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THE BRAZILIAN MODEL OF FREEDOM OF EXPRESSION AND HATE SPEECH: CRITICAL NOTES ON THE JURISPRUDENCE OF THE FEDERAL SUPREME COURT

O MODELO BRASILEIRO DE LIBERDADE DE EXPRESSÃO E DISCURSO DE ÓDIO: APONTAMENTOS CRÍTICOS À JURISPRUDÊNCIA DO SUPREMO TRIBUNAL FEDERAL

EL MODELO BRASILEÑO DE LIBERTAD DE EXPRESIÓN Y DISCURSO DE ODIO: APUNTES CRÍTICOS A LA JURISPRUDENCIA DEL SUPREMO TRIBUNAL FEDERAL

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ABSTRACT

This article seeks to demonstrate the Brazilian model of freedom of expression and its delimitation by the Constitutional Court, addressing the following question: Has the Supreme Federal Court excessively violated and restricted freedom of expression in Brazil? Thus, the objective is to present the interconnection, on the one hand, between freedom of expression, democracy, and constitutionalism, and, on the other, between totalitarianism (political, ideological, and legal), censorship, and state control of speech. To this end, the proposed methodology consists of bibliographical and descriptive research, focusing especially on the judgments of the Supreme Federal Court. The results indicate that the Supreme Federal Court has abusively and excessively restricted the scope of protection of freedom of expression, issuing contradictory decisions depending on who says something rather than what is said. The conclusion is that the Brazilian Constitutional Court has adopted an activist, antidemocratic, and unconstitutional stance in decisions on freedom of expression, primarily due to its political and ideological interests.

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Keywords: Freedom of Expression. Hate Speech. Judicial Activism. Democracy. Supremocracy.

RESUMO

O presente artigo busca demonstrar o modelo brasileiro de liberdade de expressão e sua delimitação pela Corte Constitucional, buscando enfrentar o seguinte problema: O Supremo Tribunal Federal tem violado e restringido de forma excessiva a liberdade de expressão no Brasil? Assim, como objetivo, pretende-se apresentar a interconexão, de um lado, entre liberdade de expressão, democracia e constitucionalismo, e de outro lado, entre totalitarismo (político, ideológico e jurídico), censura e controle do discurso pelo Estado. Para tanto, a metodologia proposta no trabalho consiste em pesquisa bibliográfica e descritiva, concentrada, especialmente, nos julgados do Supremo Tribunal Federal. Os resultados encontrados apontam que o Supremo Tribunal Federal tem restringido o âmbito de proteção da liberdade de expressão de forma abusiva e excessiva, proferindo decisões contraditórias a depender de quem diz e não do que se diz. A conclusão é que a Corte Constitucional brasileira tem adotado uma postura ativista, antidemocrática e inconstitucional em decisões sobre liberdade de expressão, sobretudo, em face de seus interesses políticos e ideológicos.

Palavras-chave: Liberdade de Expressão. Discurso de Ódio. Ativismo Judicial. Democracia. Supremocracia.

RESUMEN

Este artículo busca demostrar el modelo brasileño de libertad de expresión y su delimitación por el Tribunal Constitucional, abordando la siguiente pregunta: ¿Ha el Supremo Tribunal Federal violado y restringido excesivamente la libertad de expresión en Brasil? Así, el objetivo es presentar la interconexión, por un lado, entre la libertad de expresión, la democracia y el constitucionalismo, y, por otro, entre el totalitarismo (político, ideológico y legal), la censura y el control estatal de la expresión. Para ello, la metodología propuesta consiste en una investigación bibliográfica y descriptiva, centrándose especialmente en las sentencias del Supremo Tribunal Federal. Los resultados indican que el Supremo Tribunal Federal ha restringido de forma abusiva y excesiva el alcance de la protección de la libertad de expresión, emitiendo decisiones contradictorias en función de quién dice algo en lugar de lo que se dice. La conclusión es que el Tribunal Constitucional brasileño ha adoptado una postura activista, antidemocrática e inconstitucional en las decisiones sobre la libertad de expresión, principalmente debido a sus intereses políticos e ideológicos.

Palavras-chave: Libertad de Expresión. Incitación al Odio. Activismo Judicial. Democracia. Supremacracia.

1 INTRODUCTION

For the correct understanding of freedom of expression in Brazilian constitutionalism, it is necessary to understand its origins and main influences, as well as its development in national law and its umbilical relationship with the principle of the Democratic Constitutional State. After all, freedom of expression is the driving force of democracy and fundamental rights, and can even be understood as its *conditio sene qua non.*

In today's debates on freedom of expression, which involve not only freedom of thought and expression, but also possible limitations structured, above all, in the paradigms of tolerance and hate speech, it is possible to identify as a central problem not only the delimitation of freedom of expression in the Democratic Constitutional State, but, especially, the link that exists between these concepts, as well as between the limitations of this freedom with the concepts of totalitarianism, authoritarianism and politically correct discourse imposed by state censors, especially the censor judges.

Thus, as a general objective, it is intended to present the interconnection, on the one hand, between freedom of expression, democracy and constitutionalism, and on the other hand, between totalitarianism (political, ideological and legal), censorship and control of speech by the State. As specific objectives, it is intended to demonstrate the origins and influences of the American and German systems of freedom of expression in the Brazilian system, the current development of the national system of freedom of expression, as well as the arbitrary violations that this right has suffered by activist, anti-democratic and counter-constitutional judicial decisions.

The justification lies in the constant violations of this right by the Judiciary, especially by the Federal Supreme Court, which has presented itself as a true post-modern censor that seeks to place itself (politically, intellectually and morally) above the other Powers, dictating what can or cannot be thought and expressed, according to the political and ideological bias of our constitutional judges. self-styled contemporary illuminists.

The proposed methodology consists of bibliographic and descriptive research. The bibliographic research focuses on works of constitutional law, as well as judgments of the American, German and Brazilian Constitutional Courts. The descriptive research, on the other hand, focuses on a critical analysis of the object under study: the protection of freedom of expression in Brazil and its relationship with democracy and autocracy, as well as with constitutionalism and totalitarianism.

From a comparative perspective, the study initially examines the American and German models of freedom of expression, which served as a reference for the construction of the Brazilian legal system. While the American model, marked by a liberal tradition, favors the broad protection of speech, including those considered offensive or unpopular, the

German model, influenced by the historical experiences of Nazism, adopts more restrictive criteria, especially in relation to hate speech. This comparative analysis serves as a backdrop to evaluate the development of the Brazilian model, which ended up incorporating elements of both systems, but with its own contours.

