

International Scientific Conference
“Hate Speech and the Concept of Hate Crimes:
Acts of Perception and Compulsory Social Conformism”

Conference Proceedings

Faculty of Law - Kicevo, University “St. Kliment Ohridski” - Bitola

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PREFACE

As Dean of the Faculty of Law at “St. Kliment Ohridski” University in Bitola, I must emphasize that it is a special honor and pleasure that came to the realization of this international scientific conference organized by our faculty, as an opportunity for our affirmation in the international arena, for establishing contacts with our colleagues from home and abroad, contacts with various higher education and research institutions, as well as making a serious contribution to the scientific thought both in the Republic of North Macedonia and in wider context. This is also reflected by the high interest shown both by home and foreign authors and participants, who applied for participation in this event, as evidenced by the submitted articles. The choice of the main topic for this international scientific conference was made carefully, thereby taking into account all internal and international developments in the legal and societal processes, by precisely locating the basic postulates of hate speech and the concept of hate crimes.

Freedom of speech and expression is a fundamental human right that plays an essential role in the realization and protection of other rights. The opportunity to express opinions and share information is a valuable indicator of the democratic capacity and institutional set-up of democracy in societies.

The concepts of citizenship and pluralism are unachievable without the possibility of free expression of thought and the objective competition of opposing political ideas. Tolerance of the thought of the other enables the coexistence in modern multicultural societies. However, the freedom of expression can also be abused in certain situations and it turns into a phenomenon that is its complete opposite.

Hate speech is an instrument through which some opponents of modern social change, using words, incite, promote, spread or justify hatred based on intolerance, discrimination and intolerance. Freedom of expression as a basic segment of a liberal and democratic society, and in the context of digitalization processes, even exceeds certain limits in the transmission and sharing of information with the public, which are often not in the interest of certain social groups. In fact, hate speech builds the social perception of the unacceptable characteristics of the collective affiliation, and then the individual reacts by attacking those different from him. In short, hate speech is radical speech primarily against groups, not individuals, or if an individual is insulted, then it is done to reach the group and which contains incitement and incitement to violence. In the meantime, the hate crimes do not contain hatred towards the individual, but the social inability to timely prevent the superiority of certain social groups over others. However, one must always pay attention to the balance that must exist between the constitutionally guaranteed right to freedom of speech and the prohibited hate speech, which can then create hate crime. Freedom of speech must not be compromised, just as it must not be abused.

Finally, I must express my deep gratitude to the Organizational Committee members who worked tirelessly in the direction of successful realization of this

international scientific conference, to our partner the National and University Library “St. Kliment Ohridski” - Bitola, and all those well-wishers who understood the significance of this project both as an advantage for our faculty and as an investment in the global scientific thought.

*Dean of the Faculty of Law – Kicevo
Assoc. Prof. Dr.sc. **Goran Ilik***

Bitola, 2020

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ACTS OF PERCEPTION AND COMPULSORY SOCIAL CONFORMISM: THE CASE OF RELIGIOUS WORLDVIEW AND FREE SPEECH

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Abstract

The absence of universally accepted definition and the subjective nature of hate makes hate speech open to abuse. ‘Hate speech’ labeling can be used to effectively silence unpopular views. Instead of being persuaded through open discussion, individuals are being constrained and coerced through social conformism. For a true diversity to flourish and be authentic, differences between different opinions, including mutually excluding claims, must be allowed on principle. Otherwise, diversity that relativizes actual differences becomes its own contradiction. Free and uncoerced speech is the standard against which one can detect hate speech. Examining this dilemma through biblical lenses the authors consider Volf’s model of public faith and Guinness’s concept of a civil public square as sustainable alternatives against either the totalitarian saturation of public life with a single religion or the secular exclusion of all religions from public life.

Keywords: hate speech, hate speech laws, free speech, public faith, civil public square, human flourishing, political correctness.

Introduction

For a true diversity to flourish and be authentic, the differences between different opinions, including those which claims mutually exclude each other, must be allowed on principle. Otherwise the so-called diversity that relativizes actual differences becomes its own contradiction. If all opinions are equally diverse, then all opinions are actually the same.

In order to truly preserve the critical appraisal of the concept of hate speech there has to be a “standard” against which it can be assessed what consists a hate speech. Just like in other disciplines such as poetry and painting, the creative expression where one breaks conventional agreement of rhyme in poetry and composition in painting, is only possible to detect against the conventional rhyme and composition, the same applies to our subject matter. Free and uncoerced speech is the standard against which one can detect a hate speech.

In the absence of a clear and universally accepted definition, and since it is essentially subjective, hate speech is open to abuse. The pursuit of nondiscrimination became the grounds for a new form of discrimination. Former victims can become victimizers who use political correctness and hate speech codes against anyone who dares to criticize their worldview and moral value system. Unpopular or controversial views can effectively be silenced through media pressure and even court decisions by labelling such views as ‘hate speech’. Political correctness and hate speech legislation can be used to exclude free and open expression of ideas and beliefs that can potentially be seen as offensive to certain groups. This has devastating consequences for freedom of speech and democracy.

Free speech has its limitations that for long have been determined using Mill’s “harm principle”. The best way to combat hate speech is with counter speech. This dilemma is examined through biblical lenses, as the authors find the Bible to be ahead of its time in its historical context on this matter, and its current relevance. Discernment has to be made between the manifestation of a phenomenon (such as religion and church) and its essence (the faith itself). To solve the free speech vs. hate speech dilemma, the authors propose two slightly different, yet complementary models: Miroslav Volf’s model of public faith and Os Guinness’s concept of a civil public square. Both models are responses to the two extremes that would either result in a “totalitarian saturation of public life with a single religion as well as to secular exclusion from all religions from public life”.

Definition of the problem

Before looking more in depth in the particularities of free speech, it is appropriate to illustrate the more immediate argument of this part of the essay, and the argument of its authors as a whole.

In 2017 then the leader of the Liberal Democratic Party in the UK Tim Farron was literally bullied to resign from his position over his religious views. It is important to notice that the issue were his views, not his actions or even less, his policies. In an interview with Cathy Newman where she insists him to define his *views* on homosexuality, Farron responded:

As a Liberal, I'm passionate about equality, about equal marriage and about equal rights for LGBT people, for fighting for LGBT rights, not just in this country but overseas. Just because I'm Christian, it would be a bit boring for everybody to spend the next weeks asking me to make theological announcements that I'm not going to make (Horton 19 April 2017).

The zero traces on any kind of hate speech or even questionable speech on the issue, whether in personal or official capacity, and a perfect liberal record in voting on related policies did not stop the media and the wider public to think it justifiable to bully someone over their thoughts. Farron gives the following assessment: "I seem to be the subject of suspicion because of what I believe and who my faith is in ... [We] are kidding ourselves if we think we yet live in a tolerant, liberal society." (Elgot and Steward 14 June 2017).

How we have come to this obvious absurdity? The ones who swear by the freedom of thought apparently have a special exception for thoughts that they disagree with. But how can this be called "freedom" at all? In light of the ubiquitous call upon the ideal of the Greek direct democracy that is a model to the modern representative democracies one is at loss to see how a recognized leader with a perfect liberal record of policies is excluded on account of mental disagreement. Not so in Pericles' Athens: "Instead of looking on discussion as a stumbling block in the way of action, we think it an indispensable preliminary to any wise action at all" (Thucydides, Pericles' Funeral Oration). The public, whether mainstream or social media, would not have any of that. They asked a yes/no question and would not care to

hear anything else in a way of reasoning and discussion except of a 'yes' or a 'no'.

It is not only positive things we can learn from the illustrious and sometimes notorious history of the Greek city state. The death of Socrates is one such prominent example. Socrates' death sentence was issued by the means of direct democracy after he failed to comply with the curtail of free speech, so dear to him. What have we learned from that? That sometimes the established voice of the majority can be misguided. Another important lesson is that intellectual integrity under pressure of a popular coercion in the public square is always costly, and the cost can be very high: Socrates' life and Tim Farron's political career.

One hundred years ago the USA Justice Benjamin Cardozo spoke about the First Amendment in the light of free speech as "the matrix, the indispensable condition, of nearly every other form of freedom." Justice Louis Brandeis, in a highly controversial case *Whitney v. California* will say the following:

[F]reedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that, without free speech and assembly, discussion would be futile [...] Believing in... public discussion, they eschewed silence coerced by law -- the argument of force in its worst form. (274 US 376 (1927)).

It was for this conviction that Justice Alexander Meiklejohn insisted on the inherent link between free speech and democracy. He went to such an extent as to openly challenge the Red Scare McCarthyism in the wake of the Cold War. According to one commentator,

Just as Demosthenes had celebrated the Athenians for permitting their fellow citizens to praise the Spartan constitution over the Athenian constitution, Meiklejohn, near the dawn of the Cold war, argued that the United States must allow its communists to criticize the fundamentals of American constitutionalism. (Werhan 2008).

It follows from this that free speech in the light of social and political policies is seen as *sine qua non* ingredient of a free and flourishing society in all its aspects, personal, familial, social, political, and even economic. To quote Justice Meiklejohn, "The principle of the freedom of speech springs

from the necessities of the program of self-government." The flourishing of society falls or stands on the issue of free speech. This is especially telling as the principles Meiklejohn stands for are directly opposite to the laws Stalin's USSR introduced as a way of making free speech literally impossible. So much so that the issue was raised within the UN.

What are the most prominent arguments in favour of free speech? They revolve around several clusters of values that include the notion of a human person, such as autonomy and dignity, which require free speech to be regarded as of intrinsic value. Protection of free speech and expression therefore is seen as an essential norm within the legislative system that allows human individuals the dignity and the autonomy to nurture uncoerced and earnest debate. To make the most intelligent conclusions and undertake beneficial actions the public square must be allowed to contain rival perspectives. The central idea was about exchange of ideas.

This brings us to the opening of this section, and to the core concern of the essay in regard to free speech in light of the latest developments concerning the issue of hate speech. Article 9 of the European Convention on Human Rights which says "Everyone has the right to freedom of thought, conscience and religion" and "Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society". It certainly does not apply to scrutinizing someone's thoughts.

On the issue of human dignity and the coercing features of political correctness, to which hate speech certainly belongs, it is instructive to read what Os Guinness, social scientist who has spent significant time of his research and authorship to address this issue, has to say. According to Guinness, political correctness

is doubly illiberal not only in silencing free speech but in undermining personal dignity. Human dignity is devalued when attackers use theoretical categories to reduce individuals to isms and then wipe them out with a single charge. [...] Such attacks encourage laziness, because the attacker need think no more and need waste no more time on argument. But they are also a violation of human dignity, because the person is eliminated even before given the chance of a hearing. (Guinness 2018, 234).

Freedom of speech

According to the Oxford English Dictionary freedom of speech is defined as “the power or right to express one's opinions without censorship, restraint, or legal penalty” (OED). An equally general but poignant statement is written by German Constitutional Court Judge Dieter Grimm who bases free speech on two foundational pillars: “individual self-development and collective self-determination.” (Hare and Weinstein 2009, 123,13-14).

The definitions above draw on four arguments essential for human flourishing, both for individuals and for societies. The first argument pertains to us as persons. Free speech and free expression is presupposed in a society that enables the realization of one’s full individual humanity. As Scanlon writes, any human person must be ‘sovereign in deciding what to believe and in weighing competing reasons for action’ (Scanlon 2003, 15). The second argument pertains to the issue of truth. Free speech creates a platform and a network to discern truth from falsehood, or if even does not amount to such ideal, it orients us in the process of searching for the truth (Lewis 2007, 185). The third argument pertains to good governance. From Athens to the modern liberal democracies it has been assumed that equal opportunities and access to say one’s opinion as a citizen are necessary for any government that claims to look after the wellbeing of its citizens. From a contemporary liberal perspective, for Ronald Dworkin an authentic democracy demands,

that each citizen has not just a vote but a voice: a majority decision is not fair unless everyone has had a fair opportunity to express his or her attitudes or opinions or fears or tastes or presuppositions or prejudices or ideals, not just in the hope of influencing others... but also just to confirm his or her standing as a responsible agent in, rather than a passive victim of, collective action. (Hare and Weinstein 2009, vii).

The fourth argument pertains to diversity. Free speech and free expression contribute toward social diversity.

In addition to these four arguments there are two documents which recognize freedom of speech as a universal human right: Article 19 of the Universal Declaration of Human Rights (UDHR) speaking of “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers”, and the International Covenant on Civil and Political Rights.

