



METADATA

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Abstract

This monograph analyses, from a constitutional law perspective, the prohibition of hate speech, as a limitation of freedom of expression, in international (mainly European Convention on Human Rights), European Union and Greek law. It focuses particularly on those cases of hate speech that involve religion, either from the speaker's or from the victims' point of view. All the national legal orders of EU Member States—including Greece, which the author examines in detail, have incorporated the European Framework Decision 2008/913/JHA of 28th November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. This is why, in combination with the application of the ECHR, the author places the topic within the multilevel constitutionalism, including a multiplicity of human rights sources. The case law of the European

Court of Human Rights and particularly the prominence of Article 17 ECHR are being critically evaluated. Relevant Greek case law is also thoroughly analysed based on constitutional law criteria. The topic is examined not only and purely as one of human rights, and free speech more specifically, but also as something characterizing European democracy as mildly militant. In this framework, the author also examines the persuasiveness of the claims concerning the public goods protected and legitimising the prohibition of hate speech (equality and non-discrimination, dignity and personality, public order). She then concludes that if these goods are interpreted in a harmonised way, given a social meaning, they constitute, all together, the notion of the European 'vivre ensemble' (living together), as a particular characteristic of European constitutionalism.

