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# Freedom of Speech vs. Hate Speech Regulation: Where Should the Constitutional Line Be Drawn?

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## ABSTRACT

Freedom of speech is one of the main provisions of the constitutional democracy, but its limits are becoming disputable in the context of hate speech. In this paper, the author will discuss the constitutional conflict between the right to free speech and the right to control speech that can lead to discrimination, hostility, or violence. The study is based on theoretical ideas of the harm principle and the dignity approach by Waldron where the comparative constitutional model of the United States, the European Union and Pakistan have been analyzed. It also speaks about judicial balancing tests and new problems that are emerging using the digital platforms, where algorithmic enrichment complicates the traditional state-based regulation of speech. This paper seeks to support the concept of a multi-dimensional framework that is principled, uses ratios, situational sensitivity, and disclosure to draw the boundary between speech that can be allowed and speech that is harmful. The study offers an approach to courts and policymakers and regulators by combining legal, ethical and technological implications in ensuring that the fine balance between liberty and social cohesion is maintained.

**Keywords:** Freedom of Speech; Hate Speech; Constitutional Law; Digital Platforms; Proportionality; Pakistan; Comparative Jurisprudence

## Introduction

The freedom of speech is at the very core of the constitutional democracy as it is one of the principles of individual liberty and the precondition of the right to participate in the political process, in cultural life, and in intellectual advancement. It ensures right to not only speak but to disagree, criticize and challenge the authority. But in a world where polarization is becoming more pronounced, populist rhetoric is thriving, and radicalization on the internet is occurring, there is a renewed discussion of the limits

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of such freedom. How to define the constitutional boundary between lawful expression and hate speech, Speech that causes hatred, animosity, or violence against an individual or group, has become one of the most debatable topics of modern constitutional law.

Liberal democracies in the past have held freedom of expression as crucial towards finding truth and operation of self-governance. The book On Liberty by John Stuart Mill (1859) assumed that free transfer of ideas, even those considered offensive or mistaken is essential to the development of society and morality (Ryan, 1987). However, the philosophy of Mill assumed a rational civil society where dialogue may take place without systemic damage. Contemporary societies are, however, facing new realities: speech is now a means of mobilizing a mass hatred, so as to make prejudice acceptable and violence possible, especially when it is enhanced by digital technologies (Benesch, 2012). Therefore, it is becoming more and more difficult to defend the classic liberal argument of unqualified free speech on the basis of social harm, equality and human dignity.

This tension has been dealt with differently in different constitutions throughout the world. The United States, by example, has followed a very near-absolutist reading of the First Amendment, considering even hateful or offensive expression to be constitutionally safe unless it directly triggers an imminent act of lawlessness (Bandrowski, 2024a). n comparison, European and Commonwealth courts have supported a more balanced method, whereas restrictions may be imposed to protect the order of the people, minority rights, and democratic values (Cardoso & Bruno, 2021). Article 19 of the Pakistani constitution acknowledges freedom of speech as an essential right but imposes a reasonableness restriction on it on the interest of Islam, national security, and public order, decency, and morality (Razzaq, n.d.). The breadth of such exceptions can be quite open to judicial discretion and political manipulation, and the boundaries of what can be said in a pluralistic society are much subject to debate.

The digital era has helped hate speech to cross the physical boundaries and spread quickly with the help of social media and algorithmic amplification. Online space makes it difficult to distinguish between the responsibility and proportion between the author and the audience due to the anonymity and virality of social networks. Governments have been presented with a twofold difficulty of limiting hate on the internet without the need to squash valid protests. The dilemma highlights the greater constitutional issue of how can the societies justify the importance of free expression as being democratically relevant, but at the same time the freedom is not an instrument of control and coercion?

The paper researches the constitutional limits of freedom of speech and regulating hate speech in the theoretical, comparative, and practical perspectives. It tries to come up with normative principles that could be used by courts and policymakers to strike a balance between liberty and responsibility. Through an analysis of jurisprudence in Pakistan, the United States, and Europe, the paper will seek to suggest a more principled approach in supporting constitutional freedoms without promoting discrimination or intolerance. In the end, the investigation is indicative of a fundamental contradiction of contemporary democracy: how to protect speech and at the same time prevent the speech to ruin the very democracy.

