

# Group Defamation & Freedom of Speech

The Relationship Between  
Language and Violence

HOFSTRA CULTURAL CENTER

Wednesday, Thursday, Friday  
April 20, 21, 22, 1988

**HOFSTRA**   
**UNIVERSITY**

HEMPSTEAD, NEW YORK 11550



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HOFSTRA CULTURAL CENTER

# Group Defamation & Freedom of Speech

## The Relationship Between Language and Violence

*Conference Director:* **Monroe H. Freedman**  
Professor of Law

*Conference Chairman:* **David S. Mack**  
Trustee, Hofstra University

*Conference Coordinators:* **Natalie Datlof**  
**Alexej Ugrinsky**

*Co-Sponsors:* **Anti-Defamation League of B'nai B'rith**  
New York, NY

**Asian American Legal Defense and Education Fund**  
New York, NY

**NAACP Legal Education and Defense Fund, Inc.**  
New York, NY

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**Conrad Davies**  
Graduate Assistant

**Diane E. Paterson**  
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**Michael Quattrucci**  
Undergraduate Assistant

**Tara Stahman**  
Undergraduate Assistant



## DIRECTOR'S MESSAGE

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Few if any countries are free of hatred and oppression directed towards one or more minority groups. The United States is no exception. Twenty years ago, the National Advisory Commission on Civil Disorders issued its Report to the President of the United States. The Commission concluded that our country was moving toward "two societies, separate and unequal." *The New York Times* columnist Tom Wicker wrote at the time that the Report presented a picture of "one nation divided." Recently, Mr. Wicker had occasion to observe that we are today "a community still deeply divided on racial lines—blacks and whites in fear of one another, judging each other with hatred and contempt."

Racism is not a new phenomenon in the United States, nor have Blacks been the only victims. The Constitution itself protected the institution of slavery. American Indians have suffered genocide. Asian-Americans have frequently been the object of oppression, including the internment of Japanese-Americans during World War II. Discrimination against other ethnic and religious minorities has been pervasive in our society and has reached the point of mob attacks, lynchings, and other violence throughout our history. Women, too, have been the victims of various forms of oppression, including violence.

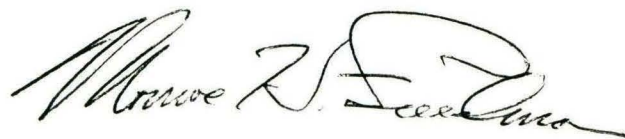
Ironically, the announcement of this conference has resulted in mailings of hate literature to Hofstra University, most of it antisemitic and some of it directed against Catholics and Blacks.

A particular speech or series of speeches attacking a minority group may not present a clear and present danger of violence. We know intuitively, however, that group defamation can create a social climate that is receptive to and encourages hatred and oppression. If a minority group can be made to appear less than human, deserving of punishment, or a threat to the general community, oppression of that minority is a likely consequence.

We know also that language itself can hurt, that there are words that, by their very utterance, inflict injury. Language can demean one's sense of dignity. Language can induce insecurity and fear. Language can cause palpable physical reactions. When the message is violent, language can itself be violence.

Nevertheless, the criminalization of group defamation raises serious questions of both policy and constitutionality. Along with the Equal Protection Clause, the greatest safeguard of minority rights in this country is the First Amendment's guarantee of freedom of speech and of association—an essential limitation of the power of the majority to impose its will upon any minority. The criminalization of group defamation means the delegation of power to agents of the state to determine which ideas are to be punished as hateful. Thus, the paradox that is the subject of this conference: If we restrain freedom of speech and association in order to protect minorities from group defamation, we could do incalculable harm to minority rights of speech and association.

This conference is not expected to produce ready solutions to the problem of group defamation and freedom of speech. However, this extraordinary international assemblage of scholars from the humanities, psychology, sociology, history, linguistics, and the law is certain to deepen our understanding of this critical problem and to provide important insights into how we should seek to resolve it.



Monroe H. Freedman  
Conference Director

Wednesday, April 20, 1988

Hofstra Hall Lobby, South Campus

9:00 a.m. – 5:00 p.m.

*Registration and Coffee*

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10:00 a.m.

