarios were adapted from a study conducted by Cowan and Mettrick (2002). The scenarios differed in two respects: (1) the target was either an entire minority group or an individual associated with a minority group and (2) the target was homosexual, Black, or female. After reading a scenario, participants were asked three questions: "How offensive is the message?" "How harmful is the message?" and "Should the person be held accountable for their behavior?" Participants were asked to respond to each question on a scale from 1 (*not at all*) to 12 (*extremely*). The six scenarios were combined for an overall analysis, and the two scenarios targeting each group (homosexual, Black, female) were combined to assess the generality across target groups. The effects of priming on whether the target was a group or an individual was not assessed, as this variation was included only to increase generalizability, and this dimension was not analyzed.

Background information was also obtained at the end of the questionnaire. Participants were asked their gender, ethnicity, average annual income, political orientation (Democrat, Republican, or other), and sexual orientation. Additionally, participants were asked whether they had "ever been a victim of hate speech" (yes or no).

Procedure

All treatments were contained in research packets and administered in classroom settings. The experimenter was blind to the condition each individual was in. Participants were given a research packet that consisted of the order mentioned above. The experiment was described as a study of attitudes toward speech. Because the research packets were entirely self-contained for all conditions, the participants simply followed the written instructions. After completing the questionnaires, participants were debriefed.

Results

Priming Effects

To determine whether the priming conditions affected the intended values, participants' relative rankings of equality and freedom in Rokeach's Value Survey (1968) were examined in terms of whether equality or freedom was ranked more important. A chi-square test of independence revealed that the prioritizing of freedom versus equality was significantly related to the prime condition, $\chi^2(2, N=169)=18.92, p<.001$. Three-quarters of those in the freedom of speech condition (77.2% versus 22.8%) and those in the control condition (74.5% versus 25.5%) rated freedom more important than equality, whereas the majority of participants in the equal-protection condition rated equality (57.9%) more important than freedom (42.1%).

A multivariate analysis of variance was conducted to determine the effects of the experimental conditions on the other dependent measures. The multivariate F was significant, $F(12, 318)=2.64, p<.01$, indicating that participant responses differed across priming conditions. Univariate effects analyses were then conducted to determine specifically on which dependent variables the effects were found. Significant main effects for condition were found on the Harm Scale, $F(2, 163)=7.91, p<.01$; the Freedom of Speech Scale, $F(2, 166)=5.37, p<.01$; importance of freedom relative to equal protection, $F(2, 166)=7.53, p<.01$; harm of the scenarios, $F(2, 166)=3.67, p<.05$; and accountability of the offender in the scenarios, $F(2, 166)=4.03, p<.05$. No significant effect was found for offensiveness of the scenario, $F(2, 166)=2.38, p>.05$. Least Significant Difference (LSD) tests were used to analyze mean differences. Significant differences can be observed in Table 2.

Consistent with the predictions, those primed for freedom of speech scored higher on the Freedom of Speech Scale, rated the speech in the scenarios as less harmful, held the offender less accountable, and rated freedom more important relative to the harm of hate speech compared to those primed for equal protection and the control group, $ps<.05$. Regarding the Harm Scale, those primed for equal

Table 2. Means and Standard Deviations for Experimental Conditions

	Control		Equal-Protection Prime		Freedom of Speech Prime	
	<i>M</i>	(<i>SD</i>)	<i>M</i>	(<i>SD</i>)	<i>M</i>	(<i>SD</i>)
Harm Scale	3.61 _a	(.57)	3.87	(.62)	3.40 _a	(.69)
Freedom of Speech Scale	3.06 _a	(.55)	2.98 _a	(.58)	3.34	(.69)
Harm in scenarios	9.08 _a	(2.17)	9.05 _a	(2.67)	7.91	(2.86)
Offensiveness of scenarios	10.21 _a	(1.78)	9.80 _{a,b}	(2.33)	9.26 _b	(2.58)
Accountability of offender(s) in scenarios	9.51 _a	(2.23)	9.86 _a	(2.74)	8.45	(2.95)
Importance of freedom of speech relative to harm of hate speech	3.64 _a	(1.78)	3.95 _a	(1.68)	2.73	(1.72)

*N*_{control} = 53, *N*_{equality} = 57, *N*_{freedom} = 56.

