

# MEDIA AND LAW

Between Free Speech  
and Censorship

**Edited by** Mathieu Deflem  
and Derek M.D. Silva

SOCIOLOGY OF CRIME, LAW  
AND DEVIANCE

**VOLUME 26**

# MEDIA AND LAW

# SOCIOLOGY OF CRIME, LAW AND DEVIANCE

Series Editors: Mathieu Deflem and Derek M.D. Silva

## Previous Volumes:

- Volumes 1–5: Jeffrey T. Ulmer
- Volume 6: Ethnographies of Law and Social Control, edited by Stacey Lee Burns, 2005
- Volume 7: Sociological Theory and Criminological Research, Views from Europe and United States, edited by Mathieu Deflem, 2006
- Volume 8: Police Occupational Culture: New Debates and Directions, edited by Megan O’Neill, Monique Marks and Anne-Marie Singh, 2007
- Volume 9: Crime and Human Rights, edited by Stephan Paramentier and Elmar Weitekamp, 2007
- Volume 10: Surveillance and Governance: Crime Control and Beyond, edited by Mathieu Deflem, 2008
- Volume 11: Restorative Justice: From Theory to Practice, edited by Holly Ventura Miller, 2008
- Volume 12: Access to Justice, edited by Rebecca Sandefur, 2009
- Volume 13: Immigration, Crime and Justice, edited by William F. McDonald, 2009
- Volume 14: Popular Culture, Crime and Social Control, edited by Mathieu Deflem, 2010
- Volume 15: Social Control: Informal, Legal and Medical, edited by James J. Chriss, 2010
- Volume 16: Economic Crisis and Crime, edited by Mathieu Deflem, 2011
- Volume 17: Disasters, Hazards and Law, edited by Mathieu Deflem, 2012
- Volume 18: Music and Law, edited by Mathieu Deflem, 2013
- Volume 19: Punishment and Incarceration: A Global Perspective, edited by Mathieu Deflem, 2013
- Volume 20: Terrorism and Counterterrorism Today, edited by Mathieu Deflem, 2015
- Volume 21: The Politics of Policing: Between Force and Legitimacy, edited by Mathieu Deflem, 2016
- Volume 22: Race, Ethnicity and Law, edited by Mathieu Deflem, 2017
- Volume 23: Homicide and Violent Crime, edited by Mathieu Deflem, 2018
- Volume 24: Methods of Criminology and Criminal Justice Research, edited by Mathieu Deflem and Derek M. D. Silva, 2019
- Volume 25: Radicalization and Counter-Radicalization, edited by Derek M. D. Silva and Mathieu Deflem, 2020

SOCIOLOGY OF CRIME, LAW, AND  
DEVIANCE VOLUME 26

**MEDIA AND LAW:  
BETWEEN FREE SPEECH  
AND CENSORSHIP**

EDITED BY

**MATHIEU DEFLEM**

*University of South Carolina, USA*

and

**DEREK M. D. SILVA**

*King's University College, Canada*



United Kingdom – North America – Japan  
India – Malaysia – China

Emerald Publishing Limited  
Howard House, Wagon Lane, Bingley BD16 1WA, UK

First edition 2021

Copyright © 2021 Emerald Publishing Limited

**Reprints and permissions service**

Contact: [permissions@emeraldinsight.com](mailto:permissions@emeraldinsight.com)

No part of this book may be reproduced, stored in a retrieval system, transmitted in any form or by any means electronic, mechanical, photocopying, recording or otherwise without either the prior written permission of the publisher or a licence permitting restricted copying issued in the UK by The Copyright Licensing Agency and in the USA by The Copyright Clearance Center. Any opinions expressed in the chapters are those of the authors. Whilst Emerald makes every effort to ensure the quality and accuracy of its content, Emerald makes no representation implied or otherwise, as to the chapters' suitability and application and disclaims any warranties, express or implied, to their use.

**British Library Cataloguing in Publication Data**

A catalogue record for this book is available from the British Library

ISBN: 978-1-80071-730-5 (Print)

ISBN: 978-1-80071-729-9 (Online)

ISBN: 978-1-80071-731-2 (Epub)

ISSN: 1521-6136 (Series)



ISOQAR certified  
Management System,  
awarded to Emerald  
for adherence to  
Environmental  
standard  
ISO 14001:2004.