At the national level, the research demonstrates how the STF, especially since the 2010s, has adopted an increasingly interventionist stance with regard to freedom of expression. Through a detailed analysis of its jurisprudence, the article identifies a troubling pattern: the Court often privileges speech politically aligned with its ideological preferences, while restricting dissenting voices under the argument of combating hate speech. This movement is consolidated through the judicial creation of the binomial "freedom/responsibility", which, in practice, has served as an instrument to justify censorship and disproportionate limitations.

The study warns of the risks of this judicial posture, which threatens to transform the Brazilian democratic regime into a kind of "supremacracy", where the judiciary, and particularly the STF, assumes the role of arbiter not only of legality, but also of the legitimacy of public discourse. By resurrecting mechanisms typical of authoritarian regimes, such as the criminalization of opinions and the prior curtailment of demonstrations, the Court runs the risk of irremediably compromising political and intellectual pluralism, essential values in any constitutional democracy.

Finally, the article defends the need to adopt a genuinely liberal interpretation of freedom of expression, which favors state neutrality and the broad debate of ideas, even those considered offensive or unpleasant. True democracy, it is argued, cannot do without dissent and criticism, however uncomfortable they may be. Any restriction on the right of expression must be strictly exceptional and duly justified, under penalty of becoming an instrument of oppression and social control, striking characteristics of totalitarian regimes that the 1988 Constitution sought to overcome.

2 THE AMERICAN AND GERMAN MODELS OF FREEDOM OF EXPRESSION: BASES OF THE BRAZILIAN MODEL

For a better understanding of freedom of expression in Brazil, it seems essential to analyze freedom of expression in the American and German models, which were the main references for the development of the Brazilian model, which has shown itself to be a hybrid between the two.

2.1 AMERICAN MODEL

Poorly understood and poorly disseminated in Brazil, the American model of freedom of expression is a moral model, but not a moralistic one, a liberal model of freedoms, which does not seek to silence those who are different (here it differs from conservative and progressive models, which constantly try to silence those who think differently and criticize their agendas, including criminalizing their speeches and manifestations), however, it is not a model in which absolute freedom of expression is defended, or even with a hierarchy superior to other rights, as some Brazilian authors falsely preach to cause fear, being a model whose main objective is to protect and promote fundamental rights and not to restrict them, arbitrarily, for any reason, valuing a primacy of the exercise of the right and not its restriction (DOS SANTOS, 2025).

The American model prioritizes a liberal reading of freedom of expression, valuing hermeneutic coherence, equality of treatment between speeches, the integrity of the system of rights, pluralism, even if uncomfortable, and tolerance for all and not just for some groups that control morals and speech.

The American model was established from the First Amendment to the Constitution of the United States of America (ABBOUD, 2021), which enshrines freedom of expression and religious freedom, providing that *"Congress shall not legislate to establish a religion, or to prohibit the free exercise of cults; or curtailing freedom of speech, or of the press".* Among the various theoretical constructions over the more than two centuries of jurisprudence of the U.S. Supreme Court, the following stand out, in particular: i) the free market of ideas; ii) the Brandenburg test (test of imminent illegal action); iii) the doctrine of Fighting words; and iv) obscenity cases, including the Miller test.

The theory of the free market of ideas, based on an analogy to the free economic market, establishing that the State must enable the free competition of ideas, through free and transparent discourses, so that ideas will be accepted or extinguished according to their superiority or inferiority (qualitative criterion) and their acceptance by the people (criterion of popular sovereignty and democracy), it is not up to the State, *prima facie*, to eliminate "bad" ideas. In other words, it is not up to the State to interfere in the free flow of discourses, assessing their merit, prohibiting those that it considers politically incorrect or morally reprehensible, and the different discourses must coexist equally in society, with respect for democracy and plurality, so that the best discourse wins (SIEBERT, 1963). However, the theory of the free market of ideas does not absolutely prevent restrictions on freedom of expression, but makes them very exceptional, since freedom of expression should be the

rule of any state that calls itself democratic and of law, while restrictions should be exceptions.

Historically, the first mention of *free trade in ideas* occurred in the dissent of Justice Oliver Wendell Holmes Jr., in *Abrams v. USA* (1917), while the current expression *marketplace of ideas* occurred by Justice William O. Douglas, in *USA v. Rumely* (1953), with the theory of the free market of ideas becoming predominant in the jurisprudence of the Supreme Court from the case of *Brandenburg v. Ohio* (1969).

The test of imminent illegal action (or *Brandenburg test*) was adopted from the case of *Brandenburg v. Ohio* (1964), in which the leader of the Ku Klux Klan of Ohio invited a television reporter to broadcast a clan event, in which the leader protested for revenge against blacks and Jews and called for a march on Washington against the oppression of the white Caucasian race. In the first instance, he was sentenced to imprisonment, but the Supreme Court reversed the decision, stating that "the freedoms of expression and of the press do not allow the State to prohibit the defense of the use of force and the violation of the right, unless such defense is directed to incite or produce an imminent illegal action and is likely to incite or produce such an action" (ARCHEGAS; VIANA, 2022).

Thus, by the imminent action test, the State cannot restrain a speech only because of its content, even if it is immoral or repugnant, and can only prohibit a speech if two requirements are simultaneously met: i) the speech is directed to incite or produce imminent illegal action, that is, it is not enough to incite or produce an illegal action, it is necessary that this action incited or produced is imminent, immediate, close, and about to happen; ii) there is a real probability that the discourse incites or produces such an action, that is, mere guesswork is not enough, and the action must be probable in the face of the factual circumstances.

The doctrine of *fighting words* limits freedom of expression because *fighting words* are insulting or warlike words. As the U.S. Supreme Court explained in *Chaplinsky v. New Hampshire* (1942):

> "There are certain classes of well-defined and narrowly limited speeches, the prevention and punishment of which were never intended to become a constitutional question. These include the indecent, the obscene, the profane, the slanderous, and the insulting or the *fighting words* – those which by their very expression inflict harm or tend to incite an immediate breach of the peace."

Years later, the Supreme Court (de)limited the meaning of *fighting words*, in the case *of Terminiello vs. Chicago* (1949), stating that they are words that "produce a clear and present danger of a serious intolerable evil that rises above mere inconvenience or annoyance", in the

case of *Edward vs. South Carolina* (1963), establishing that it is not enough for the speech to be unpopular to characterize *fighting words* and, in the case *of Feiner vs. New York* (1951), requiring that there be a clear and present danger of breach of the peace in order for fighting words to be configured (SOUTO, 2019).