On a more specific level, an UK decision by the House of Lords has gained an international interest, both for its subject matter, and for the reasons given for the actual decision. The following statement summarizes its reasoning,

Freedom of expression is, of course, intrinsically important: it is valued for its own sake... Freedom of speech is the lifeblood of democracy... and... informs political debate.... [P]eople are more ready to accept decisions that go against them if they can in principle seek to influence them. It acts as a brake on the abuse of power by public officials. ([1999] 3 All ER 400, [1999] 3 WLR 328, [2000] 2 AC 115, [1999] UKHL 33).

As for sharpness and pithiness perhaps University of Yale's definition is one of the best examples:

Yale's commitment to freedom of expression means that when you agree to matriculate, you join a community where "the provocative, the disturbing, and the unorthodox" must be tolerated. When you encounter people who think differently than you do, you will be expected to honor their free expression, even when what they have to say seems wrong or offensive to you. (Yale College 2015).

Hate speech

Defining hate speech

There is no single, widely accepted definition of 'hate speech'. According to Hornsby, 'hate speech' is understood by members of the linguistic community as expressing hate for the group it targets, and there exists an alternative way of referring to the target group without expressing hate (Hornsby 2001). From the standpoint of philosophy of language, St Clare proposes the following definition:

Hate speech is context-sensitive, derogatory speech (based on some arbitrary category) that conveys hatred towards and negative attitudes about the target group and its members so as to dehumanize, demean, injure, silence, or subjugate; ...Furthermore, hate speech ranks its targets as inferior, legitimates discrimination against its targets, and may deprive its targets of powers. (St Clare 2018).

Nigel Warburton defines 'hate speech' as

expression that aims to cause extreme offence and to vilify its target audience. This is speech or writing, or other expression that is so insulting that it is tantamount to a form of harm ... and ... many ... believe, should not be immune from censorship in the way that other less offensive expressions should be. [...] This is not a matter of private expression of loathsome views, but rather of acts of extreme insult provocatively delivered. (Warburton 2009).

However, Nadine Strossen points out that:

the term "hate speech" is not a legal term of art, with a specific definition; rather, it is deployed to stigmatize and to suppress widely varying expression. The most generally understood meaning of "hate speech" is expression that conveys hateful or discriminatory views against specific individuals or groups, particularly those who have historically faced discrimination (Strossen 2018, 1).

The European Court of Human Rights admits that there "is no universally accepted definition of ... 'hate speech'" adding that the "identification of expression that could be qualified as 'hate speech' is sometimes difficult because this kind of speech does not necessarily manifest itself through the expression of hatred or of emotions." ECHR concludes that 'hate speech' "can also be concealed in statements which at a first glance may seem to be rational or normal" (Kiska and Coleman 2012, 132).

The absence of a clear and universally accepted and objective definition, combined with the subjective nature of 'hate', makes 'hate speech' open to abuse. Zorzi warns that "speech is considered hate speech whenever an offended person or group has the will and power to get legal penalties enforced against the offending party" (Zorzi 2017). Guinness considers hate speech laws dangerously asymmetrical, since "to define hate speech according to the eye of the beholder is to put a sword in the hands of the power wielder, and a constant danger to the rights of minorities or those whose views are out of favor." Members of the *de facto* establishment of contemporary pluralistic societies can easily use hate speech labels to twist and present views they find offensive (often of religious nature) as discriminatory. As a result, instead of being persuaded through open

discussion in a free market of ideas, individuals are being constrained and coerced through social conformism. “When we are offered freedom but required to join the majority in order to be truly free, we are not so much free as seduced into conformity,” concludes the author (Guinness 2008, 128-130).

Political correctness and hate speech labeling and legislation can be used as power tactics to cultivate a habit of self-censorship that excludes the free and open expression of ideas and beliefs that can potentially be seen as offensive to certain groups.

This vagueness can be explained by the origins of hate speech legislation, which can be traced back to the drafting of three major international human rights treaties – the UDHR, the International Covenant on Civil and Political Rights and the International Convention for the Elimination of all Racial Discrimination.

UN records show that the greatest advocate in favor of adopting hate-speech legislation was the USSR and its allies. By internationalizing hate speech laws, USSR and its allies wanted to use the language of human rights in order to legitimize and justify the restriction and violation of a fundamental human right – the freedom of expression (Mchangama 2011). The majority of Western democratic countries originally opposed the Soviet formulations for hate-speech legislation. Eleanor Roosevelt warned against provisions “likely to be exploited by totalitarian States for the purpose of rendering the other articles null and void.” Roosevelt also feared that the provision “would encourage governments to punish all criticism under the guise of protecting against religious or national hostility” (Strossen 2018, 26).

Ironically, some of the greatest opponents of hate speech laws are today’s their greatest proponents. Across Europe people have been arrested for publically expressing their religious beliefs on certain politically charged topics (Williams 2016). Hate speech laws create a culture of censorship, thus hindering free expression of beliefs (Coleman 2016). Labeling all disagreements as discrimination can have devastating consequences for freedom of speech and democracy.

Political correctness and the culture of censorship

“On matters of conscience, free people must always be persuaded and never coerced.” (Guinness 2013, 89). However, that is exactly what happens in many countries. A 2015 PewResearch survey is revealing. Although the majority in 38 countries supports freedom of expression as essential democratic value, still, the understanding of the limits of free speech vary across countries and regions. “While majorities think people should be able to critique the government in public, there is less support for being able to say things that are offensive either to minorities or religious groups.” A global median of 65% support government restrictions on speech that is “offensive to religion or beliefs” as well as speech that is “offensive to minority groups.” (Wike and Simmons 18 November 2015). The 2017 Populus poll conducted in 18 countries shows that this trend of censorship is especially strong among young people (aged 18 to 21). While they support the expanding of rights to traditionally marginalized groups, fewer than half of young people “agreed that people should be allowed to express non-violent opinions even if they offend minorities.” (Economist 15 February 2017).

Not surprisingly, Robert J. Zimmer, President of the University of Chicago warned of groups that demand from universities to silence speakers, faculty, students and visitors,” often “driven by a desire of an individual or group not to have its authority questioned” or derived “...from a group’s moral certainty that its particular values, beliefs or approaches are the only correct ones and that others should adhere to the group’s views,” thus forcing universities to be “refuges from intellectual discomfort and that their own discomfort with conflicting and challenging views should override the value of free and open discourse.” (Zimmer 2016). John Etchemendy, former provost of Stanford University states that hate speech regulations at U.S. universities create intellectual intolerance [with] “demands to disinvite speakers and outlaw groups whose views we find offensive; in constant calls for the university itself to take political stands.” He points out the inconsistency of decrying “certain news outlets as echo chambers, while failing “to notice the echo chamber we have built around ourselves.” (Etchemendy 2017).

Political correctness and hate speech legislation have profound impact on the freedom of inquiry, freedom of expression and the ability to think freely.

Free speech vs hate speech dilemma

Most authors agree that there are certain limitations to free speech. John Stuart Mill used the harm principle which implies that people should be free to express their views on any matter to the point they harm another person. Mill's harm principle nowadays includes questions such as national security, children's safety, people's integrity, fair trial (Warburton 2009). Harvard Professor Tim Scanlon points that "what people can say can cause injury, can disclose private information, can disclose harmful public information. It's not a free zone where you can do anything because nothing matters. Speech matters." (Warburton 2009).

In the context of religious freedom, Waldron suggests that since, in pluralistic societies with multiple religious and ideological views, religious offense is unescapable, and instead of trying to eliminate any offense by the use of hate speech legislation, the efforts should be focused on finding the true borderline between offense and harm (Waldron 2012, 129-130). Illustrative is the issue of blasphemy. Considering whether the expression of blasphemy can be protected as free speech or should it be treated as hate speech, Mihajlova-Stratilati rightly points that "political life always includes a combination of the sharpest attacks on people's beliefs and convictions and the most concerned respect for their citizenship status in a given society." Even the ECHR has refused to "guarantee the right to protection of religious feelings." (Mihajlova-Stratilati 2019). In other words, freedom of religion and belief (and its free expression) is a right of believers, not beliefs, and implies protection for human beings rather than their ideas. Any attempt to systematically prevent offense to beliefs would result in a suppression of all religious speech, thought or consideration in public and would silence free expression necessary for any meaningful public debate. However, in order to avoid a "religiously sanitized public square", the same standard should apply to all ultimate beliefs and worldviews, whether supernatural or secular, transcendent or naturalistic.

Marshall and Shea note that "hate-speech prosecutions have not achieved what their authors hoped to achieve." Instead, the universities and

countries that adopt such regulations are “more litigious, uncertain and restless than ever, and vulnerable to even greater tensions and conflict” (Marshall and Shea 2012, 329).

Strossen denounces ‘hate speech’ laws as “bad public policy”, since they “can actually be counterproductive, exacerbating rather than reducing the feared harms.” (Strossen 2018, 133-134). In support of this claim Strossen quotes several reports by Human Rights Watch (HRW), the European Parliament (EP) and the UN High Commissioner for Human Rights (UNHCHR). In a 1992 report HRW states that “[A] careful review of the experience of many other countries... has made clear that there is little connection in practice between draconian ‘hate speech’ laws and the lessening of ethnic and racial violence or tension.” Likewise, in 2013 the EP acknowledged the rise of ‘hate speech’ crimes in EU countries in spite of the numerous “hate speech” laws. A 2011 study of ‘hate speech’ laws prepared for the UNHCHR concluded that “massive ... criminal regulations” of hateful speech did “not seem to have made a meaningful contribution to reducing racism or ... discriminatory conduct.” (Strossen 2018, 136-137). Making a cost-benefit analysis of ‘hate speech’ laws, Strossen concludes that ‘hate speech’ laws do more harm than good. As Guinness summarizes, hate speech regulations “empower bullying and intimidation, and silence freedom”. (2013, 165).

Solutions

Free speech: instrumental and moral arguments

There are instrumental and moral arguments in favor of free speech. Instrumental arguments are close to Mill’s classical understanding of free speech as a precondition to the flourishing of society, since it enables the truth to emerge from the open and robust exchange of views and ideas. According to Meiklejohn free speech promotes discussion that is essential for democracy. Free speech exposes citizens to a range of ideas, thus allowing them to make good judgments. (Warburton 2009).

For moralists’ free speech is essential to personhood and human dignity. Such moral arguments are “based on a notion of the intrinsic value of free speech and its connection with a concept of human autonomy rather than any measurable consequences that might flow from preserving it.” (Warburton 2009).

The authors of this paper offer two slightly different models, each grounded in one of the two schools of free speech arguments. Miroslav Volf's model of public faith can be classified as an instrumental argument. Os Guinness's concept of civil public square is defended using moral argumentation. Both models are responses to the two extremes that would either result in a "totalitarian saturation of public life with a single religion as well as to secular exclusion from all religions from public life" (Volf 2011, xiv).

Volf's Public Faith

In his seminal book *Public Faith*, Miroslav Volf sketches an alternative to either the domination of a single religion in public life or a complete secularist exclusion of all religions from public life. Towards this goal Volf considers three primary issues as they bear upon the dilemma of religious totalitarianism (1) how is that Christian faith "malfunctions" in society in general and in the public square in particular, and what has to be done for these to be countered and corrected (chs. 1-3); (2) the desired end of human flourishing in the contemporary world in which all religions have equal opportunities to preach and practice their faith (ch. 4); and (3) a vision of flourishing as Christianity sees which entails diversity, and pluralism (chs. 5-7).

Volf's acknowledgment of faith's and especially Christian's malfunctions in society is foundational to the development of his argument. Calling them "malfunctions" of the Christian faith, Volf identifies them as functional reduction of prophetic faith, a reduced way of professing one's authentic faith convictions to an empty religious language; making divinity out of humanity, the classical case of idolatry; an erroneous perception of faith's functions, identified by Volf as an "idle" faith; to come to the most aggravated manifestation, the coerciveness of a faith imposing itself on others. In contrast to these, an active faith relates to our daily lives as we work for and with God. In a word, "Prophetic faiths should be a way of life, not just a "religious" resource for a way of life whose content is shaped by factors outside of that faith itself (such as national security, economic prosperity, or our thirst for pleasure, power, and glory)" (Volf 2011, 29). Therefore, the antidote to coercive faith is not less faith, or faith confined to the private sphere of life, but more faith, or as Volf calls it a "thick" faith that

“maps a way of life” and it functions as “an ongoing tradition with strong ties to its origins and history, and with clear cognitive and moral content.” To sum it, “‘Thin’ but zealous practice of the Christian faith is likely to foster violence; ‘thick’ and committed practice will help generate and sustain a culture of peace” (Volf 2011, 40).