*Opening Ceremonies*

Hofstra Cultural Center Lecture Hall  
Joan and Donald E. Axinn Library, 1st floor

Call to Order:

*Monroe H. Freedman*

Professor of Law  
Director, Group Defamation Conference

Greetings:

*James M. Stuart*

President  
Hofstra University

*David S. Mack*

Trustee, Hofstra University  
Conference Chairman

Introduction of  
Keynote Speaker:

*Gerald Light*

Vice Chairman  
Hofstra University Board of Trustees

Keynote Address:

*The Honorable John Conyers, Jr.*

Chairman, Subcommittee on Criminal Justice  
of the House Judiciary Committee  
United States Congress  
Washington, D.C.

**Poster Exhibition: "The Holocaust, 1933-1945"**

Through May 15, 1988

Courtesy of the Anti-Defamation League of B'nai B'rith  
New York, NY

11:30 a.m. – 1:30 p.m.

Lunch  
Student Center, North Campus



Wednesday, April 20, 1988

Hofstra Cultural Center Lecture Hall  
Joan and Donald E. Axinn Library, 1st floor

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**PANEL 1**

1:30 a.m. – 4:30 p.m.

**GROUP DEFAMATION AND RACIST OPPRESSION**

Moderator: *Ronald B. Sobel*

Senior Rabbi  
Temple Emanu-El  
New York, NY  
and  
Chairman  
National Executive Committee  
Anti-Defamation League of B'nai B'rith  
New York, NY

*Kenneth Clark*

Distinguished Professor of Psychology Emeritus  
The City University of New York  
New York, NY

“Group Defamation and the Oppression of  
Black Americans”

*Lawrence Hauptman*

Department of History  
SUNY at New Paltz  
New Paltz, NY

“Group Defamation and the Genocide of  
American Indians”

**Coffee Break**

*John W. Dower*

Department of History  
University of California/San Diego  
San Diego, CA

“Group Defamation and the American-Japanese War”

*Michael J. Blain*

Department of Sociology  
Boise State University  
Boise, ID

“Group Defamation and the Holocaust”

*Discussion*

7:00 p.m.  
*Reception*

Hofstra Cultural Center Gallery  
Joan and Donald E. Axinn Library, 10th floor  
South Campus

*Reception sponsored by the Anti-Defamation League of  
B'nai B'rith, Long Island Regional Board*

*Exhibitions:*

David Filderman Gallery, 9th floor

Books and Manuscripts

"Ethnic Images in Advertising"

Courtesy of the Balch Institute for Ethnic Studies  
Philadelphia, PA

Private Preview – 10th floor

"Françoise Gilot: An Artist's Journey, 1945-1987"

8:00 p.m.

*Conference Banquet*

Dining Room, Student Center  
North Campus

Presiding:

*James M. Stuart*  
President  
Hofstra University

Introduction:

*Monroe H. Freedman*  
Professor of Law  
Conference Director

Banquet Address:

*Elie Wiesel*  
Andrew W. Mellon Professor in the Humanities  
Boston University  
Boston, MA

Presentation:

*The Honorable Arnold A. Saltzman*  
Trustee, Hofstra University

Musical

Presentation:

*Hofstra Gospel Ensemble*

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Thursday, April 21, 1988

Hofstra Hall Lobby, South Campus

9:00 a.m. – 5:00 p.m.

*Registration and Coffee*

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Hofstra Cultural Center Lecture Hall  
Joan and Donald E. Axinn Library, 1st floor

PANEL II

9:30 a.m.

THE RELATIONSHIP BETWEEN LANGUAGE  
AND VIOLENCE

Moderator: *John DeWitt Gregory*  
Sidney and Walter Siben  
Distinguished Professor of  
Family Law  
Vice Dean  
Hofstra University School of Law

*Robert Jay Lifton, M.D.*  
Distinguished Professor of Psychiatry and Psychology  
John Jay College of Criminal Justice/CUNY  
New York, NY

“The Psychological Relationship Between  
Language and Violence”

*Laraine R. Fergenson*  
Department of English  
Bronx Community College/CUNY  
Bronx, NY

“Group Defamation: From Language to Thought  
to Action”

*Mari J. Matsuda*  
Faculty of Law  
Hiroshima University  
Hiroshima, Japan

“Outsider Jurisprudence: Toward a Victim’s  
Analysis of Racial Hate Messages”

12:00 – 1:30 p.m.

