

IX. Summary

This diploma thesis titled “The comparison of the approaches of the European Court for Human Rights and the Supreme Court of the USA to some aspects of the freedom of expression” is focused mainly on comparison of both mentioned approaches to hate speech. After the opening chapter that set goals of this thesis and explains topicality of the topic and the reasons why I have chosen the topic, in second chapter the concern is focused mainly on a general introduction, historical outcome to the freedom of expression and its importance in Europe and in the USA. In the overview of European historical outcome the chapter is concerned with the thinkers as John Milton and John Stuart Mill among the others. In the historical outcome of the USA I put my interest mainly to the outcome before enacting the First amendment of the Constitution of the USA.

In third chapter, that is fully concerned with analysis of the contemporary approach of both courts to hate speech, firstly I provide general analysis of the approach of ECHR that is linked to the specific analysis of the particular decisions of the ECHR. I proceed in the same way in case of the USA, where I am describing the general principles that makes grounds for the freedom of expression and in the next part I focus to the particular decisions that are considered as a keystones of the approach to the restricting the freedom of speech.

In the final chapter I try to sum up the differences between both of the approaches. I want to draw the positive and negative aspects of both of the approaches. I attempt to use the European approach to one particular case that was decided by the Supreme Court of the USA, my goal was to show that in my opinion ECHR would come up with different judgment to the case than the Supreme Court of the USA. The very last part of the thesis is concerned with the attempt to draw a universal approach to the limitations of the freedom of speech, to draw some universal principles that would be applicable to the both environments.

X. Keywords

Freedom of expression, hate speech, comparison