The second issue, that of flourishing is crucial to Volf’s overall vision. He contends that scope of the historical religious teachings and practices, and especially that of Christianity, do offer an adequate alternative to the contemporary, according to him insufficient, notions of flourishing which emphasis is almost solely on the experiential aspect of satisfaction of the human individual. The third issue of flourishing that presupposes diversity and pluralism for Volf’s begins with his observation that the church has to rethink some of its methods without losing the content of its core message. This is especially true of the question of its identity, how is it perceived within the wider culture, of the question of its actual participation in the public square. Volf claims that none of the past or current approaches, the liberal, post-liberal and separatist one, offer sufficient response to the world in the 21st century. As far as Volf sees the situation the church’s engagement today requires “complex and flexible network of small and large refusals, divergences, subversions, and more or less radical and encompassing alternative proposals and enactments, surrounded by the acceptance of many cultural givens” (Volf 2011, 97).

Having established that religions are neither going away nor reducible to a ‘common core’, Volf is convinced that religions today have the task to look inside to their own theological voices so that they can look outside and offer vision for new ways of participation in the public square, and all of that for the sake of the common good.

Volf is challenging John Rawls’s ‘public reason’ and Robert Audi’s ‘secular morality’ proposals as insufficient for all-round and authentic public dialogue. Volf is taking the view of theorists embedded in the liberal democracies is the value of inviting religious voices into the public square, not banning them from it. He goes even further with his argument by insisting on the necessity of religious voices in the things of public interest. A feature so inherent to and valued by the vast majority of the world population cannot be reduced to a private sphere of the individual. The nature of religion is first of all communal and not individualistic. Contrary to

the current popular discourse within the liberal democracy Volf speaks on behalf of the perspicuity of the Christian speech (alongside the specific voices of other religions and the found commonalities – the *Imago Dei*, creation theology), and as such as essential to public dialogue.

Borrowing Michel de Certeau's "leaving without departing," Public Faith depicts the new method of public faith participation in terms of the principle of "internal difference," meaning that Christian witness is not external to the world, as either "settlements" outside cultures or "islands" within them, but internal, staying within cultures in order to change them. It follows then the faith's public engagement is situational as the things appropriate in a culture are adopted, things suitable for transformation are transformed from within, things irreconcilable within a culture are rejected. The conclusion is that "[t]o live as a Christian means to keep inserting a difference into a given culture without ever stepping outside that culture to do so" (Volf 2011, 93).

Volf's ultimate goal is to "dispel the gloom" of Christians in an age of confusion and cacophony and "generate new hope" facing the contemporary challenges. All of this is put within the framework David Ford's proposal of Scriptural Reasoning and Nicholas Wolterstorff's Christian philosophy, both thoroughly committed to a political pluralism.

Finally, a major concern of Volf addressed in this book is whether the current views on the role of faith in the public, with its idiosyncratic view of flourishing is actually compatible with the real experience of the common person. According to Volf

it is... a major mistake... not to worry about how well our notion of flourishing fits the nature of reality. If we live against the grain of reality, we will experience emotional highs, but we will not find lasting satisfaction, let alone be able to live fulfilled lives (Volf 2011, 70).

Rowan Williams agrees: "What creation emphatically isn't is any kind of imposition or manipulation: it is not God imposing on us divinely willed roles rather than the ones we 'naturally' might have, or defining us out of our own system into God's." (Williams 2000, 68-69). Back to Volf as way of closing this part:

Christian identity in a culture is always a complex and flexible network of small and large refusals, divergences, subversions,

and more or less radical and encompassing alternative proposals and enactments, surrounded by the acceptance of many cultural givens... Christians... speak a language they have learned from others, though they metaphorize its meaning. ...No total transformations are possible; all transformations are reconstructions of the structures that must be inhabited as the reconstruction is going on (Volf 2011, 93).

Volf's vision for the role of religion today, is a worthy contribution to the issue of free speech as it has been challenged by the values of the new establishment which won a battle against marginalization against the coerciveness of the "grand narratives" to which religion belongs, and consciously or subconsciously tending to repeat their mistakes to define whose speech is acceptable and whose is, thus perpetuating the exact phenomenon they fought against, namely a compulsory social conformism.

Volf's thesis on human flourishing are in his 2017 book *Flourishing*. His basic thesis is bold and highly contested in the secular and pluralistic culture of ours: "far from being a plague on humanity, as many believe and some experience, religions are carriers of compelling visions of flourishing" (Volf 2017, xi). He boldly argues that religions "can situate the pursuit of life that goes well into a more encompassing account of flourishing life in which life being led well has primacy over life going well and life feeling good" (Volf 2017, 55).

A 2014 study by researchers from Georgetown University and Brigham Young University reveals a correlation between freedom of belief and economic growth. According to the study, freedom of religion and belief (and their free expression), has positive impact on economic development. It contributes to greater peace and stability, lower corruption, less harmful regulations, and more diversity and growth. On the other hand, governmental restrictions on religious freedom, including the freedom to publically express beliefs, rises religious hostilities and thus hinders economic growth (Grim, Clark and Snyder 2014).

Guinness' Civil Public Square

Os Guinness's moral argumentation in favor of free speech begins with the freedom of thought, conscience, and religion guaranteed by Article

18 of the UDHR.¹ This freedom is a “fundamental, and inalienable human right ... to adopt, hold, freely exercise, share, or change one’s beliefs, subject solely to the dictates of conscience and independent of all outside, especially governmental control.” (Global Charter of Conscience 2012). According to Guinness, freedom of thought, conscience, and religion (hereafter called freedom of religion and belief) allows human beings to internally understand who they are and what they believe, and then “to think, live, speak and act in line with those convictions”. Both historically and logically, freedom of religion and belief comes before freedom of expression, and the later depends on the former. Free people want to freely discuss about things that matter to them most, such as truth, justice, human dignity and public policies that reflect the beliefs and worldviews of policymaking stakeholders (Guinness 2013, 69, 88).

Guinness notes that hate speech laws and political correctness not only silence free speech, but also undermine personal dignity. (Guinness 2018, 234). In this manner, the will of influential minority can be imposed on the majority through coercion, not persuasion.

Guinness asks a fundamental question: how are we to live with our deepest differences, especially when those differences are religious and ideological, and how are we to peacefully and civilly negotiate those differences in public life? The importance of this question becomes clear when considering the alternatives. On one hand are the attempts to exclude all religions from public life in favor of a form of secularism and thus create a “naked public square”. On the other are the attempts to favor one religion at the expense of everyone else, and thus establish a “sacred public square”. Both sides use political correctness and hate speech laws to excludes the free and open expression of ideas and beliefs that can potentially be seen as offensive to certain groups. Both approaches practically annul the universal freedom of religion and belief (and its free expression). Guinness concludes that the UDHR, with its Article 18 safeguarding the freedom of thought, conscience and religion “could never pass in today’s circumstances” (Guinness 2013, 210). Freedom of speech includes the right to speak in ways that can be offensive and even hateful. So the real question is how best to

¹ “Article 18: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” Universal Declaration of Human Rights.

counter such hateful speech, how to prevent all forms of incivility and so to guard against any real hatred that may lie behind them (Guinness 2013, 156).

As a sustainable alternative to these two extremes, Guinness proposes the model of a civil public square. In Guinness' own words:

A civil public square is a vision of public life in which citizens of all faiths and none are free to enter and engage public life on the basis of their faith, as a matter of freedom of religion and conscience, but within an agreed framework of what is understood and respected to be just and free for people of all faiths too, and thus for the common good. (Guinness 2013, 181).

At the core of this political framework are the three Rs of freedom of thought and conscience: rights, responsibilities, and respect, which have to be applied in a reciprocal, mutual and universal manner. Each person holding a certain belief should be “free to be faithful to its own beliefs and yet responsible to know how to deal respectfully and civilly with the vital differences of other beliefs.” This enables the model to become a “political embodiment of the Golden Rule” in the sense that ... it enables citizens to be true to their own faith while being civil to others for the common good of society (Guinness 2013, 181, 186).

This model cultivates responsible citizenship and civility as a means of achieving stability in diversity and enabling freedom of thought, conscience, religion and belief that reflects, promotes and protects the inviolable and inalienable dignity and worth of all human beings.

Guinness warns of three common traps with regards to civility. First, civility should not be confused with polite niceness or weakness. Civility “enables citizens to take their public differences seriously, debate them robustly, and negotiate and decide them peacefully rather than violently.” Second, civility is not an end in itself, but means to achieving freedom of thought, conscience and religion, and their free expression. It requires responsible and engaged citizens who will not misunderstand liberty to express honest opinions as license to slander. Third, civility implies that public discourse must shift from coercion to persuasion. Those who would prevail in public affairs have to persuade others in the public square. (Guinness 2013, 181-184).

The civil public square itself could be misunderstood as well. First, contrary to some syncretic or ecumenical approaches, the goal of the civil

public square is not to abolish differences, but to protect and negotiate them peacefully. Differences between core beliefs, whether religious or secular, are ultimate, and cannot be eliminated by a lowest common denominator. Also, the public square is not to be confused with “sloppy tolerance” and indifference to truth which is a reaction to religious or secular discriminations against individuals and groups with different opinions. Respecting a person’s right to believe a certain thing does not mean accepting the results of that belief. (Guinness 2013, 185, 188-189).

Civility and the civil public square thus provide an approach and context for debating all policies that result from the religious or secular belief systems of public policy stakeholders.

To support this goal, Guinness proposes the ratification of the Global Charter of Conscience, which reaffirms and supports Article 18 of the UDHR. Promoted at the European Parliament in 2012, the Charter was endorsed by prominent figures, including the UN Special Rapporteur on freedom of religion or belief. The Charter emphasizes “the inviolable dignity of each human individual, in particular in the character of reason and conscience” (Art. 2) as the basis of the civil public square. The Charter recognizes that alongside religious and secular beliefs, there are significant social/moral norms, such as rights, duties, and responsibilities, that regulate human life regardless of the ultimate beliefs (Johnson 2012).

Conclusion

In consideration of the said above, the outline of free speech and hate speech and their interaction, as well as Volf’s and Guinness’ instrumental and moral espousing of free speech vs the exaggerated and weaponized utilization of hate speech, the overall aim of this paper is not try to turn da scales on the controversy, nor to lament over an illusory golden time for free speech. Rather the aim is to learn from the past, which includes both folly and wisdom, discern between the two, and apply the best theories and practices to our current circumstances. One of the main claims that this paper makes is rather obvious, but not necessarily always seen as such. It is the fact that when one idea worth fighting for has found its rightful implementation to be acknowledged as such, rather than to insist, as if by inertia, on definitive obliteration of competitive ideas till there is not space for dissent. We hope that our suggestions for the ways ahead will make small

contribution towards the realization that the flourishing of human society is never about absolute political, military, social, economic, moral, or ideological control. The freedom of conscience and the humble acceptance of the fact that none of us, as individual or as a group has no exhaustive claims on any of the big, but also mundane questions of life.

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HATE SPEECH ON TWITTER: ATTITUDES TOWARD THE DRIVERS OF ELECTRIC SCOOTERS

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Abstract

Extensive use of social networks has resulted in a wider space for hate speech on the Internet, but also contributed to new forms of emergence, new categories of target groups and an additional degree of victim vulnerability. Associated with sudden / intensive social changes or technological innovations, social network become an ideal playground for escalation of the hate speech. Considering this, authors of this paper conducted an empirical research based on the content analysis of Twitter posts that address the use of an electric scooters as an alternative means of transportation in urban communities, but also as an ultimate fashion trend triggering the public debate. According to findings, a numerous posts fulfil all features of hate speech, while a significant number of them meet some of the criteria to be considered hateful.

Keywords: *social network, Twitter, online hate speech, electric scooters*

Introduction: Hate speech in online communication

Hate speech is “speech or expression which is capable of instilling or inciting hatred of, or prejudice towards, a person or group of people on a specified ground” (Gelber & Stone 2008, xiii). It has also been described as speech which destroys a targeted person or groups’ assurance that there will be no need to face hostility, violence, discrimination, or exclusion by others’ as they go about their daily life (Waldron 2012). It includes content that is offensive, slanders a person, or smears somebody’s good name (Lovrec 2014, 26). Hate speech is considered harmful not just because of its impact on individuals, but also because it undermines the ‘public good of inclusiveness’ in society (Waldron 2012, 4).