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**Theoretical Framework – Liberty, Harm, and Democratic Discourse**

Freedom of speech theoretical basis is closely connected with philosophical discussions on liberty, harm, and moral responsibility of citizens of a democratic nation. Freedom of expression as the right to think without interference of the state is usually supported by the fact that it is inherent in the autonomy of the individual and is necessary to the process of discovering the truth. However, this freedom does not have unlimited possibilities, and its justification is limited to the harm it can produce in other people. Constitutional law is therefore a middle way of business, trying to make a compromise between these conflicting claims--to mark out the limits of allowable speech, in such a way as will maintain personal freedom and civil peace.

On Liberty (1859) by John Stuart Mill has been the pillar of classical liberalism about the freedom of expression. Mill was of the opinion that the censorship of opinion, no matter how incorrect or even offensive it was, denied society a chance to rectify a mistake and move towards the truth (Zachariah et al., 2024). His marketplace of ideas metaphor has had a dramatic impact on contemporary democratic rhetoric, particularly Anglo-American jurisprudence. Nevertheless, the harm principle developed by Mill, which posits that the only legitimate reason to limit freedom is to avoid harm to other people, might create interpretative problems as it is used to speech that harms other people psychologically, socially, or collectively but does not harm them physically (Dias Oliva, 2020). The suitability of Mill on the issue of liberty and equality is challenged by the modern hate speech, which has created stigma, exclusion, and hostility against marginalized groups.

In the present days, the thoughts of Mill have been developed or criticized by theorists to capture the regionalistic societies. An example is Jeremy Waldron, who considers hate speech to have an adverse effect on the dignity and confidence of being part of a political community as an equal, especially by vulnerable minorities (Gelber, 2021). To him, freedom of expression cannot be separated of the social conditions, which should be enjoyed so that it can be meaningful. So, the evil of hate speech is not only that it can provoke a violent act, but that it can destroy the social climate of respect upon which the coexistence of democracy relies. In contrast, a stronger vision of free speech, which is defended by Ronald Dworkin, is based on moral autonomy and supposes that the state should not only allow deeply offensive speech but also endorse equal status of citizens as moral beings who have the ability to make their own judgments (Nedzel, 2023). The conflict of communitarian focus of Waldron with the liberal autonomy of Dworkin illustrates the philosophical division that is still occurring between the philosophical boundaries of speech.

In constitutional democracies, this strain is expressed by the rivalry of two principles of normativity, the principle of liberty (guaranteeing individual expression) and the principle of equality (guaranteeing citizens against discriminatory harm). Liberal democracies are trying to balance these values by conducting the proportionality analysis, to balance the social value of expression and the harm it inflicts (Alexy, 2020). However, these balancing exercises are always contextualized and determined by history, cultural pluralism, and the judiciary interpretation philosophy. Indicatively, a society that has developed out of a history of ethnic or religious strife might value social harmony and decollete over unbridled discourse whereas one with

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a long history of political dissent might prefer utmost freedom.

This theoretical discussion obtains a different urgency in the digital age. Oration is no longer limited to conventional forms of publicity, but it spreads immediately on the networks of the whole world, inflated by algorithms rewarding outrage and division. The damage caused by hate speech on the Internet is not necessarily immediate and direct, but the overall impact on the democratic discourse can be significant: the normalization of bias, the marginalization of minorities, the distortion of the deliberation process of the population. In turn, the constitutional dilemma is not about establishing the point of harm but about reconsidering the terms under which free speech could still support the democratic discourse instead of undermining it.

Overall, the concept of the regulation of the free speech and hate speech are rooted in the dialectic of liberty and harm in the theoretical framework of the whole matter. Although classical liberalism exalts personal freedom and free debate, the contemporary theory of democracy acknowledges that the free expression would, ironically, erode the same freedom and mutual respect, upon which, free discourse thrives. The constitutional line in thus it should be not drawn as a strict boundary but as a principled compromise, one that will not only keep alive the emancipatory promise of free speech but protect the dignity and integrity of the democratic community.

**Comparative Constitutional Perspectives – United States, European Union, and Pakistan**

Historical experiences, legal traditions, and philosophical orientations towards liberty and equality differ considerably in the constitutional approach to the regulation of freedom of speech and hate speech, and these differences are reflected in the constitutional treatment of the matter. Although the United States is more of an almost absolutist in terms of safeguarding speech under the First Amendment, European democracies and the Commonwealth systems are more moderate and allow the state to intervene to promote dignity, equality, and order in the society. The constitutional system of Pakistan is founded on postcolonial and religiously plural identity and takes up a moderate position in a middle ground - guarantees free expression but has general and occasionally politicized exceptions. Combined, these comparative models demonstrate how varied the constitutional answers to the issue of hateful expression can be throughout the world.

