

THE ESSENTIALS OF HATE SPEECH

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Abstract

In times of huge political, social, economic and religious turmoil, the world increasingly witnesses a rise in language usage for the purposes of humiliating, dehumanizing and defaming non-likeminded individuals or groups of individuals. The distinguishing feature of this inflammatory rhetoric, also widely known as *hate speech*, seems to be its ability to spread with the speed of light, infecting societies with intolerance, hatred and aggressive behavior, which, in turn, very often translates into personal tragedies and mass atrocities.

Social media like Twitter, Facebook, YouTube, and many others, definitely play a critical role in disseminating hate speech. The platforms that they provide for their users worldwide are utilized by various parties ranging from high-ranking individuals (e.g. politicians, government officials, journalists, distinguished public figures), to ordinary people from all walks of life, who in their urge to voice their dissent, resort to launching vicious, "virtual" attacks at their opponents.

Given the "power" of hate speech and its potentially far-reaching repercussions, the aim of this paper is to approach and shed light on some of the essentials at the core of this phenomenon. In fact, the aim of the paper is to provide insights into the scope of hate speech and its realizations; the context and participants in hate speech, then, the role of social media in disseminating hate speech, and the actual legislative which regulates hate speech. All these aspects are instantiated and looked at through the prism of the latest political and social developments in our own homeland, the Republic of Macedonia.

Key words: hate speech, Macedonia, social media

INTRODUCTION

One of the main caveats of modern democratic societies everywhere in the world is the right to free speech. This means that people are inherently entitled to expressing their opinions regarding all aspects of life. However, as the waves of hateful, demeaning and dehumanizing messages against particular individuals, or groups of individuals on the grounds of their political affiliation, religious conviction, ethnicity, sexual orientation, disability, etc. nowadays intensify and expand infecting an ever growing proportion of the human race, it becomes highly debatable whether hate speech should be considered simply as free speech.

A very brief glance at literature on hate speech and its nexus with free speech reveals that there is a wide spectrum of diametrically opposing standpoints. One school of thought blatantly refutes any segregation between these two, and thus, in fact, promotes the maxim



that hate speech is free speech as it maximizes the opportunities for individual expression and cultural regeneration; Another school of thought goes to the other extreme, and recognizes hate speech as a separate and rather dangerous phenomenon which should be repressed through sanctions in the form of official and/or private reprimands as well as criminal prosecutions. The middle ground of this spectrum is occupied by the proponents of the claim that only targeted vilification of a person on the basis of race, gender, religion, ethnic origin, sexual orientation, or other protected characteristics should be classified as hate speech and proscribed (in Massaro, 1991).

Although hate speech undoubtedly traces its roots back to ancient times, it seems that nowadays it reemerges invigorated as never before. The intensity with which it spreads, unquestionably, can be attributed to a great extent to social media (e.g. Twitter, Facebook, YouTube, Instagram, etc.), as these provide channels through which hate speech is distributed unimpeded globally in a matter of seconds.

The fact that more and more people get free and unlimited access to these online platforms is the other crucial factor in the dissemination of hate speech. Many individuals or groups of people, embolden by the fact that they can assume fake identity, and in most cases, no one is going to hold them accountable, indulge in issuing aggressive rhetoric. Some even do not find it necessary to conceal their real identity. In any case, their hate messages range from rather offensive slurs and libels which are relatively harmless, to outright incitement to violence, terror attacks and even genocide.

Unfortunately, hate speech has not circumvented our own homeland – the Republic of Macedonia. To the contrary, given the fact that, with its 26-year independence, Macedonia is a relatively young democracy which still struggles to delineate its course regarding many vital, existential issues, its socio-political climate seems particularly conducive for breeding hate speech. Thus, the political situation in Macedonia, especially at the end of 2016 and in the first quarter of 2017, was rapidly spiraling out of control, with none of the major political players being willing to make a compromise and relinquish their position. Eventually, amidst this real boiling political cauldron, common sense prevailed and the country was lucky to have had a narrow escape from a large-scale catastrophe. Nevertheless, during this period of great uncertainty and tension Macedonia witnessed first–hand the "power" of hate speech and the devastating toll it could possibly take.