Under the terms of the jurisprudence of the Supreme Court, obscenity cases exclude freedom of expression, such as, for example, crimes against honor and cases of child pornography, as established in the case of *New York v. Ferber* (1982), in which the court ruled that the visual representation of children or adolescents in films or photographs in sexual acts, real or simulated, or the exposure of their genitals, are not protected by freedom of expression.

Faced with the complexity of identifying obscenity in certain cases, the Supreme Court created some verification tests, especially the *Miller-Test*, which replaced the *Hicklin-Test* and the *Roth-Test* (MEYER-PFLUG, 2009). The *Miller-Test*, created in the case *Miller vs. California* (1973), aims to verify the occurrence of obscenity, developing in three phases, which, if verified, the speech will be considered obscene:

> First.The average man, according to the spatio-temporal standards of today's society, considers that the work, as a whole, arouses lascivious interest;
>
> Second.The work describes or portrays, offensively, sexual conduct, under the terms defined by law;
>
> Third.The work, as a whole, does not hold a serious artistic, literary, political or scientific value.

Thus, it is possible to conclude that both the U.S. Constitution and the jurisprudence of the Supreme Court adopt a broad concept of freedom of expression, giving it a certain preference in deference to the principles of democracy, citizenship and popular sovereignty and, on the other hand, adopt a limited concept of hate speech, since experience and history show that censorship of speech is always associated with totalitarianism and not with democracy.

2.2 GERMAN MODEL

The German model of freedom of expression is much more restrictive than the American model, especially due to the tragic National Socialist experience lived by the Germans and the development of the hermeneutic of proportionality, especially in its third sub-rule, in which "rationality" has reached a level of elaboration that allows justifying any measure or restriction, leading, in practice, to manipulative and discretionary decisions.

Fear and the experience of hatred can influence restrictions on freedom of expression, but it should not lead to its burial and inferiority to the detriment of other rights,

because the greater the freedom of expression, the more democratic a country is, and it can be said that it is possible to measure how much a State is Totalitarian in the face of how much it restricts freedom of expression.

Nevertheless, the fear of repeating the mistakes of the past led the German Constitutional Court to solidify a jurisprudence of exaggerated and unjustifiable restrictions on freedom of expression, based on shallow motives, and it is common for the court to establish politically correct and acceptable speech, eliminating or restricting other ways of thinking. In the same vein, the Court has a broad jurisprudence adopting a very restricted concept of freedom of expression and a broad concept of hate speech, often prohibiting and criminalizing acid and uncomfortable criticism, but which should never be understood as characterizing hate speech (DOS SANTOS, 2025).

One of the most banal cases of limitation of freedom of expression by the German Constitutional Court was the famous *Lebach case* (1973), in which the court prohibited the exhibition of a television program that would reconstruct a crime, which had been committed many years earlier, because the program would be aired at the time when the convicted person would be released, privileging the criminal's right to be forgotten to the detriment of freedom of expression and communication (PIEROTH; SCHLINK, 2012).

But what was the *Lebach* case? In 1969, four soldiers were murdered and one was seriously injured during a theft of weapons and ammunition. The case became known as "the murder of Lebach's soldiers", in reference to the village located in the west of the Federal Republic of Germany where the crime took place, having gained notoriety for the brutality with which it was committed. The two main perpetrators were sentenced to life imprisonment and a third was sentenced to six years in prison for having assisted in the preparation of the criminal action.

In 1972, a television station announced the production of a documentary about the crime, in which it would reconstruct the robbery, with reference to the names and photos of those involved, details of the relationship between the convicts – including homosexual connections – as well as particularities about the persecution and imprisonment. The program would air a few months before the date of the conditional release of the participant, which is why an injunction was requested to prevent its exhibition, on the grounds that the broadcasting of these facts would be harmful to his rehabilitation, in affront to the right to development of personality.

The plea was denied in the ordinary courts, based on the protection of communicative and informative freedom, which motivated the filing of a constitutional complaint.

The Constitutional Court, in an attempt to harmonize the conflicting rights (right to information versus personality rights), upheld the request. The Court understood that, in the case, the protection of the criminal's personality rights prevailed (proportionality analysis) over freedom of communication, which would justify the prohibition of broadcasting the documentary.

The Court stated that the constitutional protection of personality does not allow the broadcaster to exploit the image and personal life of the convicted for an unlimited time and beyond the current news. Thus, considering that, at the time of the facts, public opinion had been duly informed and that several years had passed since the date of the crime, there would not remain significant public interest in the information.

That said, although the German Constitution of 1949 guarantees broad freedom of expression, the Constitutional Court adopts a more limited concept of freedom of expression and, on the other hand, a broad concept of hate speech, based on moral, ideological and political conceptions that, in our view, are not covered by the Bonn Basic Law.

However, justice must be done to the Tedesca Court. Especially in relation to cases involving the National Socialist doctrine, the Constitutional Court has been very assertive, including in restricting freedom of expression and recognizing hate speech, especially considering the experience lived by Germans. The Court has been firm in limiting freedom of expression, recognizing Holocaust denial, anti-Semitism and the exaltation of National Socialism as hate speech and even as a crime (as it is provided for in criminal legislation) (SARMENTO, 2006).

On the other hand, although assertive in cases involving Holocaust denial, anti-Semitism and the exaltation of National Socialism, the jurisprudence of the German Constitutional Court has serious inconsistencies, especially sustained by the politically correct discourse (CAVALCANTE FILHO, 2018).

In this sense, in the judgment of the case "*Soldaten sind Mörder*" (BVerfGE, 93, 266), also known as the "*Tucholsky II"* case, the German Constitutional Court, in this case, understood that the statements "Soldiers are murderers", "Soldiers are potential murderers" and "There was no use of gas chambers in Auschwitz" did not constitute hate speech, nor would they be subject to any state reprimand, being protected by freedom of expression. But where is the incoherence? Months earlier, in the judgment of the *Auschwitz Lie* case (BverfGE 90, 241), also known as the *Irving* case, the Tribunal had recognized that the denial of the use of gas chambers in Auschwitz was not protected by freedom of expression, and was subject to state reprimand (MICHAEL; MORLOK, 2016).