Note. Means having the same subscripts are not significantly different at $p < .05$ in the Tukey LSD comparison. The Harm and Freedom of Speech Scales are 5-point scales (1 = *strongly disagree* to 5 = *strongly agree*), and the scenario scales are 12-point scales (1 = *not at all* to 12 = *extremely*). Higher scores indicate greater harm on the Harm Scale, greater importance of freedom of speech on the Freedom of Speech Scale, and greater perceived offensiveness and harm of scenarios and accountability of offender in scenarios. Higher scores in the “Importance of freedom of speech relative to harm of hate speech” item indicate greater importance of harm.

protection scored higher on the Harm Scale than those primed for freedom of speech or the control group. Despite the lack of a significant univariate effect for offensiveness of the speech, the LSD tests indicated that those in the freedom of speech prime condition rated the offensiveness of the speech significantly lower than the control group, but not significantly lower than the equal-protection prime group.

To establish the practical importance of these results, it is useful to examine the effect size of these results using techniques suggested by Rosenthal, Rosnow, and Rubin (2000). Consistent with their recommendations, one overall index ($\alpha = .84$) was created representing the five standardized variables significantly affected by the value priming so that higher scores on the index represent higher scores on the Harm Scale, lower scores on the Freedom of Speech Scale, greater perceived importance of harm of hate speech relative to freedom of speech, greater perceived harm of the scenarios, and greater perceived accountability of the offender in the scenarios. In comparing the two priming conditions, the effect size represented as a point-biserial r was $r = .33$, excluding the value prioritization effect ($r = .36$). Recasting r in Rosenthal et al.’s Binomial Effect Size Display makes the impact of this priming manipulation clear. The question addressed is, What is the effect of the value priming on attitudes toward hate speech? In a hypothetical group of 100 participants primed with the value of freedom of speech and 100 participants primed with the value of equal protection under the law, 66.5% of the individuals primed with freedom of speech would rate hate speech as less harmful, and 66.5% individuals primed with the value of equal protection would rate hate speech as more harmful.

Effects of Priming on Judgments of Each Target Group

The targets of the scenarios were also examined to determine whether the priming conditions affected ratings of the three targets (i.e., females, homosexuals, Blacks) separately. Because the scenarios depicted different events for each target, between-target comparisons were not possible. Instead, scenarios directed at a specific target (two for each target) were averaged to determine whether the experimental conditions produced a significant effect on the ratings of each target group on accountability, offensiveness, and harm. Univariate main effects analyses were conducted to determine the effects of the priming conditions on responses to the three targets: females, homosexuals, and Blacks.

In terms of scenarios directed at females, significant main effects for condition were found on the harm of the speech, $F(2, 166) = 4.58, p < .05$, and accountability of the offender, $F(2, 166) = 2.61, p < .05$, but not on rated offensiveness of the speech. Significant differences using LSD tests can be observed in Table 3. Results showed that those primed for equal protection rated the speech directed at females significantly more harmful and held the offender more accountable than those primed for freedom of speech. Although the offensiveness univariate F was not significant, the LSD test indicated that the speech for the freedom of speech prime condition was rated less offensive than for the control condition.

For the scenarios directed at homosexuals, significant main effects for condition were also found on the harm of the speech, $F(2, 166) = 5.90, p < .05$, and accountability of the offender, $F(2, 166) = 3.61, p < .05$, with no offensiveness

Table 3. Mean and Standard Deviations for Experimental Conditions by Target of Scenarios