In light of the above, this paper tries to offer a holistic understanding of the phenomenon of hate speech by providing a snapshot analysis of some of its most salient aspects through the prism of the latest political and social developments in our immediate environment – the Republic of Macedonia.

THE SCOPE OF HATE SPEECH

The study of hate speech in the recent years has attracted the attention of a great number of scholars from different fields of knowledge (linguists, sociologists, philosophers, historians, psychologists, anthropologists, lawyers and political scientists, etc.)¹. What has drown all these scholars to address this issue with such deliberation is in all likelihood the fact that, in these turbulent times we live in, societies worldwide are being deeply polarized along so many different lines – religion, politics, ethnicity, etc., and are in a constant state of flux, which, at the end of the day, renders them extremely susceptible to hate speech whose detrimental effects sometimes can be beyond belief. Moreover, hate speech lies in a complex nexus with freedom of expression, and it is vital to be able to distinguish between these two. People who produce it very often hide behind the mask of fighting for human rights and the

¹ Excerpted from Elvira Kaminskaya's paper titled: "Hate Speech: Theory and Issues" retrieved at http://iseees.berkeley.edu/sites/default/files/u4/iseees/caseproject_/KaminskayaFR.pdf.



greater good. They present themselves as just and honorable, defending some vulnerable group of people treated unjustly. But it seems that they do not realize that while defending someone they fall into the same trap of doing wrong to somebody else with their hateful messages. What is even more alarming is the fact that being exposed to such rhetoric almost continuously, people in general nowadays start to accept it as something normal, and, unfortunately, to them the boundary between free speech and hate speech becomes completely obscure and irrelevant.

The key question that arises in discussing hate speech is what actually constitutes hate speech. An overview of the relevant literature reveals that hate speech is a complex and highly contested phenomenon, and that, to date, there is no single unanimously accepted definition of what hate speech actually is.

The simplest definition is that hate speech is any speech which causes some offense to others (Lewis, 2012). Another slightly broader definition presents hate speech as speech that is disparaging of certain gender, religion, race, and sexual orientation (in Lewis, 2012). One of the most frequently quoted definitions on hate speech is the one proposed by the Council of Europe. According to the Council of Europe "all forms of expressions which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin" come under the umbrella of the term hate speech². A slightly more far-ranging definition which covers more aspects of hate speech is the one proposed by Cohen-Almagor (2011) who defines it as "bias-motivated, hostile, malicious speech aimed at a person or a group of people because of their actual or perceived innate characteristics". He further states that hate speech expresses "discriminatory, intimidating, disapproving, antagonistic, and/or prejudicial attitudes towards those characteristics, which include gender, race, religion, ethnicity, color, national origin, disability or sexual orientation" and that hate speech is intended "to injure, dehumanize, harass, intimidate, debase, degrade and victimize the targeted groups, and to foment insensitivity and brutality against them" (in Gagliardone et al., 2014).

Another salient aspect that needs to be taken into consideration to fully understand hate speech is that it does not always come into the same 'packaging' and with the same degree of intensity. Depending on the levels of threat hate speech poses to individuals and society, research³ has it that it can appear in three major forms: *harsh, moderate* and *soft forms* of hate speech. Whilst the *harsh forms* include explicit and implicit calls for violence and discrimination and the *soft forms* are statements used for creating negative image of an individual or a group, the *moderate forms* encompass justification of historical cases of violence and discrimination; statements casting doubt on admitted historical facts of violence and discrimination; statements on historical crimes of one or another ethnic or religious group; accusations of the negative impact of one or another ethnic or religious group; accusations of a group of attempted seizure of power or territorial expansion, denial of citizenship, etc.

² Data extracted from Liina Laanpere's essay titled "Online Hate Speech: Hate or Crime? Legal issues in the virtual world - Who is responsible for online hate speech and what legislation exists that can be applied to react, counter or punish forms of hate speech online?" submitted at ELSA International Online Hate Speech Competition.

³ The data are extracted from Hate Speech in the Media and Internet Report prepared by *School of Peacemaking and Media Technology in Central Asia*, published in 2014.