Thus, although there were similar cases of radical and offensive opinions to the same community and the decisions were handed down a few months apart, the German Court "interpreted" the limits of freedom of expression differently, including for common expressions and phrases. But why did this happen? Undisguisedly, the decision in the "*Soldaten sind Mörder*" case was strongly influenced by the (pseudo)understanding that the discourses that "soldiers are murderers" would be politically accepted (correct) by German society, although another expression was also used ("There was no use of gas chambers in Auschwitz") that the Court recognized months earlier as odious.

3 THE BRAZILIAN MODEL OF FREEDOM OF EXPRESSION: FREEDOM/RESPONSIBILITY?

The Brazilian Constitution of 1988 enshrines a broad freedom of expression that ensures freedom to think and manifest oneself, encompassing opinions, comments, convictions, evaluations, judgments, value judgments, technical and professional analyses, as well as all types of communicable messages, regardless of their (dis)value or whether they serve the public interest, hosting messages expressed in any form capable of conveying thought, such as spoken, written, gestural or even manifested language by body expressions, etc., also protecting the right to silence, since the holder of freedom cannot be forced to manifest himself or express his opinions.

The Constitution enshrines a *general freedom* of expression that must be analyzed in the light of the concrete case (in a contextualized way), and it is not possible to delimit its contours in an absolute and prior way (CALAZANS, 2003). In this sense, it is important to highlight the paradigmatic case of Gerald Thomas.

Gerald Thomas, at the premiere of one of his plays, was booed and offended by the audience at the end of the event. As a reaction, he displayed his buttocks to the public. As a result, he ended up criminally charged with the practice of an obscene act. The STF faced the case in the judgment of HC 83.996/2004, granting it, making it clear that taking into account the circumstances in which the facts occurred – the moment following a theatrical presentation that had in the script itself a simulation of a sexual act, after an unfavorable manifestation by an adult audience and at 2 am –, The conduct practiced by the patient was understood to be atypical, which, despite being inappropriate and impolite, would only constitute a demonstration of protest or reaction against the public, which would be protected by freedom of expression.

However, according to the STF, freedom of expression is not absolute, as there would be no absolute rights, thus entailing restrictions constitutionally based on the protection of other

fundamental rights. Thus, for example, the right to freedom of expression does not cover violent manifestations of thought, nor manifestations that are characterized by developing illicit activities and practices, such as anti-Semitism and apology for crime (OMMATI, 2019).

However, it is important to remember that freedom of expression is the basis of any real democracy, and must have preference over other rights, and cannot be removed by the discomfort of contrary, critical, acidic and combative speeches. This is part of democracy, where the rule is freedom and the exception is its restriction. We must not invert this logic, at the risk of creating a discursive monopoly protected by the State, in which it is forbidden to position oneself against a group, a practice, a political or social movement, or the rulers themselves (DOS SANTOS, 2025).

Nothing and no one is above criticism. The more the State prohibits or punishes people from expressing their thought, even if that thought is morally reprehensible or incorrect, the farther we are from democracy and the closer we are to a dictatorship, whose totalitarian bases always begin with the "delimitation" – increasingly (de)limited – of discourse. Silencing the opponent, the disaffected, the different, the one who thinks differently, the disagreer, the critic, the humorist, the journalist, the teacher, the lawyer, the author or even the idiot, is not democracy, on the contrary, it is the beginning of its end, because freedom of expression is the main democratic instrument against oppression and totalitarianism.

Recalling Cass Sunstein (1993), freedom of expression "must be understood as the embodiment of a strong commitment to neutrality. The government cannot describe which lines of speech it likes and hates [...] neutrality between different points of view is the first and most important commitment of the government."

In Brazil, freedom of expression still does not have contours as well defined as in the USA and Germany, but the Federal Supreme Court and the Superior Court of Justice have important precedents on the subject.

However, it is necessary to warn that the Brazilian justice system is often incoherent in its arguments, reasonings, and conclusions, suffering from a lack of methodological seriousness (we often import and use, in a shallow and wrong way, the terrible maxim of German proportionality), isonomy and impersonality of treatment, and overflowing ideological authoritarianism and discursive totalitarianism (COSTA, 2024).

Furthermore, although the 1988 Constitution has adopted a broad concept of freedom of expression, the Federal Supreme Court has adopted an increasingly limited concept of freedom of expression and, on the other hand, an increasingly broad concept of hate speech,

based on moral, ideological and political conceptions that often are not sheltered by the Constitution (CAVALCANTE FILHO, 2018).

In this sense, the STF invented the binomial freedom/responsibility (or freedom with responsibility), by which it has imposed increasingly severe restrictions on freedom of expression, even removing reinforcement clauses and speech immunities, contrary to the Constitution, whenever the speeches made are not in accordance with what the Court deems politically correct. The court even began to shield itself from criticism by removing publications, suspending social networks, fines to press and communication vehicles, and even imprisoning its critics (DOS SANTOS, 2025).

Thus, even those who have qualified freedom of expression, such as teachers, journalists, communicators, artists (including comedians), priests and even parliamentarians have come to be intimidated and silenced by the Judiciary, especially by the STF, whenever they direct harsher criticism at the Court, or at people, politicians, institutions or social movements that enjoy the charisma of the Court. Not only silent, but even arrested. Crimes of opinion have returned, as in the leaden times of the military dictatorship.

Here, we will exemplify with some judgments in which the Federal Supreme Court used intense hermeneutic juggling to invent a limitation that is not contemplated by the Constitution: the fallacy of the freedom/responsibility binomial.

In the judgment of Petition 10.391-AgRg, the STF stated: "Freedom of expression is constitutionally enshrined and marked by the binomial FREEDOM AND RESPONSIBILITY". Well, where? In what constitutional provision is this binomial provided?

Nowhere. It does not exist. It is a lie that is being repeated constantly so that it becomes the truth. The Constitution does not demand responsibility in the exercise of freedom of expression in the sense that the STF wants us to believe, as if only what fits the politically correct discourse determined by the Court could be said. The accountability that the Constitution harbors (civil and criminal) is under the terms of the (express) law and not under the terms of supremacratic inventionism. Freedom of expression is FREE and not limited by RESPONSIBILITY. In other words, the expression of thought is free (article 5, IV), and this manifestation is not limited by liability, so as to authorize the STF to promote a generalized "shut up" to its harshest critics or to the critics of the friends or protégés of the court.