	Control		Equal-Protection Prime		Freedom of Speech Prime	
	<i>M</i>	(<i>SD</i>)	<i>M</i>	(<i>SD</i>)	<i>M</i>	(<i>SD</i>)
Female target						
Harm of scenarios	7.83 _{a,b}	(3.08)	8.48 _a	(3.07)	6.84 _b	(3.13)
Offensiveness of scenarios	9.56 _a	(2.53)	9.38 _{a,b}	(2.64)	8.47 _b	(2.96)
Accountability of offender(s)	8.36 _{a,b}	(3.19)	9.49 _a	(2.96)	7.69 _b	(3.45)
Homosexual target						
Harm of scenarios	9.46 _a	(2.26)	9.32 _a	(2.89)	8.14	(3.33)
Offensiveness of scenarios	10.09 _a	(2.00)	9.83 _a	(2.46)	9.27 _a	(2.75)
Accountability of offender(s)	9.61 _a	(2.29)	9.90 _a	(3.06)	8.28	(3.36)
Black target						
Harm of scenarios	10.08 _a	(2.27)	9.36 _{a,b}	(2.87)	8.91 _b	(2.93)
Offensiveness of scenarios	11.02 _a	(1.62)	10.17 _a	(2.32)	10.16 _a	(2.54)
Accountability of offender(s)	10.65 _a	(2.00)	10.18 _{a,b}	(2.89)	9.61 _b	(3.15)
$N_{\text{control}} = 53, N_{\text{equality}} = 57, N_{\text{freedom}} = 56.$						

Note. Means having the same subscripts are not significantly different at $p < .05$ in the Tukey LSD comparison. The scenario scales are 12-point scales (1 = *not at all* to 12 = *extremely*). Higher scores indicate greater perceived offensiveness and harm of scenarios and accountability of offender in scenarios.

effects. As seen in Table 3, those primed for freedom of speech rated the speech directed at homosexuals less harmful and held the offender less accountable than those primed for equal protection and the control group.

The scenarios directed at Blacks did not reveal main effects for the variables of harm, $F(2, 166) = 2.64, p < .08$, accountability of the offender, $F(2, 166) = 2.04, p < .14$, or offensiveness, $F(2, 166) = 2.81, p < .07$. However, the LSD test indicated that those in the freedom of speech prime condition rated the harm to the Black victim and the accountability of the offender lower than the control group. The scores for the Black targets were strongly negatively skewed (-1.25 for harm and -1.86 for accountability) and strongly kurtotic (.99 for harm and 2.97 for accountability). Across the experimental conditions, participants rated scenarios directed toward Blacks as very offensive and harmful and the offender very accountable (see Table 3).

With respect to background variables, participants were asked about their political orientation, past experiences with hate speech, gender, and ethnicity. Fifty-one percent reported that they had been a target of hate speech, and 49% reported that they had not. To allow for a more meaningful comparison of ethnicity, ethnicity was dichotomized into Caucasians ($n = 67$) and non-Caucasians ($n = 97$). Multivariate analyses of variance were conducted to examine main effects and interactions between the priming condition and the background variables of gender, victimization, political orientation, and ethnicity. None of the main effects or interactions was statistically significant, $p > .05$, with one exception. The multivariate main effect for gender was significant, $F(6, 154) = 2.83, p < .05$. Analyses of the dependent variables revealed that females, compared to males, were more likely to rate the scenarios as harmful, $F(1, 159) = 11.47, p < .01$ (M females = 9.08; M males = 7.53) or as offensive, $F(1, 159) = 6.08, p < .05$ (M females = 10.02; M males = 9.09), hold the offender more accountable, $F(1, 159) = 8.61, p < .01$ (M females = 9.66; M males = 8.27); to rate equality as more important relative to freedom, $F(1, 159) = 6.90, p < .01$ (M females = 3.67; M males = 2.86); and to score higher on the Harm Scale, $F(1, 159) = 4.32, p < .05$ (M females = 3.70; M males = 3.46).

Discussion

Equality and freedom go hand in hand. When people do not enjoy freedom, equality is meaningless. When there is not basic equality under the law, those who are regarded as inferiors do not experience freedom. For most social issues, freedom and equality go together. But in the case of hate speech, freedom and equality collide. What is one person's freedom of self-expression can become another person's subordination. These values, exemplified partially in constitutional law as the First and Fourteenth Amendment, provide an opportunity to examine how individuals manage issues for which important values conflict.

This study found support for the effects of conscious priming of a value. It revealed that an individual's attitude toward issues of free speech and harm of hate speech is determined in part by what value is brought into the individual's conscious awareness and the individual is encouraged to think about. Relative to the control group, the freedom of speech prime was more effective than the equal-protection prime in affecting scores on the Freedom of Speech Scale, the juxtaposition of freedom of speech and harm of speech, and responses to the scenarios. Compared to the control group, the equal-protection prime was more effective than the freedom of speech prime in affecting the harm of hate speech and the value prioritization of equality and freedom. Also, in the direct comparison of the freedom of speech and equal-protection primes, all the measures, with the exception of offensiveness of the scenarios, demonstrated significant effects. Thus, the primes affected all but one of the dependent variables (offensiveness of the speech in the scenarios), but they affected the attitudes, values, and perceptions of hate speech differently.