THE CONTEXT OF HATE SPEECH

Evidently, hate speech is bound to appear whenever someone feels the urge to demean and demonize those holding opposing views, as well as when one wishes to persuade or rather manipulate other people into accepting and endorsing a particular ideology in order to achieve certain political and social goals. Nevertheless, in order for one to understand not only what has triggered the articulation of a particular hateful message, but also the actual (implied) meaning of the hate message itself, they need to have a solid and adequate grasp of a wide array of factors stemming from "the historical, social and political context in which hate speech occurs" (Gagliardone et al., 2014).

If we consider the case of Macedonia, the historical and socio-political context of the Republic of Macedonia seems to be particularly conducive for hate speech to thrive and flourish. Although Macedonia is a country of only 2 million inhabitants, the majority of whom are ethnic Macedonians, the country is populated by a great variety of other ethnic groups. Among them the ethnic Albanians constitute the largest minority. There always has been some friction and tenseness in the relationship between the two biggest ethnicities, with the smaller ethnicity blaming the bigger one for not allowing it to exercise the same rights, and the bigger ethnicity accusing the smaller one of fomenting irredentist claims and forging plans with the neighboring countries against their own homeland. If one sets this aside, the greatest gap between these two ethnicities perhaps stems from the differences in their religious conviction with the Macedonians practicing the Orthodox Christianity and the Albanians the Islam.

Generally speaking, Macedonia in essence takes pride in its pluralism and diversity, and history has proved that ordinary people have mastered the art of being tolerant and appreciative of "the otherness" of those who are not members of their own ethnic and religious community. Nevertheless, every time when the political stakes are too high it becomes evident that this carefully crafted but still rather delicate balance is an easy target to hit in the battle for more political points. In other words, during election campaigns and especially in post-election periods, politicians and the other political stakeholders are particularly keen on putting these differences in the limelight in a rather negative way, so that they can achieve their set goals more easily. Thus, their deliberate and often times far from accurate political rhetoric, in conjunction with the relatively low living standard of the majority of the population, the high level of unemployment and poverty in Macedonia, serve as perfect triggers for displeasure and intolerance particularly towards the members of the "other" group, who are always for some reason, "better off".

In addition, Macedonia's turbulent history has also had a fair share in causing hate speech to sprout and spread among its population. Being positioned in the center of the Balkan Peninsula, Macedonia has an extremely favorable geo-strategic position, which has always made the country's territory particularly appealing to the neighboring countries. In the past, that resulted in long periods of occupation and submission. Nonetheless, Macedonia has persevered in its efforts to preserve its integrity, and in 1991, in the process of Former Yugoslavia's disintegration, it managed to win the status of an independent country, and finally gained its sovereignty. Today, however, due to a number of unresolved issues with its immediate neighbors, Macedonia seems still sadly haunted by the past, and legs behind in many respects. All this in turn, unfortunately, very frequently turns Macedonia into both a very fertile soil for sowing and cultivating hate speech towards all those who impede its progress and a target of hate speech from those whose requirements and ultimatums the country refutes to meet. Thus, for instance, its southern neighbor Greece 26 years after the country's independence still refuses to acknowledge the country's membership in the



European Union and NATO. Consequently, that provokes a lot of anger and discontent on the part of the Macedonian people, which quite frequently is expressed in the form of hate speech.

PERPETRATORS AND VICTIMS OF HATE SPEECH

Given that very often hate speech serves as a propaganda intended to convince the masses into accepting a particular ideology, logically, preachers of hostility are usually influential people in the society who have a potentially significant impact on the shaping of the general public opinion. Thus, unfortunately, the role of perpetrators of hate speech is normally assumed by politicians, journalists, media columnists, political analysts, etc.

The perpetrators of hate speech and the wider community, i.e. the ordinary people who share their views and/or also partake in hate speech, in literature, are also known as *in-groups*. The groups of people who are the actual recipients or rather victims of hate speech are commonly referred to as *out-groups*.

The main task and preoccupation of the in-groups is to politicize particular social differences (e.g. race, ethnicity, religion, sexual orientation, gender), characterizing another group in negative and dehumanized terms. One plausible explanation as to what motivates them to act in that way is that they feel threatened and fearful, for instance, of losing their jobs, social status, position of power and authority, etc. In Whillock's (1995) terms the in-group members resort to hate messages as "hate appeals are used consciously to inflame the emotions of followers, denigrate out-group, inflict permanent and irreparable harm on the opposition, and, ultimately, to conquer"⁴.