Certificate Number 1985  
ISO 14001



INVESTOR IN PEOPLE

# CONTENTS

*About the Contributors* vii

*List of the Contributors* ix

**Introduction: Mediating Between Liberty and Law**  
*Mathieu Deflem and Derek M. D. Silva* 1

## PART I SPACES AND INSTITUTIONS OF FREE SPEECH

**Chapter 1 Fighting Censorship: A Shift from Freedom to Diversity**  
*Anthony Löwstedt* 9

**Chapter 2 Free Speech and Social Media in Academia**  
*Kimberly W. O'Connor and Gordon B. Schmidt* 25

**Chapter 3 Stories about Risk: Media Narratives of Known, Emerging, and Novel Health Threats**  
*Gabriela Capurro and Josh Greenberg* 43

## PART II THE INTERNET AS PUBLIC SPHERE

**Chapter 4 Censoring Sex: Payment Platforms' Regulation of Sexual Expression**  
*Natasha Tusikov* 63

**Chapter 5 GAFAM and Hate Content Moderation: Deplatforming and Deleting the Alt-Right**  
*Tanner Mirrlees* 81

**Chapter 6 Public Accusation on the Internet**  
*Sarah Lageson and Kateryna Kaplun* 99

**PART III**  
**REGULATING SPEECH ACROSS NATIONS**

<b>Chapter 7 Freedom of Expression and Humor in Canada: The Case of <i>Jérémy Gabriel v Mike Ward</i></b> <i>Anne-Marie Gingras</i>	117
<b>Chapter 8 Hate Speech, Media, and Canadian Federal Law</b> <i>Allyson M. Lunny</i>	133
<b>Chapter 9 Media Law, Illiberal Democracy and the Covid-19 Pandemic: The Case of Hungary</b> <i>Lucia Bellucci</i>	151
<b>Chapter 10 Stirring Up Strife: The Censorship of Communist Publications in Late Colonial India</b> <i>Devika Sethi</i>	169
 <i>Index</i>	 185

# ABOUT THE CONTRIBUTORS

**Lucia Bellucci**, Department of Law “Cesare Beccaria”, Università degli Studi di Milano, Italy, specializes in EU and international law and politics, media law and policy, and law and anthropology. She has published four books, including *La Sindrome ungherese in Europa* (2018), and wrote a chapter in *Culture in the Domains of Law* (2017).

**Gabriela Capurro**, Department of Community Health Sciences, University of Manitoba, Canada, specializes in health and risk communication, science communication, lived experiences of risk, and discourses of health and illness. Her work has appeared in peer reviewed journals such as *Canadian Journal of Sociology*, *Canadian Journal of Communication*, and *Science Communication*.

**Mathieu Deflem**, Department of Sociology, University of South Carolina, USA, specializes in the sociology of social control, terrorism, policing, sociology of law, popular culture and celebrity, and sociological theory. He is the Author of four books, including *The Policing of Terrorism* (2010) and *Sociology of Law* (2008).

**Anne-Marie Gingras**, Department of Political Science, Université du Québec à Montréal, Canada, specializes in political sociology, political communication, freedom of expression, and media representation of women in politics. She has published four books, including *Histoires de communication politique: Pratiques et état des savoirs* (Presses de l'Université du Québec, 2018).

**Josh Greenberg**, School of Journalism and Communication, Carleton University, Canada, is Professor and Director of the School. His research expertise is in the area of health and risk communication, crisis communication, and public engagement.

**Kateryna Kaplun**, School of Criminal Justice, Rutgers University-Newark, USA, specializes in cybercrime, surveillance, technology, white-collar crime, and mixed methods analyses. Her doctoral research examines the intersection of technology and gender, focusing on cyberstalking and cyberharassment statutes in the United States.

**Sarah Lageson**, School of Criminal Justice, Rutgers University-Newark, USA, studies criminal legal systems, privacy, surveillance, and technology. Her book, *Digital Punishment: Privacy, Stigma, and the Harms of Data-Driven Criminal Justice*, was published in 2020 by Oxford University Press.