Theoretically, these findings extend Rokeach's (1968) important work on freedom and equality. They show that the work done over 30 years ago by Rokeach and by Katz and Haas in 1988 has relevance to today's hate speech issues—freedom of speech and hate speech's harm to individuals and groups. This is consistent with Rokeach's (1968) theory that values guide our attitudes. They demonstrate the importance of values, even momentarily enhanced, to a person's attitudes and perceptions of events. These findings, like Rokeach's and Katz and Haas's, show that values can be reprioritized under certain conditions. Practically, the findings suggest that getting people to think about and elaborate a value has a significant influence on which value takes primacy.

Since the framing of the U.S. Constitution and continuing to the present time, the First Amendment has been the cornerstone of American rights and laws. In an examination of the prioritization of values among the American public in four time periods between 1968 and 1981, Rokeach and Ball-Rokeach (1989) found that "freedom" was consistently ranked 3rd (after "a world at peace" and "family security"), whereas "equality" fluctuated between 4th and 12th. Thus, in the four time periods, although the importance of "equality" varied, freedom was consistently prioritized as more important than equality.

Consistent with the long history of the importance of freedom in the United States, it is interesting that our control sample generally placed freedom before equality as a value but scored higher on the Harm Scale than on the Freedom of Speech Scale. This suggests that there are differences between the ways people think about abstract values such as freedom and equality and more specific indices of these values. This may be applied to real acts of hate speech. If people are reminded of the value of free speech, they may minimize the harm of hate speech, hold the perpetrator less accountable, and emphasize the costs of censorship. When people are educated about the harm of hate speech for its victims, they

may emphasize the harm of hate speech and agree more with certain restrictions on speech. We are constantly subjected to issues of freedom of speech when hate speech is publicized. The issue of hate speech frequently gets reduced to freedom of speech rather than the immediate and long-term effects on its victims. Perhaps an awareness campaign should focus on the real and psychological harm of hate speech to counter the ever-present claims of freedom of speech. This does not mean critically downsizing the First Amendment or that freedom of speech is not essential; however, other issues besides freedom of speech need to be brought to awareness.

Given the public and legal saliency of freedom of speech, it is clear that efforts should be made to increase students' (and the public's) awareness and knowledge of the Fourteenth Amendment and the harm of hate speech. Value training should also become part of the curriculum; however, it is critical that the values of equality and freedom be taught so as to affirm the importance of *both* values to balance the prioritization of freedom and equality. Antibias materials may also be presented to children by trained professionals. For example, nonprofit organizations have produced curricula such as "Facing History and Ourselves," "Tools for Tolerance," and the Southern Poverty Law Center's "National Campaign for Tolerance." Certainly, the public can be educated about the real costs of hate speech to society, minority groups, and to individuals.

We do not suggest that hate crime perpetrators can be easily changed with primes or education. But it is our position that hate speech creates a social climate that makes it possible for hate crimes to occur. If we work on developing a social climate that would make hate speech intolerable in a humane society, perhaps the level of hate crimes would be reduced. When a group is degraded and dehumanized within the culture at large, it may provide a context in which hate crimes are able to occur with toleration.

As per our findings, more concerted efforts to counter intolerance of gays/lesbians and women are needed. Separate analyses of the scenario effects on the three targets indicated that the priming effects were stronger on hate speech directed toward women and toward homosexuals than that directed toward Blacks. It may be that the level of awareness of hate speech directed toward Blacks (demonstrated by ceiling effects of ratings for the Black target scenarios) is already raised and that sexist and heterosexist speech need more attention relative to their harm and effects on gender and sexual orientation inequality.