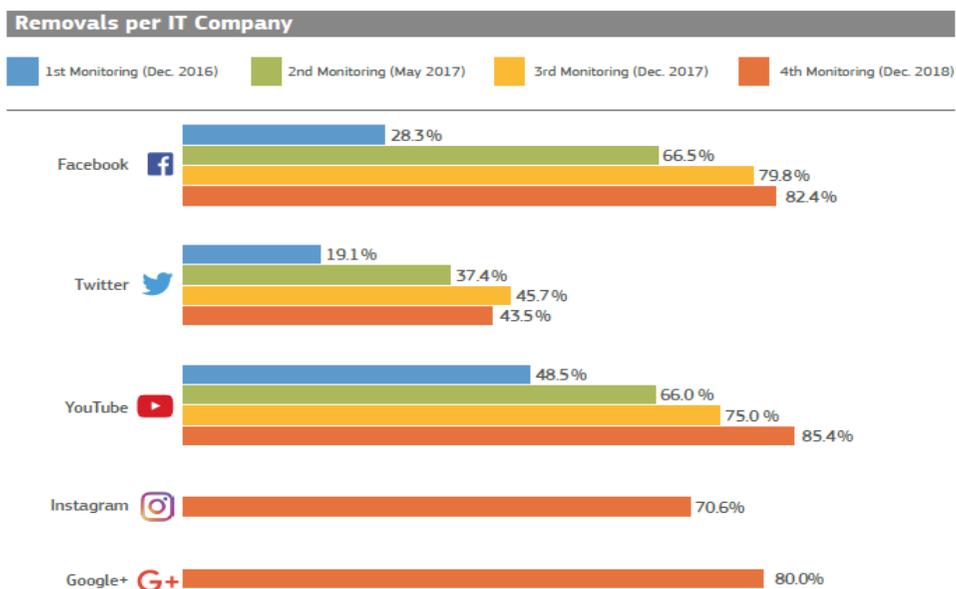
Hate speech has gone through an extraordinary transformation in the past fifteen years and it is a common occurrence on the Internet (Eadicicco 2014; Ketterly & Laster 2014). Waldron warns that hate speech becomes embedded in ‘the permanent visible fabric of society’ (Waldron 2012, 4), and this is even more true online, where the virtual world is made entirely of speech.

Hate speech has found a particularly fertile ground in online communication, where it can spread almost seamlessly without fear of serious consequences. Specifically, the features of internet communication have made it much more efficient to spread all messages, including hate speech. There are several methods in use to spread hate on the Internet. Hate speech could be spread via internet sites dedicated to promoting or inciting hate against a particular group or groups; blogs and online forums; emails and personal messages; gaming; social networking sites; videos and music. Also, since the Internet communication often causes polarization and extreme opposing views, it seems that communication on the Internet is flooded with a variety of content that is often very offensive to many, most minority members, and even to open calls for mobilization and virtual, and even a real violent actions. Despite certain legal mechanisms in place to prevent hate speech, given the constant increase in the overall number of participants in online communication, the number of actors and the complexity of content that characterizes hate speech is increasing. This situation creates a feeling of insecurity for citizens, especially for members

of minority groups, who become the target of discrimination and even hate-motivated crimes (Nikolić 2018, 3).

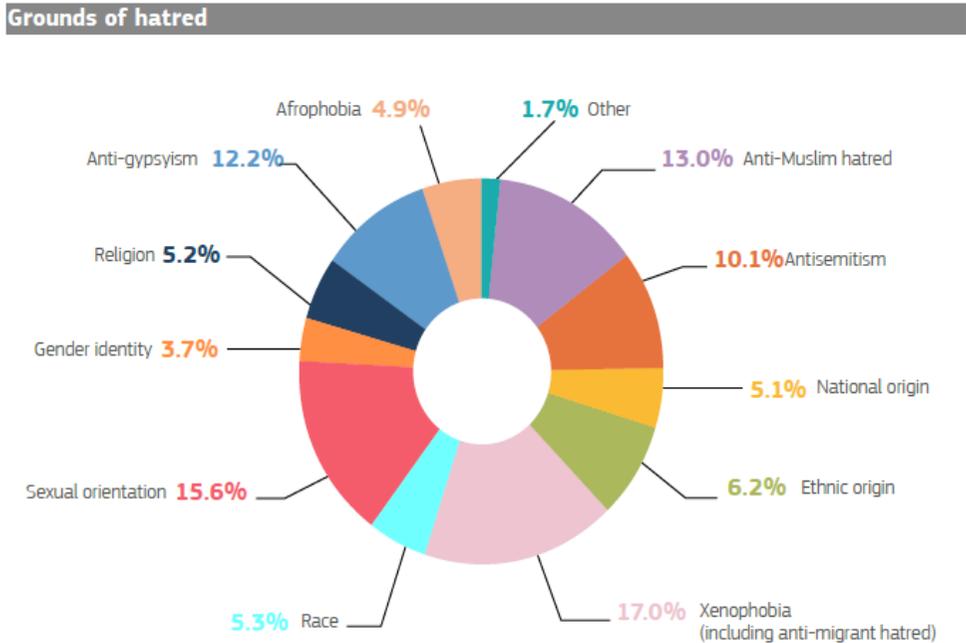
There is a widespread opinion that the hate speech is more common than really is. In the research conducted by Council of Europe in 2012, around 78% internet users faced hate speech in communication. Two-fifths felt personally threatened by this way of spreading hate speech, while every twentieth acknowledged that he had personally posted a message online that could be characterized as hate speech (Council of Europe 2012).

To prevent and counter the spread of illegal hate speech online, in May 2016, the European Commission agreed with Facebook, Microsoft, Twitter and YouTube a *Code of conduct on countering illegal hate speech online*. In the course of 2018, Instagram, Google+, Snapchat and Dailymotion joined the *Code of Conduct*, and Jeuxvideo.com joined in January 2019. According to the fourth round of monitoring of Code of Conduct in 26 Member States, overall, social network sites removed 71.7% of the content notified as hate speech. YouTube removed 85.4% of the content, Facebook 82.4% and Twitter 43.5%. Both Facebook and, especially, YouTube made further progress on removals when compared to the last year.



Twitter, while remaining in the same range as in the last monitoring cycle, has slightly decreased its performance (European Commission 2019, 3).

The same evaluation showed that xenophobia (including anti-migrant hatred) is the most commonly reported ground of hate speech (17%), followed by sexual orientation (15.6%) and anti-Muslim (European



Commission 2019, 5).

As it is evident from the brief overview, an extensive use of social networks has resulted not only in a wider space for hate speech on the Internet, but also contributed to new forms of emergence, new categories of target groups and an additional degree of victim vulnerability. Associated with sudden / intensive social changes or technological innovations, social network become an ideal playground for escalation of the hate speech. Considering this, authors of this paper conducted an empirical research based on the content analysis of Twitter posts that address the use of an electric scooters as an alternative means of transportation in urban communities, but also as an ultimate fashion trend triggering the public debate.

Hate speech Twitter policy

The enormous boom in social media sites, such as Facebook, Twitter and YouTube and the saturation of our daily lives by the media have made the hate speech more pervasive and ubiquitous than ever before. Social media platforms have the largest online engagement and the greatest ability to take a message of hate viral. The anonymity and low threshold of entrance of online forums, comment sections of news portals and social media sites provide fertile ground for cyber hate (Berecz & Deviant 2017, 3). Physical distance and the openness of online society make the expression of hate more prevalent online than in face to face interactions in society.

Research on hate speech on Twitter have been especially vivid in the past several years (Waseem & Hovy 2016; Davidson et al. 2017). Twitter is a defensible and logical source of data for the analysis given that users of social media are more likely to express emotional content due to deindividuation (anonymity, lack of self-awareness in groups, disinhibition) (Festinger, Pepitone & Newcomb 1952 in Burnap & Williams 2015). Moreover, Twitter, enables a locomotive, extensive and near real-time data source through which the analysis of hateful and antagonistic responses to “trigger” events can be undertaken (Burnap & Williams 2015, 224). Such data affords researchers with the possibility to measure the online social mood and emotion following some events, whether disruptive and explosive, such as terrorist act, or sudden but not so violent, such as introduction of a new technological device or solution.

What is considered as social network abuse is threatening its users, using pejoratives and spreading offensive speech. Insults or mean comments are not necessarily hate speech. Therefore, some researchers differentiate hateful speech and offensive speech (Davidson et al., 2017). Hate speech targets disadvantaged groups in a manner that is potentially harmful to them (Jacobs and Potter 2000; Walker 1994).

Faced with criticism for not doing enough in this field, both Facebook and Twitter created their own provisions against hate speech through policies that prohibit the use of these platforms for attacks on people based on characteristics like race, ethnicity, gender and sexual orientation, or threats of violence towards others (Davidson et al. 2017, 512). According to Twitter hateful conduct policy:

*You may not promote violence against or directly attack or threaten other people on the basis of race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age, disability, or serious disease. We also do not allow accounts whose primary purpose is inciting harm towards others on the basis of these categories.*¹

According to Twitter policy, the behaviours, posts, images that Twitter find hateful will be as follows:

- *Violent threats* (declarative statements of intent to inflict injuries that would result in serious and lasting bodily harm, where an individual could die or be significantly injured)

- *Wishing, hoping or calling for serious harm on a person or group of people* (hoping that someone dies as a result of a serious disease; wishing for someone to fall victim to a serious accident; saying that a group of individuals deserve serious physical injury)

- *Inciting fear about a protected category*

- *Repeated and/or non-consensual slurs, epithets, racist and sexist tropes, or other content that degrades someone*

- *Hateful imagery* (logos, symbols, or images whose purpose is to promote hostility and malice against others based on their race, religion, disability, sexual orientation, gender identity or ethnicity/national origin).

In order to define more precisely the features and discourses of hate speech on this social network, Waseem and Hovy (2016, 89) argue that tweet is offensive if it:

- uses a sexist or racial slur.
- attacks a minority.
- seeks to silence a minority.
- criticizes a minority (without a well-founded argument).
- promotes, but does not directly use, hate speech or violent crime.
- criticizes a minority and uses a straw man argument.
- blatantly misrepresents truth or seeks to distort views on a minority with unfounded claims.
- shows support of problematic hash tags, e.g. “#BanIslam”, “#whoriental”, “#whitegenocide”
- negatively stereotypes a minority.

¹ Available at <https://help.twitter.com/en/rules-and-policies/hateful-conduct-policy>

- defends xenophobia or sexism.
- contains a screen name that is offensive, as per the previous criteria, the tweet is ambiguous (at best), and the tweet is on a topic that satisfies any of the above criteria.

Research Methodology²

Research phases and sampling

Triggered by intensive reaction of Serbian public on sudden introduction of electric scooters as an alternative mean of transportation in urban communities during the 2019, the authors decided to use this social phenomenon as a ground to conduct the empirical research on reporting and posting about electric scooters in daily newspapers, but also on Twitter. The research had been conducted in the period June-September 2019, split into the two research phases:

Research phase I: Analysis of the daily newspapers' reporting on the use of electric scooters

During this stage, we examined media coverage of the e-scooters in leading agenda-setting newspapers, precisely, their websites from June to September 2019. Eight popular daily newspapers were selected: Novosti³, Blic⁴, Politika⁵, Danas⁶, Alo⁷, Kurir⁸, Informer⁹ and Srpski telegraf¹⁰. Considering the wide audience they gather, we found them relevant for framing the public discourse on the main research problem.¹¹ The initial search of the daily newspaper portals yielded a total of 248 articles. After reviewing and eliminating duplicates, as well as articles where the electric

² For more data about this research, see: Kolaković-Bojović, Milica, and Ana Paraušić. "Electric Scooters - Urban Security Challenge or Media Panic Issue" Teme 43, no. 4 (2019), in press.

³ <http://www.novosti.rs/> last accessed September 25, 2019

⁴ <https://www.blic.rs/> last accessed September 25, 2019

⁵ <http://www.politika.rs/> last accessed September 25, 2019

⁶ <https://www.danas.rs/> last accessed September 25, 2019

⁷ <https://www.alo.rs/> last accessed September 25, 2019

⁸ <https://www.kurir.rs/> last accessed September 25, 2019

⁹ <https://informer.rs/> last accessed September 25, 2019

¹⁰ <https://www.republika.rs/najnovije-vesti>

¹¹ <https://serbia.mom-rsf.org/rs/mediji/print/> last accessed September 24, 2019

scooters were mentioned incidentally or non-motorized scooter were in question, the final sample consisted of 115 newspaper articles.

Research phase II: Analysis of Twitter posts on the use of electric scooters

In order to get a more complete picture of the discussion about electric scooters on the city streets, the survey also included a Twitter analysis with its dynamics and debates. We analysed posts made on Twitter in the six weeks long period (July 24th -September 4th, 2019) that had been previously identified as the pick of media reporting on electric scooters. We focused exclusively on posts written in Serbian in order to get results on attitudes toward electric scooters in Serbian urban communities (mostly in Belgrade). We identified 304 posts that fulfil above mentioned criteria.¹² Posts' coding process showed that some of the posts addressed more than one of the identified topics, meaning that we as the final outcome, analysed 338 Twitter posts.