Lunch  
Student Center, North Campus



Moot Court Argument  
1:30 – 4:30 p.m.

Statutory Drafting Competition Awards

*Presentation of Awards*

*First Prize*

*Joseph M. Ribakoff*  
Whittier College School of Law  
Whittier, CA

*First Honorable Mention*

*Heidi A. Bachana*  
Northeastern University School of Law  
Boston, MA

*Second Honorable Mention*

*Devin E. House*  
University of Missouri-Kansas City  
School of Law

*Moot Court Argument*

TESTING THE CONSTITUTIONALITY OF A MODEL GROUP  
DEFAMATION STATUTE DRAFTED AS PART OF THE CONFERENCE

*The Bench*

*Judge Amalya Kears*  
United States Court of Appeals for the Second Circuit  
New York, NY

*Judge Abner Mikva*  
United States Court of Appeals for the District of  
Columbia Circuit  
Washington, D.C.

*Judge Harry T. Edwards*  
United States Court of Appeals for the District of  
Columbia Circuit  
Washington, D.C.

*The Advocates*

*Floyd Abrams* (Against the Statute)  
Cahill, Gordon & Reindel  
New York, NY

*Jack Greenberg* (For the Statute)  
Vice Dean and Professor of Law  
Columbia University School of Law  
New York, NY

*Panel Discussion*

Discussion Leader: *John P. MacKenzie*  
Member, Editorial Board  
*The New York Times*  
New York, NY

Hofstra Cultural Center Lecture Hall  
Joan and Donald E. Axinn Library, 1st floor

8:00 p.m.

Hofstra USA Productions  
presents  
"The Yellow Bench" and "The Clown-Magician"  
from *Dispatches from Hell*

By Melvin I. Cooperman  
Dramatists Guild of America

### The Yellow Bench

#### Setting

A small park in a German city around 1937.

#### Starring

Waremann ..... *Drew Keil*  
Kanenlauf ..... *Drew Palmer*  
Frau Dunkel ..... *Alene Hatch Meroy*  
Frau Wechsel ..... *Kitty Beattie*

\*\*\*\*\*

Directed by *Ed Dennehy*  
Sound *Jim Vazeos*  
Set Design *Mark Tarantino*  
Music Consultant *Carol Rubin*  
Stage Manager *Gail Lelyveld*  
Backstage Manager *Steve Proto*  
Costumes *Vivian Passuello*  
Special Assistant *Don Birsner*

### The Clown-Magician

#### Setting

A small travelling circus on the outskirts  
of a Bavarian Village, 1944.

#### Starring

Ringmaster ..... *Jeffrey Kraus*  
Hans Weisgau ..... *Al "Tank" Passuello*  
Greta Weisgau ..... *Joan Rubenstein*  
Jugendfuhrer ..... *Kevin Shinick*  
Jakob ..... *Ed Dennehy*

#### About the Playwright

Melvin I. Cooperman, author of the triptych, *Dispatches from Hell*, is a native New Yorker, living on Long Island, who turned to playwriting after many years of involvement in theatre as both actor and director. He has written six full-length plays and more than a dozen one-act plays, ranging from the drama of *Dispatches from Hell* to comedic pieces. Cooperman is currently serving as Special Assistant to the Commissioner for Community Affairs of the New York State Division of Human Rights.

#### Director's Notes

... another ancient and timely reminder of the furiously-paced and ever present past ...

\*\*\*\*\*

#### Special Thanks to

\*\*\*the sponsors of this show, the Louis and Lena Minkoff Foundation, Kings Point, New York  
\*\*\*WRHU, especially Jeffrey Kraus and Jim Vazeos, without whom this production could never have been performed.  
\*\*\*Don Swinney and the staff of the Drama Department

#### Reception

#### Meet the Playwright

Joan and Donald E. Axinn Library, 10th floor  
South Campus

There will also be performances of the play on Friday,  
April 22 and Saturday, April 23 at 8:00 p.m.;  
Sunday, April 24 at 3:00 p.m.  
For ticket information: (516) 560-5041/5669.