**The United States: The First Amendment and Absolutist Liberty**

The American approach to the free speech is pegged on the first amendment of the American constitution which states that congress shall not make any law that will go against the freedom of speech or press. American jurisprudence has over time possessed this protection as almost absolute and offensive or hateful expression has not been the subject to state regulation unless it fits within limited and clearly articulated exceptions. Brandangen, 1995 A.C 294. The imminent lawless action was articulated in Ohio (1969) to conclude that the advocacy of violence is safeguarded except when it aims at incite imminent illegal acts and is most likely to result in an illegal act (Bandrowski, 2024b). It is a standard that displays the profound belief in the doctrine of the marketplace of ideas that is, the idea that the solution to the

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problem of harmful speech is speech, and not censorship.

Later cases, like R.A.V. v. City of St. Paul (1992) affirmed that even symbolic acts of hate, including cross-burning, were within the reach of the constitution under regulation that discriminated against content or opinion (Green & Roiphe, 2021). The determination of the United States Supreme Court to remain viewpoint-neutral stands out as the most notable difference in their model and most other democracies. Critics, however, say that this absolutism does not explain the social harms of hate speech, especially when the target is a marginalized group (Gashaw, 2020). The American model then, favors individual liberty above equality, assuming that a free and strong popular discourse is resistant to expression of hate without action of the state.

**The European Union: Proportionality and Dignity-Based Regulation**

However, the European approach based on the European Convention on Human Rights (ECHR) adopts a proportionate approach on the balance between free speech and protection of human dignity. Article 10(1) of the ECHR provides the right to freedom of expression, whereas article 10(2) provides exceptions when the exceptions are necessary in a democratic society to safeguard the reputation, rights and, security of other individuals. State limitations on hate speech have always been defended by the European Court of Human Rights (ECtHR), which states that the freedom of expression is inapplicable to justify any attacks on the rights and reputations of other people or support intolerance (Woods, 2023).

In Erbakan v. Turkey (2006 ) the ECtHR established that politicians have a special responsibility to shun utterances that provoke hatred (Turkey, 2006), and that tolerance and respect of equal dignity are the characteristics of the democratic society. Similarly, in Vejdeland and Others v. Sweden (2012), the Court (2012) affirmed guilty parties of distributing anti-homosexual leaflets and determined that they could not be in line with the spirit of tolerance of the Convention (Blackmore, 2025). European model is thus communitarian ethos that values group dignity and equality even above the broad individual freedom. The proportionality principle has been the key principle of the European constitutionalism and it provides the opportunity to judicially evaluate the social effects of the speech in a subtle way, which the American model frequently lacks.

**Pakistan: Balancing Liberty and Morality under Article 19**

The constitutional government in Pakistan is an unusual combination of liberal rights and ethical restrictions. Article 19 of the Constitution of the Islamic Republic of Pakistan (1973) confirms that all citizens will have the right to the freedom of speech and expression, but this right is limited to reasonable limitations in the name of Islam, national security, the order, decency, and morality (Johnson, 2023). These qualifications, which are based on colonial jurisprudence and are guided by the Islamic ethical standards, accord extensive discretion in the interpretation of the law to the legislatures and the courts. In reality, the judiciary has swerved both ways in securing political dissent and supporting state-imposed restrictions around religious or moral reasons.

In Benazir Bhutto v. Federation of Pakistan, the Supreme Court of Federation of Pakistan emphasized that the freedom of expression is critical to democratic

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accountability but needed to be done responsibly and in accordance with the constitutional boundaries (Aftab, 2024). However, more recently, the courts have had to face the emergence of hate speech and controversies over blasphemy on the Internet, and the question of freedom versus social harmony is still disputed. It is notable that the fact that religion and morality are among the reasons of restriction make the Pakistan model distinctly different among secular constitutions models as it is a manifestation of Pakistani desire to balance liberal rights with Islamic values. However, critics observe that such generalization can easily justify selective suppression especially to political dissidents and the minority populations.

**Comparative Assessment**

A major difference in the philosophy of the constitution can be seen by the comparative analysis: the United States relates free speech to the autonomy of individuals and distrust of government authority; Europe to a larger moral order based on the ideals of dignity and equality; and Pakistan to a moral-religious system based on the principle of coherence. Both of the models provide useful insights and constraints. The American model guarantees as much freedom as possible but does not cope with the social impacts of hate. The European paradigm maintains societal peace but may end up being paternalistic. The hybrid structure in Pakistan hopes to achieve the middle grounds of moral integrity and open democratic nature yet is susceptible to political cynicism. The constitutional dilemma, then, is not to mark out hate speech but to make sure that its control does not suffocate justified dissent or erode the moral attire of the society.