Methods

Content analysis was used as the main research method and the unit of analysis was single text/tweet with all visual and content related parts. Each news/tweet item was examined to identify the main topics, the actors involved, the activities they perform, and how they are characterized. Specifically, the analysis focused on the issue and themes that were considered significant since the introduction of e-scooters on the Belgrade streets and how this significance was expressed (in positive, negative or neutral terms).

¹² In order to avoid contamination of the sample, we decided to exclude 36 posts written in the middle of the analysed period that mentioned electrical scooters, but only as a side issue while discussing political topics. Namely, local Belgrade politician who belongs to non-ruling party used the electric scooter to show that reconstruction of the streets in the city centre resulted in extremely unpleasant conditions to drive electric scooters in that part of the city. This attracted a significant interest of Twitter users and public in general and triggered intense debate. As a result of that debate, a numerous posts were made. Some of them were focused on issues relevant for our research and consequently included in the sample. In parallel, 36 aforementioned posts mentioned electrical scooters exclusively as a side issue while discussing topics in the field of politics- pro and contra ruling party on local and global level. This qualified them for the exclusion from the research sample.

In terms of procedure, after extracting an every single news/post from the newspapers' websites and Twitter, using the Google tool and Twitter Search option, based on the key words (scooter(s), electric scooter(s), trotinette(s), electric trotinette(s)), each news item or a tweet we identified broad, had been analysed, after finishing the coding process that had been conducted in order to identify the main topic(s) it addresses, the sentiment of the news/post, the main arguments (if any) it provides to support an attitude publicly expressed.

Twitter posts analysis

On this occasion we will focus on the part of the research dedicated to the Twitter posts analysis, conducted based on six thematic categories, as given below:

Thematic category I: Electric scooters' use and impact on health.

Thematic category II: Electric scooters as an alternative means of transportation and/or ecology and financial benefit.

Thematic category III: Electric scooters as an urban security challenge.

Thematic category IV: Electric scooters as a fashion trend and/or status symbol.

Thematic category V: Hate and/or negative attitudes toward electric scooters without providing arguments or reasons in support of this attitude.

Thematic category VI: Affirmative posts about electric scooters without providing arguments or reasons in support of this attitude.

During the coding process, in addition to the number and tone of posts within the above listed categories, we tried to identify the main issues, discussion subtopics and attitudes for all categories.

Findings

The coding process showed that the most of Twitter users (289 of 338, or 85% of them), who had addressed the issue of electrical scooters did it negative manner.

Table 1: The main topics of twitter debate on electric scooter

No.	Topic/ Thematic category	Number/ percentage of posts	Sentiment of the post	
			positive	negative
1	Electric scooters' use and impact on health	16	0	4
		5%	0%	100%
2	Electric scooters as an alternative means of transportation and/or ecology and financial benefit	54	28	26
		16%	52%	48%
3	Electric scooters as an urban security challenge	149	6	143
		44.1%	4%	96%
4	Electric scooters as a fashion trend and/or status symbol	71	5	66
		21%	7%	93%
5	Hate and/or negative attitudes toward electric scooters and/or their drivers without providing arguments or reasons in support of this attitude.	38	0	38
		11.2%	0%	100%
6	Affirmative posts about electric scooters without providing arguments or reasons in support of this attitude.	10	10	0
		4%	100%	0%
Total number of posts		338 (100%)	49 (15%)	289 (85%)

Having this in mind, the initial task was to make distinction between those posts who are just negative and others that fulfil conditions to be considered as hate speech, based on above described theoretical concepts and Twitter policy. As a result, we took two of six earlier mentioned thematic groups of posts into consideration: Thematic groups IV and V.

Thematic category IV- Electric scooters as a fashion trend and/or status symbol

During the coding process, three subtopics had been identified when Twitter users were addressing electric scooters as a fashion trend and/or status symbol. Namely, the most of Twitter users find the use of electric scooters to be sign that a person belongs to certain social group (62%). Almost a third of those who posted in this thematic group marked the use of electric scooters as simply the fashion trend (28.2%). Finally, 9.8% of users address this topic referring to electric scooters as a privilege of rich people/status symbol.

Table 2: Topic 4- Electric scooters as a fashion trend and/or status symbol

No.	Subtopic	Number/percentage of posts	The sentiment of post	
			positive	negative
1	Electric scooter as a privilege of rich people/status symbol	7	2	5
		9.8%	28.6%	71.4%
2	Electric scooters- simply the fashion trend	20	3	17
		28.2%	15%	85%
3	Electric scooter as the sign that person belongs to a certain social group	44	0	44
		62%	0%	100%
	Total number of posts	71 (100%)	5 (7%)	66 (93%)

From the hate speech perspective, the most interesting subtopic was “Electric scooter as the sign that person belongs to a certain social group,” considering the further thematic content and the sentiment of the posts. More precisely, all of the 44 posts addressing this subtopic were followed by negative sentiment fulfilling the hate crime criteria.

Table 3: Topic 4/3- Electric scooter as the sign that person belongs to a certain social group

No.	Categories	Number/percentage of posts
1	Hipsters ¹³	10
		22.7%
2	City centre located citizens	4
		9.1%
3	Programmers/IT experts	4
		9.1%
4	Homosexuals or not manly enough	12
		27.3%
5	Lazy people	2
		4.5%
6	Middle-age crisis persons	5
		11.4%
7	Drug addicted/sectarians/mentally disabled	7
		15.9%
	Total number of posts	44 (100%)

If we focus on social groups addressed/mentioned in analysed posts, we can identify seven categories: Hipsters (addressed in 22.7%); city centre located citizens (9.1%); programmers/IT experts (9.1%); Homosexuals or not manly enough (27.3%); Lazy people (4.5%); Middle-age crisis persons (11.4%); Drug addicted/sectarians/mentally disabled (15.9%).

All of these posts were written in “black & white” manner (e.g. “Every time I see some guy driving electric scooter, I know he is 100% percent gay!”, or “When you meet guy on electric scooter, you can be sure that he has his laptop in the backpack! God! Only those IT idiots drive electric scooters!”, or “I cannot watch anymore those guys with stylish beards, in skinny trousers and plaid shirts on electric scooters! They are all gays for sure!”).

¹³ Cambridge Dictionary Online (2019) identifies hipsters as a person who is under the influence of the most recent ideas and fashion. Hipster is a member of a loosely defined, highly self-conscious subculture who favours retro fashion and obscure musical styles. This new incarnation of the hipster, typically a young adult male and portrayed wearing heavy-framed glasses, is often derived as pretentious, tiresome ironic and/or neekly (Thorne, 2014). It is a media stereotype used as a pejorative label to describe someone who outwardly seeks nonconformity through niche consumerism and boycott against mainstream culture.

Thematic category V- Hate and/or negative attitudes toward electric scooters without providing arguments or reasons in support of this attitude

In terms of Thematic Category V, “Hate and/or negative attitudes toward electric scooters and/or their drivers without providing arguments or reasons in support of this attitude”, we found the most extreme examples of the hate speech within the analysed sample.

In this category, we analysed 38 posts in total that addressed the use of electric scooters in extreme negative manner, but without addressing particular topic (e.g. security aspects, influence on health, etc.). The only idea of these posts was to express hate toward the electric scooters and those who use them.

Table 4: Topic 5- Hate and/or negative attitudes toward electric scooters without providing arguments or reasons in support of this attitude

No.	Subtopic	Number/percentage of posts
1	Threats of death/ calls for violence/curses and insults	13
		34.2%
a.	Threats of death	3
		7.9%
b.	Calls for violence	7
		18.4%
c.	Curses and insults	3
		7.9%
2	Other	25
		65.8%
	Total number of posts	38
		(100%)

It is emerging data that 34.2% of posts in this category include threats of death, calls for violence and/or curses and insults. 7.9% of posts contained threats of death or even open calls for lynching/killing electric scooters’ drivers, while 18.4% of those who posted “pure hate tweets”, called for violence against electric scooters’ drivers. Some of the posts contained very cruel examples or proposals what should be done to against electric scooters’ drivers (e.g. “For all those on electric scooters, I suggest electric chair!” or “I will break his scooter by hitting him in his had!”).

When it comes to 7.9% of Twitter users who posted various insults, it is important to mention that, compared with posts from Category IV where electric scooters' drivers were declared to be part of some social group followed by discriminatory/insulting approach, in this particular category, insults were posted without providing any explanation/reason/argument.

In term of category "Other", were belong 65.8% of posts based on "pure hate", we found two different types:

- **non-offensive posts** where Twitter users just express negative feelings toward electric scooters' drivers (e.g. "I hate these electric scooter drivers!", or "They annoying me so much!")
- **offensive posts** where Twitter users express negative feelings toward electric scooters' drivers indicating a lack of further patient for them, but without concrete threats.

Conclusion

Hate speech is a verbal act of discrimination, contempt, stereotyping, hostility, aggression and / or violence, especially against minority, vulnerable and marginalized groups. Thus, a message sent through hate speech has the (in) direct intent to cause negative consequences for an individual or group, e.g. to generate hatred and feelings of threat and fear, based on one's personal attribute, or belonging to a minority group. Undoubtedly the transformative and revolutionary potential of the internet makes online hate speech specific phenomenon. Firstly, the speed and reach of the internet disable governments to enforce national laws to combat hate speech when it comes to the online sphere. In addition, the production of hate speech on the Internet is comparatively simple, easy and cheap. Consequently, the possibilities for accessing and disseminating hate speech on the Internet are dramatically and incomparably greater than the communication of hate speech in the traditional media. Moreover, hate speech can stay online for a very long time and in different formats on different platforms.

One of the specific characteristics that Internet users face is the visibility, ubiquity or proliferation of hate speech, as well as aggressive speech and threats on the Internet, especially when compared to offline communication. When it comes to the internet, the effect of online disinhibition, in which the absence of face-to-face interaction is a key factor could be recognized. In addition to invisibility ("You don't see who I am"), additional factors contributing to online disinhibition are anonymity ("You

don't know who I am"), lack of synchronicity ("You will read later") and, of course, minimal or non-existent sanctions for offensive communication (Vehovec et al. 2016, 12).

Bearing this in mind, social network platforms, especially Twitter, represent an efficient means for spreading the hate speech threats. Social networks transformed and widened the traditional definition of hate speech, introducing new target groups and additional degree of victim vulnerability. Therefore, we conducted the empirical analysis on Twitter debate surrounding the introduction of specific alternative means of transportation, e.g. electric scooters on the streets of Belgrade.

Summarizing above given findings of the research, it is obvious that posting about the use of electric scooters fulfils all of the main criteria of the hate speech as defined in the social science theory, but also as a part of Twitter policy. In addition to this, an amount of cruelty and discrimination compared to (non)seriousness of the use of electric scooters as a topic should be considered as emerging sign that as community we are not ready to easily accept novelties, even if they don't tackle any of the vital parts of the culture of society.

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HATE SPEECH - TERMS AND REMARKS

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Abstract

Freedom of speech and expression of thought is a fundamental human right. The ability to express an opinion and share information is a valuable indicator of the democratic capacity and institutional set-up of democracy in societies. However, there are situations where freedom of expression can be abused and transformed into hate speech. For example, certain individuals and groups may express ideas about the superiority of a particular race, religion, or nation with the intention of humiliating anyone who does not belong to "their" group as well as calling for persecution, isolation, and even genocide.

Furthermore, the author will talk about protected features that represent a very important aspect of the concept of hate speech, and the author will identify bias indicators / indicators as objective criteria by which judgment on possible hate speech can be judged. Finally, in this paper, the author recommends that the fight against hate speech should be based on a three-pronged approach: developing positive policies; protection through administrative and civil laws / procedures and the provision of criminal sanctions.

Keywords: hate speech, protected features, bias indicators for prejudice

INTRODUCTION

Freedom of Speech and Expression of Thought is a basic human right that has an essential role to play in protecting and protecting other rights. The ability to express an opinion and share information is a valuable indicator of the democratic capacity and institutional set-up of democracy in societies. The concept of citizenship and pluralism cannot be achieved without the

possibility of free expression of thought and the objective competition of opposing political ideas. Freedom of expression in its sense enables the exchange and pluralism of ideas to realize the wealth of thought and to communicate through democracy and political discourse.

Examining cases of restriction of freedom of expression may identify cases where certain expression may harm objectives that are legitimately protected. Hate speech is the most serious abuse of the ability to express and opens up unpleasant and complex problems for modern societies dedicated to respect and foster cultural pluralism and tolerance.