Despite the fact that hateful expressions are predominantly used by those who exert power, it is both conceptually possible and empirically evident that members of generally dominated groups, i.e. the out-groups, can also promote exclusions of nonmembers (in Kaminskaya). Their justification for succumbing to hate speech, of course, would be the urge to have their voices heard, and to discard the chains which make them feel less important, marginalized and unappreciated.

The fact that both the perpetrators and the victims of hate speech engage in hateful discourse can be confirmed by taking a quick glance at the current political situation in Macedonia. Contemporary Macedonia, unfortunately, can be characterized as a heavily politicized society, whose population appears to be particularly deeply divided along the lines of political affiliation into members and supporters of the two biggest political parties, the right-wing VMRO DPMNE and the left-wing SDSM, from the Macedonian bloc, and members and supporters of the two biggest political parties from the Albanian bloc, DUI and DPA.

The unpleasant reality is that during election campaigns, all the major political stakeholders inevitably try very hard to ensure that all the possible differences among people in society become as transparent as possible, so that they can be utilized for scoring political points with the electorate. Hence, inescapably, many ordinary people, for one reason or another – essentially in their efforts to boost their employability chances, are almost unwillingly forced not only to choose a political side – the ruling party or the opposition – but also to be active and vocal about it. For many of these people who find themselves in such a situation, the easiest path is to attack their non-likeminded adversaries by issuing and spreading harmful messages intended to mar their opponents' reputation beyond repair.

Of course, Macedonia with its way of handling political affairs is not tracing a brand new route in the realm of politics. But unlike many other countries in the world, if we take

⁴ Excerpted from Elvira Kaminskaya's paper titled: "Hate Speech: Theory and Issues" retrieved at http://iseees.berkeley.edu/sites/default/files/u4/iseees/caseproject_/KaminskayaFR.pdf.



into account its rather minuscule size in terms of population and territory, the fact remains that the divisive politics of hate speech in this context is particularly detrimental and renders the country extremely sensitive and vulnerable.

THE CONSEQUENCES OF HATE SPEECH

If the circumstances are right, hate speech without a doubt acts as "a slow-acting poison to society, spreading incrementally, which makes it difficult for the public good of inclusiveness to be fostered" (Gagliardone et al., 2014). Sometimes hate speech is directed at a particular individual, but sometimes at a group of people, or even an entire community. In consequence, the gravity of the repercussions of hate speech are in a direct correlation with and heavily depend on its respected target.

Thus, on an individual level, for instance, bearing in mind that people have this inherent need to be respected and treated with dignity, when they become a target of hate speech, the harm done invariably is in some form of immediate psychological injury, i.e. emotional distress (Matsuda, 1989 in Attias, 2001), with the possibility of physical attacks and bodily harm not being entirely excluded either. In the best case scenarios individuals who have been victims of hate speech might end up feeling galvanized to stand up to those who do them harm and defend their dignity, integrity and wellbeing. But in the worst case scenarios, the hurt can lead to various forms of psychosomatic states and disorders, one of them certainly being depression, which can completely shatter not only the victim's life but also the lives of those closest and dearest to them. Butler (1997: 4) puts this finding in very vivid terms: "to be injured through language is to suffer a loss of context, that is, not to know where you are, or, to experience utter disorientation".

A politically-motivated incident that took place in the midst of the recent political crisis in Macedonia can be used to illustrate this point very neatly. Namely, as the situation between the ruling party and the opposition was becoming extremely tense and heated, there emerged reports on an incident in which a school teacher who also happened to be a supporter of the-then ruling party, VMRO DPMNE, during one of their counter-protest marshes carried a real cross usually carried at funerals with the name and the surname of the leader of the opposition party designated on it. The political message she was trying to convey was quite clear to everyone – there is no room for this politician on the political stage as he is 'politically' dead, i.e. he lacks support from the electorate, but the moral side of the act stirred a lot of harsh reactions in the general public. Condemning severely the perpetrator, there was a real outburst of offensive comments posted principally on the social media demeaning and defaming the teacher who bore the cross and presenting her as a true disgrace to the teaching profession.

Although, this incident had no continuation in the form of legal proceedings, still, it is not difficult to assume that a serious psychological damage had been inflicted on both parties involved – the targeted politician (who was 'buried alive'), and the school teacher (who was a fiercely attacked and heavily criticized by the general public).