**Hate Speech and Judicial Balancing Tests**

The juridical treatment of hate speech indicates the wider constitutional philosophy of any given jurisdiction in regard to what the constitutional boundaries of free expression permit. Courts have a central role in making the difference between opinion protected and punishable incitement and come up with balancing tests where liberty and harm are counterbalanced. This is not a fixed or homogeneous set of tests and tests must evolve over a period of jurisprudential refinement, changing in a society and changing in the general discourse. The key judicial dilemma is how to harmonize the ethical validity of the free speech and the constitutional duty of averting harm and maintaining social order.

**The U.S. "Imminent Lawless Action" Test**

The main criterion of incitement and hate speech in American jurisprudence is the result of the case Brandenburg v. Ohio (1969). The Supreme Court determined that the speech that promotes the use of force or violation of the laws is protected, except in case it is aimed to incite or cause imminent lawless action and is likely to incite or cause lawless action (Bandrowski, 2024c). This Brandenburg test represents the ingrained belief of the American judiciary in the viewpoint neutrality and distrust in state regulation of content. The Court has adopted the policy that assumes that healthy debate, even offensive debate, is better than censorship since the only response to dangerous ideas is counter-speech and not censorship.

Critics state, however, that the Brandenburg standard is not quite appropriate in the

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modern context in which hate speech may not invariably cause violent attacks in the short term but leads to a discriminatory and hostile culture in the long term (Saqib et al., 2023). Lots of psychological damage and social exclusion can be achieved through online hate campaigns, which do not qualify as imminent. The U.S. one therefore provides protection to even the most heinously damaging expression giving priority to the formal freedom over the substantive equality.

**The European "Proportionality and Necessity" Doctrine**

The judiciary in Europe has come up with a more flexible and contextual standard that is based on the proportionality and necessity. Article 10(2) of the European Convention on Human Rights provides that the limitations placed on speech should be legally prescribed, seek the legitimate goal, and should be necessary to the democratic society. The ECtHR uses a proportionality test that is designed in a structured form - evaluating the correspondence between state interference and a pressing social need and the possibility of gathering the same goal through less restrictive means (Nadeem et al., 2023).

In Jersild v. Denmark (1994), the Court (1994) recognized the conflict between free journalism and distribution of racist utterances. Although maintaining the right of the journalist to air a controversial interview, the Court emphasized the importance of looking at the context, intent and contribution to open debate. Similarly, in Garaudy v. France (2003), he ECtHR affirmed the conviction of a Holocaust denier in France (2003) on the ground that the denial of historical atrocities is not covered by Article 10 (Wojcik, 2020). These instances demonstrate how the Court is ready to consider hate speech as a separate category of unprotected expressive material in the situations where it harms democratic principles and human dignity. The proportionality doctrine allows European courts to achieve the balance between liberty and collective security by the contextual analysis but not categorical exclusions.

**Pakistan's "Reasonable Restrictions" Approach**

The judiciary in Pakistan has taken a balancing test that is based on the constitutional language of reasonable restrictions as in Article 19. The courts have accepted that the right to free speech is a basic right but with restrictions that are stipulated by the order of the people, their morality, and the glory of Islam. Lack of an exact test in the judiciary has however caused inconsistent application. In Miss Asma Jilani v. Government of Punjab, the Supreme Court once again confirmed that the fundamental rights cannot be limited arbitrarily, and the restriction should be reasonable in respect to the legitimate purpose sought (Imran, 2024). However, subsequent decisions have demonstrated judicial tolerance towards executive interpretations especially regarding religion, blasphemy and national security.

In Shirin Munir v. Government of Punjab, he Court stated that academic freedom was the aspect of free expression in Government of Punjab but warned that free expression should not be used to breach the moral and constitutional limits (Saleem et al., n.d.). This lack of willingness by the Pakistani courts to establish an equivalent of the European proportionality doctrine balancing test has led to uncertainty and has given way to the influence of politics and morality in the judicial results. This makes hate speech control in Pakistan constantly swing between its under-implementation in

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politics, and over implementation in religion.