Accountability is, in the first place, a right and a guarantee that those who are victims of abuses of freedom of expression (under the terms of the law) have their rights reestablished or compensated (art. 5, V - the right of reply is ensured, proportional to the aggravation, in addition to compensation for material, moral or image damage) and,

secondly, it is a mechanism for punishing, *under the law*, those who violate certain fundamental rights by the abusive exercise of freedom of expression, but accountability cannot be used as a barrier to the exercise of freedom of expression, as the Supreme Court has done. In other words, although the STF says that it adopts the binomial FREEDOM AND/WITH RESPONSIBILITY, in fact, it has adopted the binomial FREEDOM AND/WITH CENSORSHIP. Freedom for friends, censorship for opponents.

In the judgment of Petition 10.001-AgRg – which involved the receipt of a criminal complaint for defamation against a federal parliamentarian for crimes of opinion against another federal parliamentarian in a debate that, as crude as it was, touched on political issues – the STF stated:

> "3. The Federal Constitution enshrines the binomial "FREEDOM and RESPONSIBILITY"; not irresponsibly allowing the abuse to be carried out in the exercise of a constitutionally enshrined right; not allowing the use of "freedom of expression" as a protective shield for the practice of hate speech, anti-democratic, threats, aggressions, criminal offenses and all kinds of illicit activities. 4. Non-incidence of parliamentary immunity provided for in the caput of article 53 of the Federal Constitution. The jurisprudence of the COURT is undisputed in the sense that the constitutional guarantee of material parliamentary immunity only applies in the event that the manifestations are connected with the performance of the legislative function or that they are issued as a result of it, and it is not possible to use it as a true protective shield for the practice of illegal activities".

Now, if parliamentary immunity from speech does not serve to exclude the practice of crimes of opinion and against honor, what crimes does it exclude? As Samuel Sales Fonteles (2004, p. 144) rightly criticizes, "thus, the paradox of criminal immunity is created, which does not protect the immunized person when committing criminal offenses". To be honest, we know that what prevails today in the STF is not the binomial freedom/responsibility, but freedom for the friends of the Court and responsibility/punishment for critics/opponents/opponents. That is, it doesn't matter what is said, but who speaks.

Thus, for example, in December 2023, Federal Deputy Washington Quaquá (PT) repeatedly cursed Deputy Nikolas Ferreira (PL) as a "" – a term that configures homotransphobic injury, therefore a crime of racism – and, when he attacked him, he was restrained by Federal Deputy Messias Donato (Republicans) who tried to hold Quaquá to avoid a possible fight. When restrained, Quaquá struck a violent slap in the face of Messias Donato, which constitutes a real injury.

Notice: Deputy Washington Quaquá (PT) committed homotransphobic injury (racism, which is a hate crime) and real injury (crime with physical violence that cannot be

encompassed by material immunity), but even so, the STF (Inq. 4.958), in October 2024, shelved the case, granting judicial pardon to Quaquá.

Translating, we return to the times when *everything is to friends* (broad freedom of expression, with the right to a slap in the face), *to enemies, the law* (the maximum restriction of freedom of expression and the ruthless application of the law and, when there is no law, hermeneutic juggling ensures punishment, even if it has to create a crime without a previous law or remove constitutional immunity).

Here it is necessary to make an obvious clarification: defending a broad freedom of expression is not specifically defending the content of the messages expressed, but rather the right to express oneself without being censored, coerced, intimidated and threatened, especially by the punitive power of the State, as well as without having rights restricted or suppressed by the exercise of one's freedom of expression. We may totally disagree with the speech, but we defend the right for it to be expressed.

Thus, although we disagree with most of the most acidic discourses, whose contents disseminate messages of a critical, scathing, ironic, jocular, ignorant, execrable, detestable nature or that are deliberately contrary to practices considered wrong from moral, cultural, political or religious understandings (such as homosexuality is considered by Jews, Christians and Muslims, for example), or convey opinions in a tone of harsh criticism, Satirical, mocking, debaucherous, merciless, mocking or abominable, in our view, these speeches cannot be prohibited.

It is necessary to respect and defend the right to express oneself, even if the speech is repugnant. This also contributes to us being able to know the sender of the messages, to know his thoughts and, based on this knowledge, to reject, criticize and combat him, whenever his speech hurts the ideal of civility that we idealize as a society. However, if we prohibit people from expressing themselves, we are denied the right to know their thoughts, and a certain duty of ignorance is imposed on us.

Between the postmodern censors (conservatives and progressives), who try to impose (not on everyone, not equally, but only on those who think differently) the politically correct discourse and prohibit those they deem wrong or legally illegitimate, on the one hand, and the defenders of freedom and tolerance, on the other, we prefer to stay with the liberals, because, at this point in history, we already know the origins of totalitarianism and we know that they are directly linked to the restriction and manipulation of discourse, as occurred during National Socialism in Germany and the socialist governments of the Soviet Union, Cuba, China, North Korea or Venezuela, as well as during the Brazilian military dictatorship (and which seems to be reborn under the darkness of the Supremacracy).

It is necessary to make another obvious clarification: the exercise of freedom of expression does not include, does not cover or protect any type of violence, and any violent action (such as the invasions of the buildings of the powers on January 8, 2023), *aggressive* (as in the case of Federal Deputy Quaquá), *terrorist* (as in the case of the bomb explosion in the square of the three powers on November 13, 2024) or that seeks, *by force*, overthrow the Democratic Rule of Law and the Constitution.

Freedom of expression must be defended by the free expression of thought, speech, and criticism, but never by the use of force, violence, or terror (DOS SANTOS, 2025). What we defend is freedom to speak without hindrance, intimidation or even sanctions, but never freedom to practice acts of aggression, violence or terrorism.

On the other hand, freedom of expression cannot be blamed, held accountable or punished (restricted) for the inconsequence of violent people. Thus, the producer of a film or a game is not restricted, prohibited or punished for the fact that a person is inspired by this film or game to commit crimes, because one thing is the freedom of artistic expression, which must be free, another thing is the criminal acts of a person, which deserve sanction (FONTELES, 2024).

In the same way, one cannot want to restrict freedom of expression under the fallacy that a certain speech will cause people to act in a violent or criminal way, because violent and criminal is the person who acts in this way and not the person who utters a speech, no matter how harsh, critical, aggressive or detestable it may be, Because words are words, whether they come out of the mouth of a person in a speech, of a religious leader in a cult, of an actor in a movie or of a character in a game.

4 FOR A LIBERAL CONCEPT OF FREEDOM OF EXPRESSION

It is common ground that there is no way to think about and implement democracy and constitutionalism without a legal system that broadly ensures freedom of expression, which is the heart of the Democratic Constitutional State. History has proven time and time again that the greater the restriction of freedom of expression, the more a state distances itself from democracy and constitutionalism, because, no matter how immoral or repugnant a speech may be, its prohibition does not contribute to its defeat. That is why American democracy and constitutionalism survive to this day. That is why German democracy and constitutionalism have gone through several crises and collapses, just as in Brazil.