When hate speech is directed at a group of individuals or an entire community, it poses a far more serious threat as it can lead to an immediate breach of peace, and an escalation of violence and fatalities (Matsuda, 1989 in Attias, 2001). Unfortunately, the world so far, has seen many such bloody and devastating events initiated among the other things by hate speech. The Republic of Macedonia, evidently does not need to go back a long way in the past, to find an instance in which a serious political crisis, accompanied by intensive hateful rhetoric, primarily on the part of the political figures and their supporters – the opposition blaming the ruling party for being engaged in extensive criminal activities; and the ruling party accusing the opposition of selling the country's national interests by siding with



foreign countries – has brought the country almost to the very verge of a yet another civil war at the beginning of 2017.

To sum it up, the potential destructive power of hate speech should not be underestimated, as in the right context, under the right circumstances, hate speech has already proven its potential to wreak a havoc in people's lives and societies in general with unconceivable consequences.

THE ROLE OF SOCIAL MEDIA IN DISSEMINATING HATE SPEECH

The dissemination of messages with hateful, threatening, and prejudicial content in the past used to be realized rather conventionally via radio, print media, SMS messages, and even song lyrics. Nowadays, social media such as Twitter, Facebook, YouTube, Instagram, and various Internet news portals are all used as platforms for disseminating hate speech in a brand new fashion.

The ever increasing popularity of these online platforms, i.e. the steady and constant increase in the number of internet users, unquestionably, consolidates further the prospects of hate speech to be distributed, in a matter of seconds, with no impediment whatsoever obstructing its dissemination.

On the other hand, social media have correctly recognized how salient their role in the distribution of hate messages is, and, in response to that they have agreed to lay out terms of agreement, hoping to regulate and restrict such potentially hazardous activities. Thus, for instance, Facebook in its terms of agreement specifies that "content that attacks people based on their actual or perceived race, ethnicity, national origin, religion, sex, gender, sexual orientation, disability or disease is not allowed" to be posted on their platform. Twitter also forbids to "publish or post direct, specific threats of violence against others". YouTube's policy is also strongly against permitting "any speech which attacks or demeans a group based on race or ethnic origin, religion, disability, gender, age, veteran status and sexual orientation/gender identity" to be disseminated via their website.

Evidently, social media, overall, seem to be in agreement when it comes to prohibiting hate speech. In that respect, it is important to mention that in May 31, 2016, many of them (Facebook, Google, Microsoft, and Twitter) jointly agreed to follow a European Union code of conduct which obligates them to review "[the] majority of valid notifications for removal of illegal hate speech posted on their services within 24 hours"⁵.

The Republic of Macedonia has also been swept by this global trend of extensive usage of social media by people at all ages. Social media were heavily referred to for obtaining and spreading information especially during the unfolding of the events which marked the pre-election period in 2016 (e.g. the huge wire-tapping scandal, mass protests, and counter-protests), as well as the ones in the post-election period in early 2017 (e.g. the attempts to form a new government and the resultant incident in the Parliament when an angry mob forcefully stormed the Parliament building physically attacking and injuring MPs). Consequently, it comes as no surprise that many people amidst all those tumultuous events felt provoked and were tempted to vent their discontent and frustration via the social media. By unleashing numerous vicious comments and reactions, their aim was to criticize principally the direct participants in those events and all those who supported them. Many of these comments unfortunately, could be very easily and unequivocally classified as hate speech as they contain highly offensive, rude and obscene vocabulary.

⁵ Information extracted from "Facebook, YouTube, Twitter and Microsoft sign EU hate speech code". *The Guardian*. Retrieved at *https://www.theguardian.com/technology/2016/may/31/facebook-youtube-twitter-microsoft-eu-hate-speech-code*.



HATE SPEECH LAWS

The final aspect that is considered in this paper is concerned with the laws on hate speech and the legal implications which stem from committing hate speech crimes.

Hate speech is an issue that has been addressed both on an international and national level. Governments across the world have negotiated the balance between protecting freedom of expression which is necessary for the realization of a democratic society, as well as preventing harm to individuals or minority groups as a result of hateful speech. Given the tensions between hate speech and freedom of expression, as well as its intersection with other human rights issues such as equality and dignity, and laws governing the press, globally speaking, there are various disparate pieces of legislation (Gagliardone et al., 2014).