Forms of public sowing and inciting hatred, without feeling responsible for the word spoken, appear as a general psychological framework for the expansion of all forms of hate crimes - from acts of physical to acts of verbal and psychological violence (according to Legal Analysis of the Concept of Hate Crime and Hate Speech, OSCE, Polyester day, Skopje, 2012, p. 37).

The Constitution of the Republic of Northern Macedonia defines the right to freedom of belief, conscience, thought and public expression of thought in the group of civil and political freedoms and human and civil rights (according to Constitution of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" No. 52/1991), Article 16).

Article 16 sets out the contents that determine the said right: "The freedom of belief, conscience, thought and public expression of thought is guaranteed. Freedom of speech, public appearance, public information and the free establishment of public information institutions are guaranteed. Free access to information, freedom to receive and impart information is guaranteed. The right of reply in the mass media is guaranteed. The right of correction in the mass media is guaranteed. The right to protect the source of information in the mass media is guaranteed. Censorship is forbidden".

Freedom of Speech and Expression of Thought is a basic human right that has an essential role to play in protecting and protecting other rights. The ability to express an opinion and share information is a valuable indicator of the democratic capacity and institutional set-up of democracy in societies. The concept of citizenship and pluralism cannot be achieved without the possibility of free expression of thought and the objective competition of opposing political ideas. Freedom of expression in its sense enables the

exchange and pluralism of ideas to realize the wealth of thought and to communicate through democracy and political discourse.

Furthermore, freedom of expression is also enshrined in the European Convention on Human Rights (https://www.echr.coe.int/Documents/Convention_ENG.pdf).

Freedom of expression - 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Freedom of expression is also enshrined in the Universal Declaration of Human Rights (https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf).

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions with-out interference and to seek, receive and impart information and ideas through any media and regardless of frontiers

Examining cases of restriction of freedom of expression may identify cases where certain expression may harm objectives that are legitimately protected. Hate speech is the most serious abuse of the ability to express and opens up unpleasant and complex problems for modern societies dedicated to respect and foster cultural pluralism and tolerance".

Forms of public sowing and inciting hatred, without feeling responsible for the word spoken, appear as a general psychological

framework for the expansion of all forms of hate crimes - from acts of physical to acts of verbal and psychological violence (according to Legal Analysis of the Concept of Hate Crime and Hate Speech, OSCE, Polyester day, Skopje, 2012, p. 37).

After the fall of the Berlin Wall, the main expectations were to secure freedom of speech and information, to secure competition, pluralism and a market economy, to enjoy human rights and individuality. But freedom of expression as a right has been radicalized in all its aspects, especially in the countries of Southeast Europe. Direct political speeches, demonstrations, pamphlets, free interviews, analytical articles occupied the media, and free communication between the government and citizens was to be established as a basic principle of democratic egalitarianism (Mihajlova, Bachovska, & Sekerdziev, 2013 : 6).

Defining Hate Speech

Hate speech involves expressing hatred for a particular group. It is used to offend a person through racial, ethnic, religious, or other groups to which that person belongs. Such speech generally seeks to condemn or disparage the individual or group or to express anger, hatred, violence, or contempt. He carries a message of inferiority to the members of the group in question and condemns, humiliates, and is full of hatred. Practically all racist, xenophobic, homophobic, and other related forms of identity-assaulting expression could be brought under the notion of hate speech.

In the Appendix to Recommendation no. R (97) 20 of the Committee of Ministers of the Council of Europe of 1997 states that the term "hate speech" should be understood as a term that encompasses all forms of expression that propagate, incite, promote or justify racial hatred, , xenophobia, anti-Semitism or other forms of intolerance-based hatred, including: intolerance expressed in the form of aggressive nationalism and ethnocentrism, discrimination and hostility to minorities, migrants and persons of immigrant origin (according to Recommendation no. R (97) 20 of the Committee of Ministers of the Council of Europe on "hate speech" or see more:[http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec%281997%29020&expmem EN.asp](http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec%281997%29020&expmem_EN.asp)). The European Court of Human Rights in its judgments on hate speech defines hate speech as "all forms of expression

that spread, incite, promote, or justify intolerance-based hatred" (Erbakan v. Turkey (Application no.59405/00), Judgment 6 July 2006, § 56.).

Despite the frequent use of the term hate speech, it must be noted that there is no universally accepted definition of it. From expert debates and numerous definitions, we can derive a synthetic definition: Hate speech is a type of expression designed to promote hatred based on race, religion, ethnicity, national origin, gender, sexual orientation, class / social origin, physical or mental disability (Mihajlova, Bachovska, & Sekerdziev, 2013 : 25).

Any form of expression that promotes hatred of one or more persons because of their personal characteristics or affiliation to a particular group or community (<http://www.govornaomraza.mk/page/index/3>).

Thus, the target of this speech may be one or more persons belonging to a group sharing certain characteristics.

More precisely, hate speech refers to a whole range of negative speech, ranging from speech that expresses, incites, incites or promotes hatred, to offensive words and epithets, and even extreme examples of prejudice, stereotypes and bias. In addition to direct speech, hate speech includes many other forms of expression, such as: (Mihajlova, Bachovska, & Sekerdziev, 2013 : 26).

- public use of offensive symbols (e.g. swastika);
- their explicit display of parades, protests, public addresses and the like;
- cross burning (this is characteristic of the Ku Klux Klan in the United States);
- burning flags;
- writing graffiti;
- gluing posters;
- distribution and dissemination of leaflets with such content;
- expression through TV and radio and;
- more recently, expression on the Internet.
-

Elements of hate speech

The European Court of Human Rights has developed several elements of hate speech in its practice: intent, content, i.e. context of expression and prohibited consequence (Lazarova, Trajkovska, 2012).

Intent to spread hatred to a particular group. Hate speech means an expression that is intended to incite, promote or justify hatred of persons belonging to a particular group (racial, religious or ethnic group, etc.). This intention should be different from the intention of informing the public on issues of general interest (so in the case of *Jersild v Denmark* - see *Jersild v Denmark* Application no.. 15890/89, Judgment 23 September 1994) documenting a racist organization is not hate speech, but is done with the intention of presenting a social phenomenon that is general interest to the general public (Lazarova, Trajkovska, 2012).

- content / context of the particular expression. The assessment of whether a particular expression is a hate speech will depend on the content of what is expressed, as well as the specific circumstances of the case, i.e. besides the content, the context of the specific expression is also important. For example, are the statements made by a politician, a journalist, an artist, an ordinary citizen, in what circumstances, at what place and at what time, etc.?

- consequences / prohibited results of hate speech. Hate speech, in addition to causing harm to the dignity of the person / persons to whom it is addressed, is also speech that has the potential to lead to disturbance of public order and peace or violence, such as instantaneous incidents or incitement to violence between the relevant groups in society, as well as hate crime against persons previously targeted by hate speech. The forbidden consequence encompasses the socially damaging consequences caused by such expression, whereby it is sufficient to incite hatred towards others, although real effects of causing severe consequences are lacking.

Protected features

The issue of protected features is one of the key aspects of the concept of hate speech. A protected trait is defined as a trait / trait shared by the group, such as "race", religion, ethnicity, nationality, sexual orientation or other such common identity determinant.

While there is no precise answer as to which features should be included and the decision should be made according to the needs of each state, there are certain factors that must be taken into account: - unchangeable or fundamental characteristics. Hate speech attacks aspects of one's identity that are unchangeable or fundamental to one's sense of self.

Such features are usually visible, such as race or facial skin color. Also, these features should function as markers of group identity (Mihajlova, Bachovska, & Sekerdziev, 2013 : 27).

However, all unchangeable or fundamental features are not markers of group identity.

1. There is a general list of protected features regarding the prohibition of discrimination provided by national and international human rights instruments: For example, Article 14 of the European Convention on Human Rights and Article 1 of Protocol no. 12 of the European Convention provide for an open and inexhaustible list of protected features in relation to the prohibition of discrimination, such as: sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, ownership, birth or other status (according to European Convention on Human Rights, 1950, Article 10 and Protocol 12 to the Convention - https://www.echr.coe.int/Documents/Convention_MKD.pdf).

Article 3 of the Law on Prevention and Protection against Discrimination of the Republic of North Macedonia also provides for a wide and open list of protected characteristics which include: gender, race, skin color, gender, belonging to a marginalized group, ethnicity, language, citizenship, social origin, religion or belief, other beliefs, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health status or other and any other grounds provided by law or ratified international agreement (according to Law on Prevention and Protection against Discrimination, "Official Gazette of the Republic of North Macedonia" No. 50/2010, Article 3).

So, from the general set of protected features provided by national and international human rights instruments, the term / concept of hate speech only applies to some of them:

- race, skin color, religion or belief, ethnicity, national origin, citizenship, language
- gender, gender, sexual orientation
- physical or mental disability
- class / social origin.

Namely, as noted above, hate speech targets aspects of an individual's identity that are immutable or in some sense fundamental to them. For example, belonging to a particular culture. And this grounds: belonging to a

particular culture is used as a term that explains the nature of certain identity characteristics such as: race, skin color, ethnicity, religion, national origin, citizenship or language. Their application comes in variations and they are often interwoven or used simultaneously.

Identity or protected characteristics include gender, gender, sexual orientation, class / social origin (characteristic of societies with a history of class segregation), as well as physical and mental disability. Protected characteristics of hate speech do not include, for example, a person's political affiliation or political conviction, as well as their economic or property status, marital status, education, etc. They can certainly be grounds for discriminating a person, but insults on the basis of belonging to such a group (for example, membership of a political party) will not constitute hate speech. This is because these affiliations do not function as "markers" of a person's fundamental identity and / or do not draw lines of prior oppression, ie. have no previous history of oppression (Mihajlova, Bachovska, & Sekerdziev, 2013 : 29).

Identifying hate speech

Bias indicators / indicators represent one or more facts that indicate that the speech in question may be based on such biases that place it in the category of hate speech. These indicators provide objective criteria for judging possible hate speech. The soft indicators will then be determined.

It is also important to note that there is no consensus among states in the OSCE region regarding statements that are motivated by hatred or prejudice. Some countries punish only those forms of expression that pose a real and immediate threat of violence to the person concerned. In many other countries laws prohibit oral, written, or symbolic communications that advocate or incite discrimination based on hatred. These differences may also influence which indicators will be used in a particular country.

Bias indicators are useful for judges, prosecutors, the media, journalists and civil society organizations when analyzing whether a particular expression is hate speech. The following is a list of non-exhaustive bias indicators derived from hate speech elements (Mihajlova, Bachovska, & Sekerdziev, 2013 : 32).

Indicators of intention

The "intent" indicators are intended to determine as objectively as possible whether the speaker intended to offend, cause violence, humiliate or otherwise humiliate a particular group of people. This could be determined by the opinion of the speech victim, the witness of the event and the general public (expert public and / or civil society organizations). A possible indicator would be the differences (ethnic, religious, national, gender, etc.) that exist between the author of the expression and the attacking group, as well as whether there is a history of violence and intolerance between the two groups. This would be particularly relevant if at the time of the hate speech incident a certain person was engaged in activities to promote the group to which he or she belongs (for example at the Pride Parade, the LGBT community is often a victim of hate speech) (Mihajlova, Bachovska, & Sekerdziev, 2013 : 33).

Content / context indicators

Every speech is necessarily interpreted according to its content but also in the context in which it is expressed. For this reason it is always necessary to assess the context in which the expression is made. Hate speech belonging to a dominant majority in society is usually more alarming than hate speech to a vulnerable and discriminated minority. However, hate speech can also exist from one minority to another minority or vulnerable group in society.

For example, hate speech of a discriminated ethnic minority addressed to the gay community or the LGBT population, expressions of sexism, chauvinism or misogyny. It is common for the statements and expressions of state officials as well as influential political representatives to have less protection than even more explicit examples of hate speech of a marginalized group that lacks credibility in society (Mihajlova, Bachovska, & Sekerdziev, 2013 : 34).

In short, a higher state function / position implies less protection for expression. In this context, the boundary between the official statements of state officials and the expressions not made in that capacity is blurred, and the tendency is for them to be equally relevant.

In addition to explicitly expressing hatred, hate speech can also come in the form of coded messages that may not explicitly offend, but are in any case designed to express hatred towards a particular group.

Such as a denial of the Holocaust or a denial of the past that signifies serious human rights violations of a particular community. So negation is also hate speech.

Consequence / prohibition results indicators

In this case, we are referring to racist and Nazi slogans on the Internet (Facebook profiles, blogs, etc.) that refer to violence against members of a particular ethnic group; racist slogans and chants at football matches that lead to incidents of violence between fans; hate speech towards certain ethnic communities in the media followed by incidents of violence against members of those ethnicities in schools, public transport, etc.