The only politically and legally legitimate way to interpret freedom of expression is from a liberal perspective (neither progressive nor conservative), which does not seek to

silence opponents or determine which speeches will be accepted and protected and which will be reprimanded and punished.

4.1 THE PREFERENTIAL POSITION OF FREEDOM OF EXPRESSION

In the analysis of the extent of freedom of expression, on the one hand, based on Voltaire's thought – "I may not agree with any of the words you say, but I will defend to the death your right to say it" – there are those who believe that any and all manifestations of thought, including intolerant thoughts, should be tolerated. On the other hand, based on Karl Popper's (1971) paradox of tolerance – "unlimited tolerance leads to the disappearance of tolerance. If we extend unlimited tolerance even to the intolerant, and if we are not prepared to defend the tolerant society from the assault of intolerance, then the tolerant will be destroyed and tolerance with them" – there are those who believe that the intolerant should not be tolerated.

The Brazilian Constitution of 1988 seems to have privileged Voltaire's vision and not Popper's. Nevertheless, the STF, from the 2010s until now, has favored an extreme version of Popper's view, adopting an abusive hermeneutic of restrictions on freedom of expression, being intolerant of those who go against its interests and thoughts.

Although charming at first glance, in practice, Popper's paradox of tolerance is an open invitation to radicalism, serving as a tool to censor and muzzle those who think differently. It has been used as a totalitarian mechanism, legitimizing authoritarian behavior, because the judgment about who and what is intolerant is arbitrary and incoherent.

For this reason, the preferential character of freedom of expression in democratic constitutional regimes must be recognized, since the freedom to think and to manifest one's thoughts are a *sine qua non conditio of* constitutional democracy (CHEQUER, 2011). In this sense, in the famous case *United States v. Schwimmer*, the Justice of the American Supreme Court, Oliver Wendell Holmes, stated that "[i]f there is any principle of the Constitution that imperatively requires more attachment than any other, it is the principle of freedom of speech – not freedom of speech for those who agree with us, but freedom for the ideas we hate".

The STF itself adopted the understanding that freedom of expression has a preferential position over other rights, due to its umbilical connection with democracy, as well as because it is a condition for the enlightened exercise of other fundamental rights. However, from the 2010s until now, after a progressive political-ideological turn, the Court has increasingly started to create exceptions and limitations to freedom of expression, even instituting censorship, always to the detriment of positions and people contrary to the Court's

preferred thought or political position, even resurrecting political and opinion crimes, recalling some episodes from the leaden times of the military dictatorship.

4.2 FREEDOM OF EXPRESSION AND (IN)TOLERANCE

Who is right? Voltaire or Karl Popper? Should we tolerate the intolerant? To answer these questions, it is essential to analyze the reasons that support the primacy of freedom of expression, especially from the thoughts of Hannah Arendt and Ronald Dworkin, who stood out throughout the twentieth century for the fight against totalitarianism and for the defense of a liberal reading of freedom of expression.

For Hannah Arendt (2022), freedom of expression is intrinsically linked to the ability of individuals to participate in public space, debate ideas, and engage in collective actions. She sees this freedom as an essential element of political life and democracy, emphasizing that the plurality of opinions and free expression are fundamental to the construction of a common world, where people can coexist, interact and, through discourse, shape political structures.

Arendt explains how totalitarian regimes – such as Adolf Hitler's National Socialism and Josef Stalin's Soviet socialism – actively worked to limit and suppress freedom of expression, as well as to manipulate reality through propaganda, the distortion of truth, and the establishment of politically correct discourse. Totalitarianism, according to Arendt (1998), seeks total control of public and private life, annihilating the space where freedom of thought and expression could flourish. These regimes not only prohibit the divergence of opinions, but also try to control the very capacity of citizens to think and judge for themselves, shaping and imposing (politically) correct discourse and restraining others.

Arendt (1998) points out that totalitarianism uses systematic lying and control of discourse as tools of domination. Totalitarian propaganda does not simply seek to persuade, it creates a fictitious reality that annuls the distinction between truth and falsehood and imposes the accepted truth (political correctness), destroying confidence in the objectivity of truth (historical and scientific truths are relativized and then replaced by positions that interest the totalitarian regime), disorienting people, making them vulnerable and incapable, including opposing the dominant power. Thus, freedom of expression is one of the first victims of totalitarianism, and its progressive restriction (until its definitive suppression) is a sign that healthy political life and the capacity for free action are being destroyed.

This does not mean that for Arendt (2022) freedom of expression is an absolute right. For her, freedom of expression is an integral part of political action. She believes that discourse and deliberation are forms of action that can transform political reality. In this

sense, free discourse is an instrument for the exercise of citizenship and for the construction of a common world. However, Arendt emphasizes the importance of maintaining ethical boundaries in the public sphere. Political lies and manipulations of the truth are viewed with concern, as they can destroy the common fabric that enables meaningful dialogue between citizens. The "banality of evil," a concept she developed when reflecting on the ability (superficiality) to obey orders without reflection, is also a warning about the dangers of discourses that dehumanize or normalize the unacceptable.

However, for Arendt (2022), restrictions on freedom of expression must be very exceptional and must have the objective and capacity to effectively prevent speech that compromises freedom of expression itself. In legal terms, these restrictions are characterized as immanent limits to freedom of expression itself that must be instituted so that it itself continues to be ensured, which is why hate speech or lying speech is not allowed. However, be careful! As we said, these restrictions must be exceptional, the rule must be freedom.

Ronald Dworkin, on the other hand, teaches that "tolerance is the price we have to pay for our adventure of freedom" (2006, p.182). But, in terms of freedom of expression, what does he mean by that?

Initially, when addressing the issue in a specific way, analyzing cases involving freedom of expression, (in)tolerance and hate speech, Dworkin asks whether people would be more apt to choose their leaders or their courses of political action by allowing racist, anti-Semitic or even Nazi speeches. He asks, on the contrary, whether the free market of ideas would be less efficient if the members of the Ku Klux Klan, or the Nazis or the sexists, were silenced by the state. Answering the questions, Dworkin states:

> "It is very important that the Supreme Court confirms that the First Amendment protects even these forms of expression; that it protects, as Holmes said, even the expressions we hate. This is very important for the reason underlined by the constitutive justification of freedom of expression: because we are a liberal society committed to individual moral responsibility, and no censorship of content is compatible with this commitment" (2006, p. 325-327).