Friday, April 22, 1988

Hofstra Hall Lobby, South Campus

9:00 a.m. – 12 noon

*Registration and Coffee*

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**PANEL III**

9:30 a.m.

Hofstra Cultural Center Lecture Hall  
Joan and Donald E. Axinn Library, 1st floor

**GROUP DEFAMATION IN INTERNATIONAL AND  
COMPARATIVE LAW**

Moderator: *James E. Hickey, Jr.*  
Associate Professor of Law  
Hofstra University School of Law

*Louis Henkin*  
University Professor  
Co-Director  
Center for the Study of Human Rights  
Columbia University  
New York, NY

“Group Defamation and the International Law of  
Human Rights”

*David Partlett*  
Solicitor and Barrister  
Supreme Court of Australian Capital Territory  
Visiting Professor of Law  
Vanderbilt University School of Law  
Nashville, TN

“Group Defamation in Australia”

*David Kretzmer*  
Faculty of Law  
Hebrew University of Jerusalem  
Jerusalem, Israel

“Group Defamation in Israel”

*Robert Martin*  
Faculty of Law  
University of Western Ontario  
London, Ontario  
Canada

“Group Defamation in Canada”

12:00 – 1:30 p.m.

Lunch  
Student Center, North Campus

Friday, April 22, 1988

Hofstra Cultural Center Lecture Hall  
Joan and Donald E. Axinn Library, 1st floor

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PANEL IV

1:30 – 4:30 p.m.

GROUP DEFAMATION AND FREEDOM OF SPEECH

Moderator: *Julius L. Chambers*  
Director and Counsel  
NAACP Legal Defense and  
Education Fund, Inc.  
New York, NY

*Lee C. Bollinger*  
Dean, University of Michigan School of Law  
Ann Arbor, MI

“Rethinking Group Defamation and Freedom of Speech”

*Catharine A. MacKinnon*  
Institute for Research on Women and Gender  
Stanford University  
Stanford, CA

“Pornography and Group Defamation”

Coffee Break

*Kenneth Lasson*  
Professor of Law  
University of Baltimore School of Law  
Baltimore, MD

“Group Defamation as Unprotected Speech”

*Leon Friedman*  
Professor of Law  
Hofstra University School of Law

“Freedom of Speech: The Essential Safeguard of  
Minority Rights”

Reception

Joan and Donald E. Axinn Library, 10th floor



*Credit for success of the Conference goes to more people than can be named herein, but those below deserve special commendation:*

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Uniondale, NY

*Nassau Library System*  
Uniondale, NY

*New York Public Library*  
New York, NY

*Suffolk Cooperative Library System*  
Bellport, NY

## FORTHCOMING CONFERENCES

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### ROBERT MOSES AND THE PLANNED ENVIRONMENT INNOVATION IN THE AMERICAN TRADITION

Friday, Saturday  
June 10, 11, 1988

*Opening Address:*

**Kenneth T. Jackson**  
Department of History  
Columbia University  
New York, NY

*Banquet Address:*

**Robert A. Caro**  
New York, NY  
Author  
*The Years of Lyndon Johnson: The Path to Power* (1982)  
*The Power Broker: Robert Moses and the Fall of New York*  
(1974)  
Pulitzer Prize in Biography

#### CONFERENCE CO-DIRECTORS

**Joann P. Krieg**  
English/American Studies

**Natalie A. Naylor**  
Long Island Studies Institute

### BUSINESS FINANCE IN LESS-DEVELOPED CAPITAL MARKETS

Friday and Saturday  
September 23 & 24, 1988

#### CONFERENCE CO-DIRECTORS

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**George J. Papaioannou**  
Department of Banking and Finance  
Hofstra University School of Business

### LORD BYRON AND HIS CONTEMPORARIES A CRITICAL REAPPRAISAL

Thursday, Friday, Saturday  
October 6, 7, 8, 1988

*Keynote Speaker:*

**Leslie A. Marchand**  
Author  
*Byron's Poetry: A Critical Introduction* (1965)  
*Lord Byron's Selected Letters and Journals* (1982)