Thus for instance, in the European Union, the Council of Europe's efforts to achieve greater unity in its Member States legislation regarding hate crimes have paid off to a great extent. Nevertheless, if the national laws of the European countries are compared with the ones of the United States of America, many striking differences will be noted. The United States' approach is strongly influenced by the First Amendment of the federal Constitution, and hate speech, being considered close to political speech, falls under its protection most of the time. In contrast, this is not the case with the European countries. In Denmark, France, Britain and Germany people have been prosecuted for crimes involving hate speech on the Internet. In other parts of the world, there are some even more extreme examples of national laws, especially when it comes to hate speech directed at religious groups. For example, in Bangladesh, a person can face up to ten years in jail for defaming a religion.⁶

Macedonia has also adopted a Law on Civil Liability for Insult and Defamation which consists of 26 articles. Thus, the restrictions on freedom of expression and information are legally regulated and are in line with the European Convention for the Protection of Human Rights and Fundamental Freedoms and the practice of the European Court of Human Rights.

According to the Law on Civil Liability for Insult and Defamation a person can be charged with an insult, if it is found that they had an intention to disparage somebody by making a statement, or by their behavior, or publication, or if they have expressed something humiliating about another party, thus violating their honor and reputation, or invalidating the reputation of a legal entity, a group of people or a dead person (Article 6).

Moreover, the law stipulates that if the defendant is found guilty, they are obliged to publish an apology or public withdrawal of the statement in the same media or on the same website (Article 13). Reimbursement of non-pecuniary damages for insult is made only if the perpetrator of the offense has not apologized and publicly withdrawn the offending statement, or if he has repeated the offense. The amount of the compensation of damage should be proportional to the damage done to the reputation of the victim (Article 15).

In this respect, a report presented on the Macedonian TV Channel "24 Vesti" of July, 2017, disclosed that in the last three years, during which hate speech is actually on the rise as a result of the socio-political crisis in the country, the Macedonian judiciary system has not passed a single verdict against perpetrators of hate speech crimes. The report partly puts the blame on the Prosecution itself which for the most part is not interested in undertaking such cases. This implies that, on the one hand, the victims of hate speech in our country, for the time being, are left completely unprotected, and, on the other hand, the perpetrators are encouraged to carry on producing more of their obscene rhetoric. The research also showed

⁶ Data extracted from Liina Laanpere's essay titled "Online Hate Speech: Hate or Crime? Legal issues in the virtual world - Who is responsible for online hate speech and what legislation exists that can be applied to react, counter or punish forms of hate speech online?" submitted at ELSA International Online Hate Speech Competition.



that hate speech is most frequently present on social networks, and that it is mostly aimed to insult people based on their ethnicity as well as on their political and sexual orientation.

CONCLUSION

The practice of disseminating hate speech has imposed itself as one of the most burning issues of contemporary societies, and it is no exaggeration to state that it needs to be addressed with a very pronounced sense of exigency. As we are all witnessing nowadays, many of the world crises either directly stem from or are at least in part supported and invigorated by hate speech, it only follows that all governments and key political figures in the world should be united in their efforts to discourage and suppress it as much as possible.

While it is true that one of the greatest benefits of democratic societies is freedom of speech, still no one should be allowed under the disguise of exercising the right to free speech to offend, humiliate and demean another human being. Surely the language is a powerful means of communication that allows for expressing disapproval, discontent and criticism for the actions of non-likeminded individuals without actually stooping to a level of baseness, vulgarity, profanity and aggression. On the contrary, these pillars by which hate speech is mainly supported, should be traded for a battle of minds in which reasonable and logical arguments will be exchanged, which, in turn, would eventually move things forward towards a brighter future for all human kind.

In order to combat hate speech efficiently, people need to be familiarized as closely as possible with all its accompanying aspects. The research undertaken here was in partial fulfilment of that same requirement. Through the prism of the current socio-political situation in our motherland, the Republic of Macedonia, we attempted to present what actually constitutes hate speech, the context in which it normally appears, the perpetrators of hate speech crimes; the consequences it could possibly have on its victims, the role of social media in its dissemination and the laws on hate speech.

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