Going deeper, Dworkin cites the famous opinion of Justice Easterbrook, in which he argues that freedom of expression requires that the government leave it up to the people to analyze ideas and not the other way around. In other words, it is not up to the government to restrict freedom of expression to say which idea is accepted or not, because an idea can only have the power that the people allow it to have, so that the unwanted effects of any idea

depend on mental intermediation. Thus, after expressing agreement with Justice Easterbrook's thought, Dworkin states:

> "The Ku Klux Klan and the American Nazi Party are allowed to propagate their ideas within the United States, and the United Kingdom's Race Relations Act would be unconstitutional in our country insofar as it prohibits abstract expressions of racial hatred. But does the American attitude represent the kind of Platonic absolutism that Berlin warned us against? No, for there is an important difference between the idea which seems absurd to him—that all the ideals which by themselves attract us can be perfectly reconciled within a single utopian political order—and the other idea which he deems essential, namely, that as individuals and nations we have a duty to choose, among the possible combinations of these ideals, a coherent whole, although inevitably limited, which defines our individual or national way of life. Freedom of expression, conceived and protected as a fundamental negative freedom, is the very heart of the choice made by modern democracies, a choice that we must now respect..." (2006, p. 355).

By analyzing the regulation prohibiting the expression of hatred at the University of Michigan, which was declared unconstitutional, Dworkin (2006) demonstrates that the regulation, by not requiring the demonstration of intent in the strict sense (specific intent), would trivialize the restriction of freedom of expression in cases of hate speech, unduly allowing the punishment of a history teacher who defended the motivations of the slave-owning landlords or a student for having said that the Homosexuality is a sin against the laws of nature, even though neither of them intended to promote hatred, but only because they believed what they said.

In analyzing the relationship between freedom of expression and censorship as a means of combating hate speech, Dworkin argues that freedom of expression should not be restricted by laws or codes of expression (of hate) or other censorship tools, as this does not help to eradicate prejudice, but, on the contrary, actions such as these can "exacerbate prejudice to the extent that they allow the subtlest forms of it to take root in the mask of indignation against censorship". According to him, in the long run, censorship is the enemy of equality, and "since the earliest times, intellectuals and academics have always closed ranks with the egalitarian movement, and those who hate equality have always made a point of trying to silence them [...] I am only repeating here an old liberal warning. However, it is never too much to repeat it. Censorship will always end up betraying justice" (2006, p. 411-412).

According to Dworkin, the argument of principle [used today by Brazilian judges to restrict freedom of expression] calls for the prohibition of any expression that may, in a reasonable way, embarrass or diminish someone's self-esteem. For him, the idea that people have the right not to be subjected to these expressions is absurd, because although

the idea that people should like and respect each other is wonderful, one should not recognize a "right to respect", or a "right to be free from the effects of an expression that makes it less likely that others will manifest this respect", The recognition of such a right would negate ethical individualism, subjecting everyone to a collectivist culture. As Dworkin explains:

> "The popular opinions and prejudices of any society will always be injurious to some of its members. In one or another American community, terrible insults are directed every day at creationists and religious fundamentalists, at people who believe that homosexuality is a grave sin or that men and women can only have sexual relations within marriage, at those who think that God forbids surgery and penicillin or demands holy war, to those for whom Norman Rockwell was the only great painter of the twentieth century, to those who are moved by Christmas cards bought at a newsstand, to those who bow in wonder before Souza's marches, to the fat, to the short, to those who are purely and simply slow. People of all physical forms, who have a thousand different tastes or cherish a thousand different convictions, understandably feel ridiculed or insulted by all levels of expression and publication in all the world's great democracies" (2006, p. 414-415).

Dworkin concludes that although we have a moral duty to respect and tolerate each other, if we do think that we are harming the rights of other people when we express our sincere opinions that disqualify the other, "either in our eyes or in their own eyes, we would thus compromise our very notion of sincere living". Therefore, instead of limiting freedom of expression, we must "find other, less suicidal, weapons to fight against racism and sexism" (2006, p. 415).

4.3 FREEDOM OF EXPRESSION AND HATE SPEECH: FOR A RESTRICTIVE INTERPRETATION OF RESTRICTIONS

At the outset, it is important to say that it is not up to the STF to judicially create restrictions on freedom of expression, under penalty of burying democracy, popular sovereignty and citizenship and replacing it with a judicial aristocracy. In a Democratic State of Law, such as Brazil, the limitations on freedom of expression, if admitted, must be very exceptional and can only be established by the representatives of the people and with constitutional grounds.

In this sense, it is exclusively up to the National Congress to establish restrictions on freedom of expression, on constitutional grounds and only in cases where the restriction is necessary for the survival of freedom of expression itself and the Democratic Rule of Law (DOS SANTOS, 2025).

The Constitutional Court, on the other hand, is only responsible for: i) interpreting the contours of the limitations on freedom of expression established in the Constitution and in the laws, privileging freedom and not restrictions; ii) recognize (but not create) the immanent limits to freedom of expression – those that, if not identified and fought, can lead to the sacrifice of freedom of expression itself and its assumptions – such as hate speech, for example; iii) invalidate any act (normative or concrete), including that of the National Congress, that unduly restricts freedom of expression, violating the Constitution.

In view of this, there has been much discussion in constitutional courts around the world whether or not hate speech is legitimized and encompassed by the protection of the fundamental right to freedom of expression. It should be noted that hate speech has been considered a limit to freedom of expression both in the American and German systems, but with a different breadth on what is and what is not hate speech, whose concept is more restricted in the jurisprudence of the US Supreme Court and broader in the jurisprudence of the German Constitutional Court. which confers a broader interpretation, often encompassing mere criticism of minorities as hate speech.

In our view, in terms of freedom of speech and hate speech, democratic and totalitarian experiences prove that the Americans are right and that the Germans are wrong, because censoring, restricting and suppressing freedom of speech are typical acts of Totalitarian States, while preferentially protecting freedom of speech is typical of Democratic States, in which the individual's ample freedom to think and express himself is ensured, even if his message is extremely uncomfortable, idiotic or intolerant (CAVALCANTE FILHO, 2018). After all, those who are afraid of freedom are dictators and not democrats.