**Toward a Normative Balancing Framework**

The judicial balancing tests across the jurisdictions demonstrate that there are three fundamental criteria used to control the hate speech: (i) intent to harm, (ii) the probability of causing harm, and (ii) the influence on the social context or audience. The American test favors intent and imminence, the European one favors harm and necessity and the Pakistan model favors moral and religious values. An ideal combination of these models would be a proportionality-based criterion that would take into account the short-term and long-term evils of hate speech and preserve the right to legitimate dissent. Courts need to make sure that restrictions are clearly defined, transparent and highly justified- this way they are loyal to the ideals of the constitution and at the same time are responding to the changing realities of digital communication.

**Digital Platforms and the Challenge of Regulation**

Digital age has changed the dynamics of speech dramatically, altering the patterns of expression, dissent and hate spread in the society. The social media sites like Facebook, X (previously twitter) and YouTube have established giant, decentralized platforms of communication that are going to national frontiers and conventional areas of the judicial system. They have also opened up the right of expression making the voices of the marginalized more involved in the public discourse, but have also acted as a channel of misinformation, online bullying, and hate group mobilization. This rapidity, magnitude as well as anonymity of digital communication raises the question of the sufficiency of earlier constitutional dogma, compelling courts and policymakers to reconsider the weight of freedom of expression and injury prevention in cyberspace.

**Algorithmic Amplification and the Architecture of Online Speech**

Digital platforms are not passively contentious, as opposed to traditional forums, which only contain content but do not actively filter and enhance it with the help of algorithms that are aimed to maximize user engagement. It has been found that the content that elicits a high level of emotional responses, particularly, outrage and anger, will have more visibility (Duncombe, 2020). Therefore, hate speech, misinformation, and inflammatory rhetoric are fed by an algorithm, and echo chambers provoke polarization of society and the legitimization of extremism. The constitutional dilemma is that the actors in question are not state regulators but rather an individual in the middle whose choices are the mechanisms that influence the world discourse. This erases the old lines between censorship of the state and censorship of the people and makes it hard to enforce the constitutional First Amendment proclamation of free speech rights.

By implementing content moderation policies to regulate what can and cannot be viewed or said by billions of people, tech companies end up having quasi-sovereign power over speech, even though they pretend to be neutral (Zalnieriute, 2023). However, such policies are not transparent, consistent, and accountable in a democratic manner. The controversy surrounding the topic of de-platforming and the

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removal of content has brought the issue of corporate freedom and the right of the people to free discussion to a head. There is a growing global debate by courts and regulators as to whether such private moderation ought to come under the standards of the law in a public way, particularly when it is political communication or civic participation that is involved.

**The Global Regulatory Landscape**

Online hate speech has been answered by a patchwork of national laws and international programs by governments. The Digital Services Act (2022) of the European Union subjects platforms to due diligence and compels them to conduct risk assessment, transparency reports, and provide a means by which users can appeal content removal (Frosio & Geiger, 2023). Germany's Network Enforcement Act (NetzDG) compels social media corporations to censor unlawful information, such as hate speech, within twenty-four hours of being notified (Lewis, 2022). Critics, nonetheless, caution that these frameworks can be used to censor too much since platforms can make the mistake of removing content just to avoid punishment. In the United States, the first amendment favor of the least interference by the state is reinforced by Section 230 of the Communications Decency Act (1996), which gives wide immunity to online intermediaries of user-created content.

Pakistan is no exception and has introduced its Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules of 2021 in the Pakistan Electronic Crimes Act (PECA) 2016 (Noor, 2021). Such regulations give the Pakistan Telecommunication Authority (PTA) the power to censor or take down online content that is considered anti-Islamic, anti-national security or anti-social. Although meant to prevent hate and blasphemy over the internet, this broad regulatory discretion has brought some concerns about random censorship and oppression of dissent. The question now is how to build a regime that can preclude hate speech on the internet without limiting free expression especially in a society where political and religious aspects are closely connected.

**The Constitutional Dilemma in the Digital Era**

The emergence of digital intermediaries has made the constitutional equation complex in two aspects. First, it decentralizes expression, and puts the regulatory authority of the government in the hands of non-governmental corporations that exist outside the direct authority of national constitutions. Second, it compounds the types of harm such as online mob incitement and gender-based harm, which the jurisprudence of free speech had never envisioned. Courts have the formidable responsibility of trying to extrapolate constrained principles of the analog age to digital ecosystems that are typified by automation, anonymity, and cross-border jurisdiction.