Harmful Consequences of Hate Speech

Hate speech causes great harm both to the particular individual or group to which he or she is concerned and to society at large. Hate speech inflicts emotional and psychological pain on the victims, affects social mobility and prosperity at work: the psychological responses to such verbal attacks consist of feelings of humiliation, isolation, self-hatred, and self-doubt (Mihajlova, Bachovska, & Sekerdziev, 2013 : 34).

The affected person may respond by seeking relief from alcohol, drugs or other types of antisocial behavior. In addition, humiliation may present itself in such social symptoms as an approach to parenting that undermines the child's self-esteem and confirms the expectation of social failure. All of these symptoms can result from the humiliation contained in hate speech.

Hate speech violates the very idea market, the educational environment, and the ideal of equality - equal treatment and the principle of non-discrimination that are fundamental to any democratic society: hate speech carries no meaning other than an attitude of essential inequality between people; a form of social and political exclusion, a declaration of hostility to a segment of citizens in society.

Hate speech potentially leads to hate crime, and it can also lead to genocide: when a particular group is humiliated or inhuman and such speech

is kept out of the "community of equals" then it can easily become the subject of physical assaults and violence. Linguistic based classification or symbolization is also one of the measurable steps towards genocide.

Hate speech has a detrimental effect on social order, peace and the quality of life of the community: making members of victimized communities frightened, angry and suspicious of other groups and the power structure that is supposed to protect them - this speech has the capacity to seriously damage social fabric and divide communities.

CONCLUSION

Hate Speech is any mode of expression that promotes hatred of one or more persons because of their personal characteristics or affiliation to a particular group or community. Everyone can be a victim of hate speech because hatred can exist on different grounds, such as race, skin color, gender, marginalized group, ethnicity, language, citizenship, social origin, religion and other beliefs, education, political affiliation, personal or social status, mental or physical disability, age, marital or marital status, property status, sexual orientation, gender identity here. In addition to direct speech, hate speech can also be expressed by writing offensive symbols, graffiti, drawings, by burning flags or religious symbols, by distributing leaflets with content that incites hatred on any grounds (<http://www.govornaomraza.mk/page/index/3>).

Contemporary hate speech is ubiquitous - on television, radio, print media, internet portals, the internet, social media, political speeches and other public speaking, in schools, at public gatherings - rallies, protests, in the public space, at sports competitions.

The fight against hate speech should be based on a three-pronged approach: developing positive policies; protection through administrative and civil laws / procedures and the provision of criminal sanctions. Each of these is an indispensable link in society's efforts to tackle hate speech and protect pluralism and diversity.

Positive policies and measures to achieve freedom of expression and equality in society imply the existence of a comprehensive legal framework that protects freedom of expression, anti-discrimination legislation and its implementation, institutional knowledge building and information

campaigns. A very important segment are both the civilian sphere and the media.

An area of great impact is education. The most sophisticated programs and curricula must be developed in higher education. But those programs will have to be lowered to kindergartens at all levels. The directions of intervention in all of these projects must have one main line: getting to know the other's culture and trying to understand it as a way to enrich one's own culture.

Civil and administrative procedures are also important assets that give voice and provide visibility to vulnerable and disadvantaged groups in society. They allow victims to seek compensation / compensation independently and should be available along with other victim support mechanisms (e.g. victims' legal assistance, civil society's right to represent victims, etc.).

Criminal sanctions should apply in cases of incitement to hatred. However, the scope of the term "incitement" is not precisely defined and largely depends on the legal and judicial approach of individual countries.

Assessing the "seriousness" of the offense involves investigating: the speaker's intention to incite discrimination, hostility, or violence; the content of the expression in terms of the action / action being represented, the scope of the expression - in terms of the position of the speaker and the audience (public debate versus private talk); present or imminent danger - in terms of the time frame for the occurrence of discrimination, hostility or violence; the likelihood of discrimination, hostility or violence as a consequence of expression; and the context of expression - in terms of the wider social context of expression (Bukovska, 2012).

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CRIMINOLOGICAL EXPLANATIONS OF HATE CRIMES: PSYCHOLOGICAL AND SOCIOLOGICAL CRIMINOLOGICAL THEORIES

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Abstract

The increased social interest after the deaths of James and Mathew in the USA, in several months, during 1998, explained hate crimes as a concept which in its essence contains prejudices towards groups which do not fulfill expectations of social conformism. Sometimes diversity provokes negative emotions among majority of people, who in fear of the unknown limit the everyday life of the carriers of these unconformity characteristics.

Hate crimes in its foundation do not refer to hate as hate towards an individual, but social inability of a timely change of inclusive ideology and suppress the superiority of certain social groups. These crimes are acts of perception of the individual who looks through the eyes of society.

The concept of hate crimes has been an area of interest of many criminological theories, which are trying to explain the roots for its existence. The paper will elaborate part of the many criminological theories and try to use them in direction of explaining hate crimes.

Key words: criminological theories, hate crimes, psychological theories, sociological theories.

INTRODUCTION

The term “hate crimes” is a social construction dating from the 1980s and was/is used to explain criminal activities motivated by bias and prejudices. Constructed in a such a way, this term is mostly directed towards the psychological characteristics of the offender and not that much towards his/her unacceptable behavior (Jacobs & Potter, 1998: 27). Also, what sometimes makes common people to have a wrong impression regarding these crimes is the term “hate” which directs towards thought that the offender simply hates the victim, which is not true and such a simple explanation. Namely, the offender “does not simply hates” and these crimes are not simply motivated by hate and cannot be characterized as hate crimes, because of such emotion towards the victim (Chakraborti & Garland, 2009: 4).

What differs hate crimes from other crimes is the way victims accept and revive their own victimization; there is a higher level of fear among communities and different tensions in between different social groups; incidents identified as hate crimes are drawing more attention by the criminal justice system (Beirne & Messerschmidt, 2006: 130). These are mostly crimes, evil in its core, brutally perpetrated, in most cases against one victim, by more offenders. What we have are “acts of perception”, because victims are not attacked for what they are, but because of the way the offender perceives them (Beirne & Messerschmidt, 2006). Most of the victims are members of communities with different racial, ethnical or other type of characteristics which makes their groups a minority. Also, they are less politically and economically powerful in comparison with majority, and victims are perceived as a threat for the quality of the offender’s life (Petrosino, 2003: 10).

Defined by the Federal Bureau of Investigation, hate crime is a “criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity”.¹⁴

Actually, hate crimes are constituted by three elements, without which no crime can be classified as a “hate crime”: an act should be unlawful; there should be a motive present (hate towards a group) and victim’s belonging to the group (not accepted by the offender) (Stanojoska & Aslimoski, 2019). Beside psychological nature of these crimes, an important aspect is the *in terrorem* message sent to the group (Iganski, 2008). Based on

¹⁴ More at <https://www.fbi.gov/investigate/civil-rights/hate-crimes> [15.11.2019]

bias and prejudices, it is their motive that makes them different from other types of crimes.

Hate crimes are being committed because of hatred, repulsiveness or negative opinion towards certain community of collectivity, to which the victim belongs (Mclaughlin, 2001, cited in Ignjatovic, 2015: 109). They are acts of violence and intimidation towards stigmatized and marginalized groups. It is a mechanism moved by power and pressure, directed towards confirmation of dangerous hierarchy vividly seen in today's social order (Perry, 2001: 10). It is a concept, not a group of crimes, because they do not have to be comprised by one criminal act, but a number of acts, like threats, intimidation, attacks, murder, etc. (OSCE, 2009).

Barbara Perry concludes that groups which commit hate crimes form menu of ideologies comprised by the hegemony of the heterosexual male, Christian white male. Their collective identity is a norm, and everyone out of it, shouldn't be accepted. Using ideology, these groups are becoming superior and powerful (Perry, 1998).

Being complicated, as many other criminal activities, the concept of hate crimes has been an area of interest of many criminological theories, which are trying to explain the roots for its existence.

The paper will elaborate part of the many criminological theories and try to use them in direction of explaining hate crimes.

THEORETICAL EXPLANATIONS OF HATE CRIMES

An important segment from the prevention process is discovering the cause roots of a phenomenon. This is also the case of hate crimes. Today, there are many attempts in using some theoretical explanations in trying to point out why these types of criminal behavior occur.

Social psychology focuses on how environment, others and psychological health issues can shape our attitude and behavior. Hate crimes are motivated by prejudices and stereotypes, which are result of invalid generalizations, hostilities or negative opinion toward a group (Allport, 1979).

Allport (1979) explains how an action starts with prejudice and ends with a hate-motivated criminal behavior. At first, there is a negative stereotype about a group which is a target; then the stereotype is recognized by the dominant group, that a moment starts to feel strain as a result of

changing political, social and economic conditions; frustration increases; some members of the dominant culture are starting to affiliate to violent groups; these violent groups provoke an incident; this incident is a triggering act after which many members continue in committing violent acts against the targeted group (57-58).

Actually, being at a superior social positions, members of dominant culture send a message to other individuals who through observation, learning and understanding accept dominant norms and with them the direction of social perception. Minority groups are avoided, but when social processes become more intense, some individuals become susceptible to hate – motivated behavior.

Social Learning Theory explains criminal behavior through processes of observation and imitation to acts and actions which are undertaken by others. Dominant cultures contain values and norms which are addition to egalitarian themes. Being part of the dominant cultures, mean facilitation of learning biases. Also, if a minority group is not accepted in a framework of social circumstances, most members will accept such perceptions and will learn unacceptable behavior towards it (Vito & Maahs, 2017).

The **differential association theory** explains criminal behavior as action determined by habits that are taught and learned. Using this theory to explain hate crimes, we should look for them in bigoted families, White neighborhoods, areas which are resistant to racial or any kind of equality (Beirne & Messerschmidt, 2006).

Using **social disorganization** to explain criminal behavior in general, early researches have concluded that criminal activities happen mostly in poor, urban neighborhoods which are heterogeneous with a lot of movement. But, hate crimes research has shown that racist hate crimes (anti-Black motivated crimes) are mostly happening in socially organized communities (Lyons, 2007). But, anti-White motivated crimes are happening in communities that are in most cases socially disorganized. What is really important to mention is that socially organized communities tend to be ground for hate crimes, Why? Because there is an organized community, with majority of its members in direction with its rules, making life for minority groups not that easy.

The routine activities theory explains criminal behavior using every day, routine activities, with three crucial elements that should be simultaneously present: the presence of a motivated offender, a suitable target and the absence of a capable guardian or other preventative conditions.

Calculating the risks and the value of the target, the offender makes a decision to commit the crime (Cohen & Felson, 1979).

In the case of hate crimes, routine activities theory can be used, because these crimes cannot happen if there is an absence of opportunity. For example, in the cases of thrill hate crimes, offenders use criminal acts as a source of thrill or excitement, and victims are chosen because of the inferiority they present. Very often members of LGBTQ community are attacked outside of gay or lesbian bars, with even more making these attacks possible, because of lack of intervention by police (Turpin – Petrosino, 2015).

Also, in cases of defensive hate crimes, offenders have a feeling that members of minority groups are intruding their world and steal their possibilities. Wexler and Marx (1986) have researched the so called “move-in” violence in the time when Black families were attacked by White offenders in their attempts to stop them from moving in their neighborhoods. Acts included destruction of property, threats, and personal assaults (Green at al., 1998). Used the routine activities theory, we could point out that in these cases we have a suitable target and highly motivated offenders, and of course, there is absence capable guardian – law enforcement was less vigilant in helping minority groups.

Strain theory focuses on anomic situation that emerges from the disjuncture caused by the lack of possibilities and equal access to means that are necessary to fulfill and achieve the culturally prescribed goals. Those who are not able in achieving the cultural goals are experiencing strain and frustration (Brown et al., 2013).

If we could use strain theory in explaining hate crimes, then the offenders should be looked into the group of people that are experiencing strain and frustration, because of the inability to fulfill their economic or other types of goals. Meaning that most of them should be from ethnic and racial minorities, immigrants, poor, and from other similar groups. But, in cases of hate crimes, these groups and its members are targets.

