

UPSTREAM

laws targeting



delegitimize



laws targeting



attitudes
which may cause



hate speech
which may cause



discrimination,
violence etc.



DOWNSTREAM

Upstream laws and downstream laws

On a given issue—say, the desirability of an antidiscrimination law, L—an individual, X, may hold any of a range of views:

(1) X opposes L because he thinks L will make him worse off.

(2) X opposes L because he thinks L will generate perverse economic incentives, undermining economic efficiency in society.

(3) X opposes L because he distrusts the bureaucracy necessary to administer L.

(4) X opposes L because he denies that the intended beneficiaries of L are worthy of the protection that it offers them.

Now, focus particularly on (4). That view may be expressed in various ways:

(4a) X expresses his dissent from the broad abstract principle that governments must show equal concern and respect to all members of the community.

(4b) X expounds some racial theory which he thinks shows the inferiority, by certain measures, of certain lines of human descent.

(4c) X gives vent to the view that the citizens who are intended to be protected by the anti-discrimination law are no better than animals.

(4d) X prints in a leaflet or says on the radio that these citizens are no better than the sort of animals we would normally seek to exterminate (like rats or cockroaches).