Experts believe that constitutional law needs to move towards a sort of digital constitutionalism where rights and duties are extended into cyberspace (Teubner & Golia Jr, 2023). This includes creating norms of accountability on the platform, transparency on the design of algorithms, and the entitlement to challenge automated rulings on expression. The state should not be left to guard against harm nor should it be given the power to police thought. Rather, in its constitution, the equilibrium should be based on participatory management of digital space, providing autonomy to

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individuals, equality in participation, and democratic soundness of online discussion. Digital challenge basically concerns not only regulation of hate speech but also regarding redefinition of the constitutional architecture of speech itself. With the social world going online, the state, the law, and individuals should come together with an agreement on a framework that ensures the traditional promise of free speech, truth, dialogue, and accountability that the architecture of the internet should be left to breed intolerance and separate people.

**Finding the Constitutional Balance**

A principled approach that balances the competing values of liberty, equality and social cohesiveness is necessary to draw the constitutional boundary between freedom of speech and regulating hate speech. Comparative jurisprudence, conceptual knowledge, and digitized realities are the reasons that indicate that no single standard is applicable, but instead a multi-dimensional construct is needed that would inform the courts and the policymakers. The balance is made up of three important components that come to the fore.

**Proportionality and Context-Sensitivity**

A constitutional balancing test should put the emphasis on proportionality in the scale of weighing against social value of expression against the harm caused. A good example is European jurisprudence: those limitations need to be required, only minimally restrictive, and context specific (Piper, 2023). Courts are supposed to consider the intent of the speaker, the probable effect on victims or communities as well as the channel of spreading the speech. Such background sensitivity allows states to address hate speech in a way that would not pose a threat to peace or dignity of the society yet would not necessitate an unwarranted attempt to suppress political speech, academic practice or art.

**Safeguarding Democratic Deliberation**

The freedom of speech is not only the right of the individual but it also forms the basis of the democracy. Any system of governing hate speech should be in a manner that does not privilege too much state interests or dominant groups in society which may have the effect of suppressing dissent and voices of minorities (Kumari, 2025). Courts and open-minded legislations play a vital role in curbing power abuse. The mechanisms of regulation can balance regulation and participatory governance, including the notice-and-takedown procedures, independent review boards and appeals mechanisms, which can maintain public confidence in both legal and technological systems.

**Digital Accountability and Corporate Responsibility**

Constitutional balance in the digital era cannot be based on traditional models based on state-centricity. The mediation platforms of the public discourse have a lot of power in determining what is allowed to be said (Leiser, 2025). These intermediaries must be brought to book by regulatory authorities that enforce transparency in content moderation, algorithmic decision-making and complaint policies. By incorporating the personal responsibility into the constitutional calculous, the societies will be able

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to handle the multiplication of hate speech without compromising the greater value of free speech.

**A Multi-Tiered Normative Framework**

By combining these components, one can then have a multi-level strategy, namely: (i) establishment of the fundamental level of protection of the political, artistic and academic speech; (ii) creation of the categories of speech that would be of great risk to offend people or groups; (iii) imposing the disproportional, transparent and contextual restrictions on the latter. This model allows a court to strike the constitutional balance in a principled way in understanding that there is an inherent conflict between liberty and harm and avoiding the abuse of speech to propagate inequality, discrimination or violence.

**Conclusion**

The exercise of freedom of speech is also one of the distinctive aspects of constitutional democracies, which incorporates personal independence, social responsibility and the search of truth. However, this freedom is not complete. Whether it is spread through the old-fashioned channels, or multiplied in cyberspace, hate speech is a serious threat to equality, dignity, and social solidarity. The courts and legislatures are struggling with the difficult agenda of establishing the line beyond which speech turns into an instrument of a democratic dialogue and a tool of harm.

Comparison reveals that various jurisdictions place emphasis on different values found in the constitution: the United States is focused on liberty and viewpoint neutrality, Europe is focused on dignity, proportionality and Pakistan is trying to compromise moral and religious values with democratic ones. The emergence of the digital space creates a layer of complexity, which needs mechanisms of oversight that would guarantee corporate accountability and free expression.

Finally, it is necessary to use caution to draw the constitutional line, using the principles of proportionality, context, and transparency as the guidelines. It must safeguard the freedom to dissent, argue, and minority opinion but limit that which spurs violence, hate or prejudice. An intricate, many-faceted model is the most promising way to preserve the fragile balance between freedom of speech and its harmful aspect to let it remain used in a democratic fashion, yet not to allow it to preach hatred and intolerance.

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