

- May the government in *R.A.V.* case enact a content-based ordinance regulating fighting words based on race, color, creed, religion or gender? If so, can the content-specificity of the ordinance be justified without constituting viewpoint discrimination?

Abstract

In *R.A.V. v. City of St. Paul*, the United States Supreme Court faced the difficult task of reaffirming American commitment to the First Amendment freedom of speech. Does our animosity toward racism warrant us to silence racial hate speech? Although all nine Justices of the Supreme Court declared the City ordinance unconstitutional because it prohibited otherwise valid expressions, the rationales on which they relied in deciding this case were in sharp contrast with each other. Therefore, this paper will identify fundamental differences between the majority opinion and the concurring opinion, and will discuss what these distinctions imply about the First Amendment freedom of speech. Part V will also introduce the international society's approach to hate speech regulations, which essentially collides with the *R.A.V.* majority's position. Overall, this paper will defend the concurrence's position and argue that uncontrollable freedom in the marketplace of ideas can undermine central justice in our society.