In Brazil, it seems unconstitutional to prohibit speech in advance, establishing prior censorship (art. 5, IV, V, IX and art. 220, CF/88). However, once it is uttered, if it is configured as hate speech, anyone who feels offended may question the speech, due to the duty of tolerance established by public authorities and citizens among themselves, and hate speech is not protected by the Constitution.

In this sense, in the judgment of HC 82.424 (Ellwanger case) the STF decided that anti-Semitic and racist manifestations are not protected by freedom of expression, constituting a crime of racism.

Here it is necessary to observe that not all speech contrary to certain practices, faith, conducts, culture, way of life, habits, etc. of a certain group constitutes hate speech. As we said, the rule is freedom of expression, the exception is its restriction. This should guide the interpretation and delimitation of the legal contours of hate speech, and disagreement, criticism, even if acid, contrary opinions, aversive, jocular, recreational, satirical and even

erroneous, as well as all manifestations that do not have the specific and finalistic intent, duly proven, of provoking violence, cannot be considered hate speech. hatred or direct discrimination against a certain person or group.

In order to verify the occurrence of hate speech, it is always necessary to evaluate the context and circumstances of the specific case to identify if the speech is only the manifestation of an opposing thought that, no matter how opposed, does not effectively provoke hatred against that group or if it really is hate speech. However, it is important to remember that every contrary opinion, criticism or disagreement causes, to a certain extent, a natural rejection or aversion, which cannot be interpreted as hatred, especially when this is not the *animus* of the agent, that is, without specific intent of illicit result, a speech cannot be considered as hate speech, much less for the purposes of legal sanctions (DOS SANTOS, 2025).

That said, hate speech should be conceptualized as the manifestation of thought, which effectively provokes violence, hatred or direct discrimination against certain people or certain groups, due to their race, color, origin, ethnicity, religion, physical or mental disability, political identification, among other factors, uttered with the specific intent of achieving the hateful result, violent or discriminatory, constituting an immanent limit to freedom of expression itself.

In the sense of the concept established here, the non-governmental Human Rights organization "Article 19" recommends the adoption of certain criteria to verify whether a speech should be considered hate speech, giving rise to state reprimand. These criteria are considered by Article 19 to be constitutive elements of incitement in accordance with Article 20 of the UN International Covenant on Civil and Political Rights (1966), and are designed to serve as a guide to courts in identifying hate speech. They are:

I. Severity: Offense must be "the severest and deepest form of reproach";

II. Intention: there must be an intention to incite hatred;

III. Content and form of the discourse: the form, style and nature of the arguments used must be considered;

IV. Length of speech: the speech should be addressed to the general public or to a number of individuals in a public space;

V. Probability of occurrence of damage: the crime of incitement does not require the damage to actually occur, however it is necessary to ascertain some level of risk that some damage will result from such incitement;

vi. imminence: the time between the speech and the action (discrimination, hostility or violence) cannot be too long so that it is not reasonable to attribute to the sender of the speech the responsibility for the eventual result;

VII. Context: The context in which the speech is delivered is of paramount importance to verify whether the statements have the potential to incite hatred and generate some action.

In Brazil, it is common to use warlike speeches, through *fighting words*, which seek to incite combativeness against certain people, leaders, groups, institutions or political or social movements. Should these speeches be considered hate speech or speech protected by freedom of expression?

If they are considered hate speech, it is necessary to lay the foundations for a serious, impartial and as least limiting analysis of these speeches as possible, so that: i) only that which contains words that produce a real, evident and present danger of a serious intolerable evil (speech capable of effectively causing the violation of the peace) that rises above mere inconvenience or annoyance is recognized as bellicose speech capable of giving rise to a limitation of freedom of expression emotional, psychological or moral, and it is not enough that the speech is detestable or unpopular to characterize the *fighting words*; ii) the judges do not judge them according to their personal moral, ideological and political understandings, with double standards.

Regardless of the people and groups involved and their ideologies, it is necessary to have equality in the analysis of cases, justice cannot allow warlike speeches of one political strand and prohibit others. If war speeches are hate speech, they should be for everyone, without exceptions structured through hermeneutical juggling, under penalty of monopolizing the correct discourse and ratifying the hatred of the good.

For example: if the use of expressions, such as "machine-gun the PT members, or the Bolsonaristas [or others]", or such as "fire on the fascists, Christians or umbandistas, gays or heteros [or others]", is considered warlike speech and/or hate speech, it should be considered when used by any person against any person or group, and not only when used against the person or group that the court wants to protect.

5 FINAL CONSIDERATIONS

The duty of tolerance, inherent to the dignity of the human person and to the system of fundamental rights, comprises, in the public sphere: i) a duty to endure what is different, however uncomfortable and uncomfortable it may be; ii) a duty to recognize the other as a subject of rights, even if one disagrees or even hates oneself; and iii) a duty of argumentative

confrontation, by which only words and persuasion are legitimate weapons, prohibiting arbitrariness, censorship and violence.

Democracy, on the other hand, presupposes the discursive clash and not consensus. Living in a democratic society implies tolerating the views and conceptions of those who are different, no matter how much one disagrees with them or believes them to be mistaken or even detestable. For these reasons, one should not silence or censor, not even the intolerant, but rather demonstrate, argumentatively (in the free market of ideas) that they are wrong and, in exceptional cases provided for by law and that aim to protect freedom of expression itself, hold them accountable.

The existence of freedom of expression cannot be admitted if it is not truly free. Freedom of expression exists to protect opposite, different, and discordant speech, it exists to protect the pluralism of ideas, especially those with which we disagree, and it can only be achieved in democracy, being its main indicator, so that the greater the restrictions on freedom of expression, the less democratic and more totalitarian the State is.

Thus, in the context of a Democratic Constitutional State, such as the one instituted by the Brazilian Constitution of 1988, we can only conceive of freedom of expression from a liberal hermeneutic.

Apart from that, we will be faced with many things, but not freedom of expression. Probably, we will be facing some kind of totalitarianism, sometimes disguised (abusive constitutionalism), more subtle than classical totalitarianism, but still totalitarian, dictator of correct speech, censor and controller of speech considered "wrong", "incorrect" or "contrary" to what is established by the State (issuing laws, court orders and/or administrative acts of removal or prohibition of the publication of content by communication systems – TV, radio, newspapers, etc. – or by any people on social networks, burning or collecting "forbidden books" or with wrong or forbidden thoughts or with wrong or forbidden terms or expressions, closing theaters and other places of presentation of artists and comedians who address certain themes from biases contrary to those desired by the censors), this totalitarianism may come from some classical dictatorship or even from the ascendant judicial aristocracies, as the current supreme

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