

OPEN PEER REVIEW

Regulating Hate Speech in Polarized Democracies: Legal Limits and Political Backlash

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1. Round 1

1.1. Reviewer 1

Reviewer:

The sentence "...democracies face mounting challenges in upholding free speech while maintaining public order and protecting vulnerable populations." would be strengthened by referencing a recent example or statistic that demonstrates this challenge in practice.

The discussion of Article 20 of the ICCPR is clear but omits mention of the interpretive challenges and criticism of its vagueness. Consider including this for a more critical legal analysis.

The statement "Another relevant legal trend is the emergence of platform accountability..." introduces a crucial issue. However, the text could benefit from more elaboration on specific court rulings or policy shifts post-2020 (e.g., the EU's Digital Services Act).

While *Brandenburg v. Ohio* is cited correctly, the discussion would be enriched by briefly mentioning more recent relevant cases (e.g., *Matal v. Tam* or *Counterman v. Colorado*) to demonstrate the evolving judicial stance.

The use of the phrase "cancel culture" is socially resonant but not sufficiently defined in legal-political scholarship. Consider qualifying this term with academic definitions or references to avoid ambiguity.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The phrase “Governments may weaponize these laws to silence opposition...” is powerful but could be perceived as overly general. Consider specifying the mechanism of legal weaponization or providing a footnote with a concrete case.

While outlining the article structure is helpful, the statement “...examining how polarized democracies define, regulate, and enforce hate speech laws...” would benefit from more precise definitions of “polarized democracies” and the criteria for selection.

The citation of Mill and Waldron is appropriate, but the discussion of Rawls is underdeveloped. Expand on Rawls’ position regarding public reason or the priority of liberties to clarify his relevance to hate speech regulation.

The article mentions the NetzDG law but does not explore its 2022 amendments. A brief update or acknowledgment would enhance the currency and accuracy of the analysis.

The observation “...inflammatory statements by majoritarian political actors often go unpunished...” is valid but needs substantiation. Adding a cited example or legal case would improve credibility.

The sentence “Judicial and legislative responses...reflect broader societal conflicts...” could benefit from a clearer articulation of how judicial independence varies in each context—perhaps citing judicial capture or constitutional crises.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.