**Anthony Löwstedt**, Department of Media Communications, Webster Vienna Private University, Austria, specializes in communication ethics, media theory,



and communication history and development. His recent work has appeared in the peer-reviewed journals *Communication Theory*, the *International Journal of Media and Cultural Politics*, and the *International Communication Gazette*.

**Allyson M. Lunny**, Department of Social Science, York University, Canada, specializes in hate studies, interdisciplinary discursive analysis, and socio-legal studies. She is the Author of *Debating Hate Crime: Language, Legislatures, and the Law in Canada* (2017) and articles in *Social & Legal Studies* and *GLQ: A Journal of Lesbian and Gay Studies*.

**Tanner Mirrlees**, Communication and Digital Media Studies, Ontario Tech University, Canada, specializes in the political economy of communication and digital media industries. He is the Author or Co-editor of five books, including *The Television Reader* (2012), *Global Entertainment Media* (2013), *Hearts and Mines* (2016), *Media Imperialism* (2019), and *EdTech Inc.* (2019).

**Kimberly W. O'Connor**, Department of Organizational Leadership, Purdue University Fort Wayne, USA, is an Associate Professor and Attorney whose research areas include social media and the law, cybersecurity, employment law, and data privacy. She serves as a consultant for K-12 digital safety programing and for social media-related matters in organizations.

**Gordon B. Schmidt**, Department of Organizational Leadership, Purdue University Fort Wayne, USA, researches the future of work including the gig economy, virtual leadership, and how social media impacts employee relations. He teaches courses in training, organizational behavior, and leadership. He has published and presented on his teaching innovations.

**Devika Sethi**, School of Humanities and Social Sciences, Indian Institute of Technology Mandi, India, specializes in Modern Indian history, specifically the history of decolonization in twentieth century India, book history, and the history of free speech and censorship. She is the Author of *War over Words: Censorship in India, 1930–60* (2019).

**Derek M. D. Silva**, Department of Sociology, King's University College at Western University, Canada, specializes in radicalization and violent extremism, policing, sport, and social control. His most recent work has appeared in the peer-reviewed journals *Punishment & Society*, *Sociological Forum*, *Race & Class*, and the *Sociology of Sport Journal*.

**Natasha Tusikov**, Department of Social Science, York University, Canada, studies the interactions among crime, regulation, and technology, platform and internet governance, and data governance. She is the Author of *Chokepoints: Global Private Regulation on the Internet* (2017) and she has been published in *Surveillance & Society* and *Internet Policy Review*.

# LIST OF THE CONTRIBUTORS

<i>Lucia Bellucci</i>	Department of Law “Cesare Beccaria”, Università degli Studi di Milano, Italy
<i>Gabriela Capurro</i>	Department of Community Health Sciences, University of Manitoba, Canada
<i>Mathieu Deflem</i>	Department of Sociology, University of South Carolina, USA
<i>Anne-Marie Gingras</i>	Department of Political Science, Université du Québec à Montréal, Canada
<i>Josh Greenberg</i>	School of Journalism and Communication, Carleton University, Canada
<i>Kateryna Kaplun</i>	School of Criminal Justice, Rutgers University-Newark, USA
<i>Sarah Lageson</i>	School of Criminal Justice, Rutgers University-Newark, USA
<i>Anthony Löwstedt</i>	Department of Media Communications, Webster Vienna Private University, Austria
<i>Allyson M. Lunny</i>	Department of Social Science, York University, Canada
<i>Tanner Mirrlees</i>	Communication and Digital Media Studies, Ontario Tech University, Canada
<i>Kimberly W. O'Connor</i>	Department of Organizational Leadership, Purdue University Fort Wayne, USA
<i>Gordon B. Schmidt</i>	Department of Organizational Leadership, Purdue University Fort Wayne, USA
<i>Devika Sethi</i>	School of Humanities and Social Sciences, Indian Institute of Technology Mandi, India
<i>Derek M.D. Silva</i>	Department of Sociology, King's University College at Western University, Canada
<i>Natasha Tusikov</i>	Department of Social Science, York University, Canada