Gender differences were pervasive across the different measures. Females, compared to males, were more likely to rate the scenarios as harmful and offensive, hold the offender more accountable, score higher on the item juxtaposing freedom of speech and the harm of speech in the harm direction, and score higher on the Harm Scale. The gender differences are consistent with other research examining responses to hate or prejudiced speech (Cowan & Hodge, 1996; Cowan & Mettrick, 2002; Craig & Waldo, 1996; Hunter & McClelland, 1991; Inman &

Baron, 1996; McClelland & Hunter, 1992). Further research needs to be done to enable us to understand what variables account for women's greater sensitivity to hate speech.

The question can be raised as to alternative explanations for the priming effects. Two other possible explanations are demand characteristics and attitude change. A demand characteristic account of the findings would suggest that the results are simply the effects of the participants' using the prime as a cue to what was expected of them on the remaining scales. This would suggest that the priming conditions are merely an experimental artifact. On the other side of the potential explanations is the possibility that the induced thinking elicited by the prime led to attitude change rather than the awareness of an already existing value. Encouraging participants to construct their own arguments for freedom of speech or equal protection may have actually induced attitude change (Killea & Johnson, 1998). As Katz and Haas (1988) point out in their study of priming, when the items are mixed, such as they were in the Harm and Freedom of Speech Scales, it is unlikely that demand characteristics occurred. Whether actual attitude change occurred, again, is raised by Katz and Haas (1988) in terms of the lapse of time between priming and subsequent measures. Since the manipulation and measures were closely related in time, it is impossible to determine whether the priming effect was a temporary shift or a more enduring change. However, it is unlikely that enduring, substantive changes in primary values such as freedom of speech and the harm of hate speech (or freedom versus equality) are likely to occur as a result of one experimental manipulation.

A limitation of the study is the generalizability of the college sample findings. In that respect, the college students in this sample were older and more working class than the traditional college student. However, it should not be assumed that these findings would generalize to a noncollege population. College students, whether they are in an elite college or, in the case of this sample, in a state university that admits most applicants, have characteristics that may make them more persuadable, such as having uncrystallized attitudes, being prone to influence, and being compliant (Sears, 1986).

Finally, hate speech and hate crimes are part of the same phenomenon of structural violence. It is easier to marginalize hate crimes and see them as the end products of twisted and hateful individuals than to see the insidious harm of hate speech and the ways in which hate speech sets the context for hate crimes.

References

- Cole, D. (1996). Racist speech should be protected by the constitution. In P. A. Winters (Ed.), *Hate crimes* (pp. 89–96). San Diego, CA: Greenhaven Press.
- Cowan, G., & Hodge, C. (1996). Judgments of hate speech: The effects of target group, publicness, and behavioral responses of the target. *Journal of Applied Social Psychology*, 26, 355–374.