*Special Guest Speaker:*

**Jerome J. McGann**  
Department of English  
University of Virginia  
Author  
*Byron* (1986)

#### CONFERENCE CO-DIRECTORS

**Robert N. Keane**  
Department of English

**Alice Levine**  
Department of English

### CHOCOLATE: FOOD OF THE GODS A SYMPOSIUM

Thursday, Friday, Saturday  
December 1, 2, 3, 1988

#### CONFERENCE DIRECTOR

**Herman A. Berliner**  
Dean, Hofstra University School of Business

FOR INFORMATION  
HOFSTRA CULTURAL CENTER  
HOFSTRA UNIVERSITY  
Hempstead, New York 11550  
(516) 560-5669/5670

# HOFSTRA CULTURAL CENTER

## Conference Schedule and Publications Listing

- George Sand Centennial—November 1976
- Heinrich von Kleist Bicentennial—November 1977
- + The Chinese Woman—December 1977
- George Sand: Her Life, Her Works, Her Influence—April 1978
- William Cullen Bryant and His America—October 1978
- The Trotsky-Stalin Conflict in the 1920's—March 1979
- \*Albert Einstein Centennial—November 1979
- Renaissance Venice Symposium—March 1980
- + Sean O'Casey—March 1980
- \*Walt Whitman—April 1980
- \*Nineteenth-Century Women Writers—November 1980
- \*Fedor Dostoevski—April 1981
- \*Gotthold Ephraim Lessing—November 1981
- \*Franklin Delano Roosevelt: The Man, the Myth, the Era—March 1982
- \*Johann Wolfgang von Goethe—April 1982
- James Joyce—October 1982
- \*Twentieth-Century Women Writers—November 1982
- \*Harry S. Truman: The Man from Independence—April 1983
- John Maynard Keynes—September 1983
- \*Romanticism in the Old and the New World—\*Washington Irving, Stendhal, and Zhukovskii—October 1983
- \*Espectador Universal: Jose Ortega y Gasset—November 1983
- \*Dwight D. Eisenhower: Soldier, President, Statesman—March 1984
- + Victorian Studies—April 1984
- Symposium on Eighteenth-Century Venice—April 1984
- \*George Orwell—October, 1984
- Friedrich von Schiller—November, 1984
- John F. Kennedy: The Promise Revisited—March, 1985
- \*Higher Education: Today and Tomorrow—April, 1985
- Heritage: A Reappraisal of the Harlem Renaissance—May, 1985
- New York State History Conference—June, 1985
- Eighteenth-Century Women and the Arts—October, 1985
- Johann Sebastian Bach—October, 1985
- + Law School Conference: Sixteen Years of the Burger Court, 1969-1985—November, 1985
- Avant-Garde Art and Literature—November, 1985
- Television 1985-1986: Issues for the Industry and the Audience—November, 1985
- Artificial Intelligence—February, 1986
- Evolution of Business Education—March, 1986
- Lyndon B. Johnson: A Texan in Washington—April, 1986
- Long Island Studies—May, 1986
- + + Attitudes Toward Persons with Disabilities—June, 1986
- The World of George Sand—October, 1986
- Miguel de Unamuno/Ramon Valle-Inclan/Federico Garcia-Lorca—November, 1986
- C. G. Jung and the Humanities—November, 1986
- The Bicentennial of the United States Constitution: A Celebration—April, 1987
- Suburbia Re-Examined—June 12-13, 1987
- Shellfishing and Coastal Resource Management: A Global Perspective—August 19-21, 1987
- American Immigration and Ethnicity—October 8-10, 1987
- Richard Nixon—November 19-21, 1987
- Dream and Reality: The Modern Black Struggle for Freedom and Equality—February 19-20, 1988
- Multinational Culture: Social Impacts of a Global Economy—March 23-25, 1988
- Group Defamation & Freedom of Speech: The Relationship Between Language and Violence—April 20-22, 1988
- Long Island Studies Conference: Robert Moses—June 10, 11 1988
- Business Finance In Less-Developed Capital Markets—September 23, 24, 1988
- Byron and His Contemporaries—October 6-8, 1988

•Volumes available from AMS Press, Inc., 56 East 13th Street, New York, NY 10003

••Volume available from M.E. Sharpe, Inc., 80 Business Park Drive, Armonk, NY 10504

+ No publication

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All other volumes forthcoming from Greenwood Press

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