- Cowan, G., & Mettrick, J. (2002). The effects of target variables and setting on the perception of hate speech. *Journal of Applied Social Psychology*, 32, 277–299.
- Craig, K. M., & Waldo, C. R. (1996). "So, what's a hate crime anyway?" Young adults' perceptions of hate crimes, victims, and perpetrators. *Law and Human Behavior*, 20, 113–129.
- Fiske, S. T. (1995). Social cognition. In A. Tesser (Ed.), *Advanced social psychology* (pp. 149–193). New York: McGraw-Hill.
- Fiske, S. T., & Taylor, S. E. (1991). *Social cognition* (2nd ed.). New York: McGraw-Hill.
- Gates, H. L., Jr. (1994). War of words: Critical race theory and the First Amendment. In H. L. Gates Jr., A. P. Griffin, D. E. Lively, P. C. Post, W. R. Rubinstein, & N. Strossen (Eds.), *Speaking of race, speaking of sex* (pp. 17–58). New York: New York University Press.
- Grube, J., Mayton, D. M. II, & Ball-Rokeach, J. (1994). Inducing change in values, attitudes, and behaviors: Belief system theory and the method of value self-confrontation. *Journal of Social Issues*, 50, 153–173.
- Hunter, C., & McClelland, K. (1991). Honoring accounts for sexual harassment: A factorial survey analysis. *Sex Roles*, 24, 725–751.
- Inman, M. L., & Baron, R. S. (1996). Influence of prototypes on perceptions of prejudice. *Journal of Personality and Social Psychology*, 70, 727–739.
- Katz, I., & Haas, R. G. (1998). Racial ambivalence and American value conflict: Correlational and prime studies of dual cognitive structures. *Journal of Personality and Social Psychology*, 55, 893–905.
- Kelley, J. (1996). Restricting speech does not fight racism on campuses. In P. A. Winters (Ed.), *Hate crimes* (pp. 97–99). San Diego, CA: Greenhaven Press.
- Killeya, L. A., & Johnson, B. T. (1998). Experimental induction of biased systematic processing: The directed thought technique. *Personality and Social Psychology Bulletin*, 24, 366–380.
- Lawrence, C. R. III (1993). If he hollers let him go: Regulating racist speech on campus. In M. J. Matsuda, C. R. Lawrence III, R. Delgado, & K. W. Crenshaw (Eds.), *Words that wound: Critical race theory, assaultive speech, and the First Amendment* (pp. 53–88). Boulder, CO: Westview.
- Lawrence, C. R. III (1995). Cross-burning and the sound of silence: Anti-subordination theory and the sounds. In L. J. Lederer & R. Delgado (Eds.), *The price we pay: The case against racist speech, hate propaganda, and pornography* (pp. 114–121). New York: Hill and Wang.
- Lawrence, C. R. III, Matsuda, M. J., Delgado, R., & Crenshaw, K. W. (1993). Introduction. In M. J. Matsuda, C. R. Lawrence III, R. Delgado, & K. W. Crenshaw (Eds.), *Words that wound: Critical race theory, assaultive speech, and the First Amendment* (pp. 1–15). Boulder, CO: Westview.
- MacKinnon, C. A. (1993). *Only words*. Cambridge, MA: Harvard University Press.
- Matsuda, M. J. (1993). Public response to racist speech: Considering the victim's story. In M. J. Matsuda, C. R. Lawrence III, R. Delgado, & K. W. Crenshaw (Eds.), *Words that wound: Critical race theory, assaultive speech, and the First Amendment* (pp. 17–52). Boulder, CO: Westview.
- McClelland, K., & Hunter, C. (1992). The perceived seriousness of racial harassment. *Social Problems*, 39(1), 92–107.
- powell, J. A. (1995). Worlds apart: Reconciling freedom of speech and equality. In L. J. Lederer & R. Delgado (Eds.), *The price we pay: The case against racist speech, hate propaganda, and pornography* (pp. 332–342). New York: Hill and Wang.
- Rokeach, M. (1968). A theory of organization and change within value-attitude systems. *Journal of Social Issues*, 24, 13–33.
- Rokeach, M. (1972). Self-confrontation and confrontation with another as determinants of long-term value change. *Journal of Applied Social Psychology*, 2, 283–292.
- Rokeach, M., & Ball-Rokeach, S. J. (1989). Stability and change in American value priorities, 1968–1981. *American Psychologist*, 44, 775–784.
- Rokeach, M., & McLellan, D. D. (1972). Feedback of information about the values and attitudes of self and other determinants of long-term cognitive and behavioral change. *Journal of Applied Social Psychology*, 2, 236–251.
- Rosenthal, R., Rosnow, R. L., & Rubin, D. B. (2000). *Contrasts and effect sizes in behavioral research*. New York: Cambridge University Press.
- Rubinstein, W. B. (1994). Since when is the Fourteenth Amendment our route to equality? Some reflections on the construction of the "hate-speech" debate from a lesbian/gay perspective. In

- H. L. Gates Jr., A. P. Griffin, D. E. Lively, P. C. Post, W. R. Rubinstein, & N. Strossen (Eds.), *Speaking of race, speaking of sex* (pp. 280–299). New York: New York University Press.
- Schauer, F. (1995). Uncoupling free speech. In L. J. Lederer & R. Delgado (Eds.), *The price we pay: The case against racist speech, hate propaganda, and pornography* (pp. 259–265). New York: Hill and Wang.
- Sears, D. (1986). College sophomores in the laboratory: Influences of a narrow data base on psychology's view of human nature. *Journal of Personality and Social Psychology*, 51, 515–530.
- Strossen, N. (1995). *Defending pornography: Free speech, sex, and the fight for women's rights*. New York: Anchor Books.
- Thompson, S. E. (1994). *Hate groups*. San Diego, CA: Lucent.

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