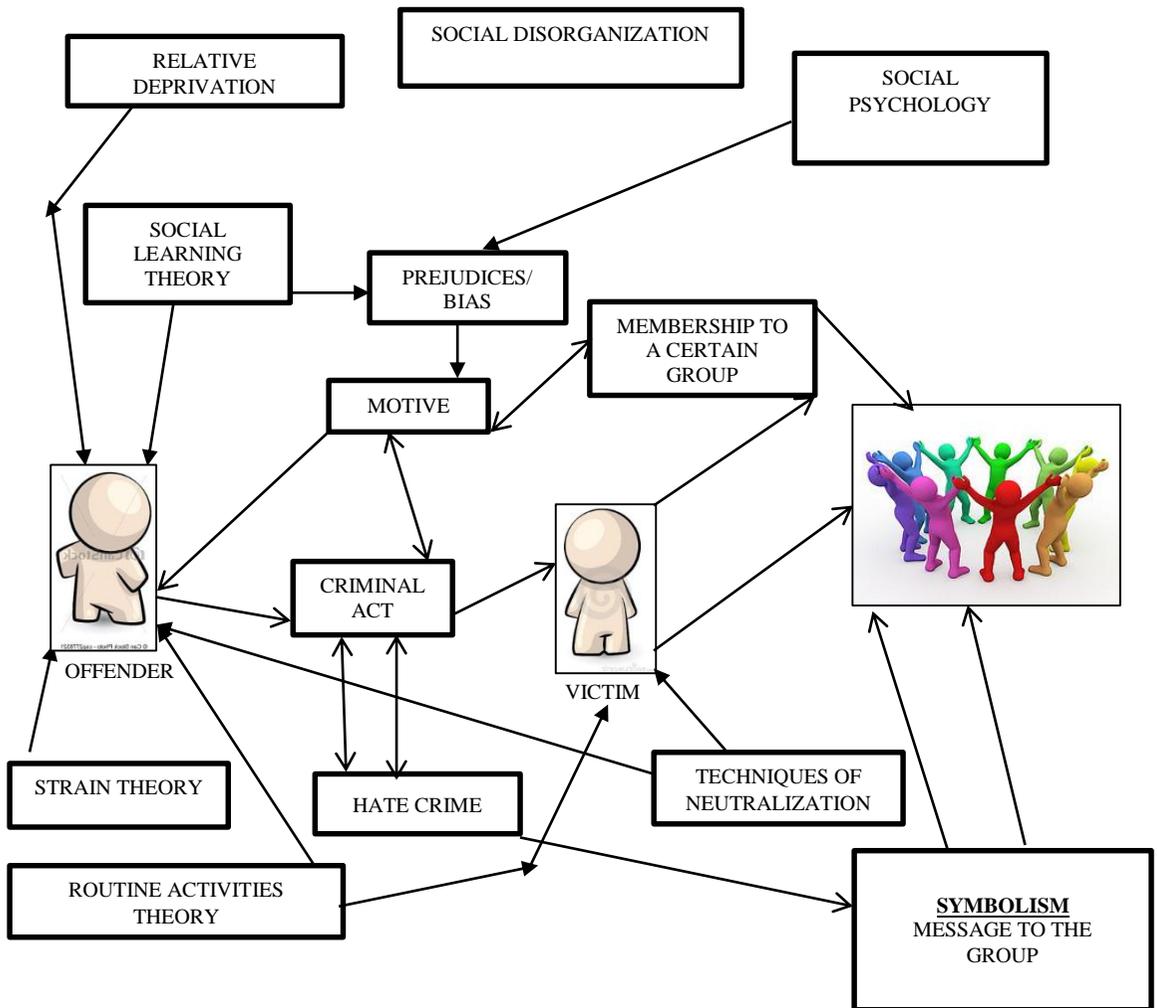
Matza and Sykes (1961) used five **techniques of neutralization** to explain juvenile delinquency. These techniques are used by criminals so they can suspend social norms, beliefs, and values, and return to them afterwards. The techniques are: (1) denial of responsibility; (2) denial of injury; (3) denial of the victim; (4) condemnation of the condemners; and (5) appeal to higher loyalties.

Denial of responsibility is used as a technique so the offender can blame another, external cause in explaining the criminal act. In cases of hate

crimes, offenders are motivated by hate ideology and by acting they are defending themselves and their group (defensive hate crime by the typology of Levin and McDevitt) (Levin & McDevitt, 2002).

In the cultures of hate and no acceptance of other people which are perceived as subspecies and different – the denial of injury and denial of the victim are easy to be explained. In such social circumstances, the “others” are objectified and not seen as victims.

Relative deprivation used by Gurr (1970) explains levels of aggression and intensified frustration with the gap between social status expectations and accomplishment, and the capacity subjects have to achieve them. In trying to explain complex hate crimes, the concept of relative deprivation is used in direction of material gain and maintenance of hegemony. The dominant group and its members feel like losing power, because of actions such as equal opportunity initiatives, multiculturalism, women’s rights, LGBTQ rights, etc. Such actions are perceived as destabilization of their social status, which results in frustration and anger, materialized in hate – motivated acts.



Scheme N.1
What is a hate crime?
Criminological theories and hate crimes

CONCLUSION

What can we conclude from everything previously said? Which of the mentioned criminological theories in a best way explains roots of hate crimes?

Every of the mentioned theories have some utility in explaining hate crimes, none can be used alone and cannot be sufficient in its application.

As complex as they are, hate crimes should be explained from different aspects, researching perpetrators psychology, but also social circumstances, minority groups positions and social perception towards them.

For us, an acceptable explanation is the one combining several theories, explaining strain among members of majority and frustration directed towards members of minority groups (for example, sometimes positive discrimination measures can evoke impatience and intolerance against certain members of society); together with social learning theories which are explaining how certain behavior is socially learnt; and the routine activities theory which explains how the offenders use circumstances in deciding to act criminally.

Maybe, even better choice in etiologically explaining hate crimes could be integrated theories, which combine different aspects of criminogenic factors in building certain explanation.

What we need to focus on are stereotypes and biases as the main source in offender's motivation. It is what fuels their action and what marks certain groups as potential victims. Also, those kind of wrong opinions about some members of society, are also backed by political movements and in some cases public statements. As Becker said in explain his labelling theory, what is perceived as deviant is in the eyes of the beholder. It means that sometimes what is seen as deviant, actually it is not, but is perceived as such, because of many factors, such as political circumstances, prejudices and biases, and other social conditions.

Hate crimes as a concept are dangerous phenomenon which opens the possibility for a systematic violence towards certain groups, making their members subject permanent attacks.

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(DIS-) CULTURE OF SPORTS CHEERING OR HATE SPEECH - A COMPARATIVE REVIEW ON LEGISLATION AND PRACTICE IN THE BALKAN COUNTRIES

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Abstract

“*Citius, Altius, Fortius*” - "Faster, Higher and Stronger" are values that every athlete strives for. Audience support should help push those boundaries. Such a symbiosis between athletes and fans should aim for mutual respect and tolerance. Unfortunately, instead of being platforms for social interaction of diversity and promotion of fair play ideals; sporting events become a source of hatred and violence. It is also strongly expressed in Balkan countries where social problems in society are reflected in the most extreme forms of sports fields, through offensive chanting and violent incidents and erase the distinction between cheering and hate speech.

For that reasons, the purpose of this paper is to analyze how the Balkan countries cope with these challenges and to address the complementarity of their legislation, both among themselves and with regard to international law.

Key words: sport, cheering, hate speech, Balkan countries, legislations

INTRODUCTION – AMBIVALENCE OF SPORTS (DIS-) CULTURE – COHESION FACTOR OR SOURCE OF DESTRUCTION

Sports events are not just competitions; they are platforms for social interaction and promoting many ideals such as respect, fair play, integrity, tolerance and solidarity
(UN Annual Report, 2015 p.17)

Sport is entertainment, but also a key factor in the development of every person, regardless of gender, skin color, age, nationality or religion. As such, it is an ideal platform for intercultural dialogue between people and has the potential to transform human prejudices against xenophobia and intolerance, into social inclusion and coexistence of diversity. Cheering has always been a major component of the sport, but to what extent it has its limits. Instead of being part of the sports culture, it is susceptible to phobia by "others". From a place, where the rules of mutual respect apply, sporting events are perverted into hotspots for manipulating human prejudices; that leading to hate speech and physical violence, on and off the pitch. Their messages are not aimed at individual athletes or fans, but should reach out to the entire social group to which they belong - such as race, nation, religion, gender, sexual orientation etc.

No country in the world, not even the most developed societies, is immune to verbal and physical violence in sport. But they are particularly rooted in nationally and religiously heterogeneous, politically polarized, economically underdeveloped and unstable societies, such as the Balkan countries. Calls for ethnocide, abuses on national and racial grounds or sexual orientation, physical violence against people and property, and even homicide; are a common sight on sports events in this countries..

All Balkan countries have adopted legislation, aimed at the treatment of hatred and violence in sport. But all of them have low or selective implementation. Therefore, in addition to existing laws, awareness and culture of all relevant stakeholders to overcome such phenomena should be increased, thereby making sport a cohesive factor in society.

FROM HATE SPEECH TO ACTS OF VIOLENCE IN SPORTS – DEFINING TERMS

The game of May 13th, 1990 proved that, for better or worse, football can be more than just a game.

Fox Dave, 2016

And indeed - the match between Dinamo and Red Star football clubs will be remembered more for the unpleasant scenes of hatred and violence, than for the game itself, that never ended. But while this game was never ended, it was the introduction of a bloody game - the upcoming wars in the former Yugoslavia. For some, it is "the football match that started the war". And after this, as well as many other similar events, the question arises whether "the word is only a word and can do no harm". Unfortunately, reality denies that. Tolerance of such occurrences paves the way for more serious incidents. Be it verbal, visual, written or allusive; hate speech in sport is often a gateway to severe forms of violent vandalism, fights and murders.

The European Commission against Racism and Intolerance, in its Recommendation No. 12, advocates a clear definition of racism in the field of sport (Recommendation No.12, 2009). While in line 33 states the following acts of speech and acts of hatred:

- a) public incitement to violence, hatred or discrimination,
- b) public insults and defamation
- c) threats against a person or a group, on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin;
- d) the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates, a grouping of persons on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin;
- e) the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes;
- f) the public dissemination or public distribution, or the production or storage ...with a racist aim, of written, pictorial or other material containing such manifestations;
- g) the creation or the leadership of a group which promotes racism; support for such a group; and participation in its activities with the intention of contributing to the offences;

h) racial discrimination in the exercise of one's public office or occupation... & racist crimes committed via the internet (line 36).

In accordance with this recommendation, North Macedonia in 2004 adopted a Law on the Prevention of Violence and Misconduct at Sports Competitions. According to Article 3 paragraph (1) line 3, violence and inappropriate behavior at sporting events are: "... insertion and display of banners, flags and other items with text, image, sign or other markings, as well as singing songs or delivering messages that incite hatred or violence based on racial, national, and religious affiliation or other traits. In line 6, the term is supplemented by: "... flaming props, flags of other countries, flags of clubs and other objects. Almost identical definitions are given by the corresponding laws in Croatia (Law on Prevention of Disorders at Sports Competitions 2003, Article 4, paragraph 1) & Serbia (Law on Prevention of Violence and Misconduct in Sporting Events 2003, Article 4).

In Bulgaria, sport hooliganism is an act "... committed in a sports facility or in a sports area before, during or immediately after a sporting event, as well as upon returning from the sporting facility in connection with the sporting event, expressed in: 1. carrying flags, posters and banners displaying texts, images, abbreviations and symbols inciting hatred and violence, containing offensive qualifications or personalized ideologies declared for illegal ... 8. making vulgarities, other obscene expressions, gestures and behaviors ... as well as expressions and chants that incite hatred on racial, ethnic or religious grounds ... 14. the use of flags, posters and banners displaying texts, images and symbols that incite hatred and violence that contain qualifications or personalized ideologies declared illegal (Law for Keeping the Public Order During Sport Events 2010, Article 21).

Criminal Code of Serbia (Article 344a, paragraph 1) and Montenegro (Article 399a, paragraph 1) provide a criminal act of "Harassment at a sporting event or public gathering", in which hate speech in sport is defined as "... (someone's) behavior or (highlighting) slogans at a sporting event or public gathering, (which) causes national, racial, religious or other hatred or intolerance based on a discriminatory basis that results in violence or physical confrontation of participants. .. ". This definition of hatred in sports in the Balkan countries is according the recommendations of the international community.

DEALING WITH HATE CRIMES IN SPORTS – BETWEEN PREVENTION AND REPRESSION

It should be clear that "What's illegal outside the stadium is also illegal inside the stadium."
Recommendation No.12, 2009, paragraph 32

In March 2014, a football match played in the Republika Srpska between the junior national teams of Bosnia and Herzegovina and Serbia had to be suspended due to chants in support of the Srebrenica genocide (ECRI Report on Bosnia & Herzegovina, 2017, p.16, line 23). In November 2013, in Croatia, at the end of the qualifying match with Iceland for the 2014 World Cup, domestic player Josip Simunic chanted nationalist slogans (Guardian, 2015). The drone with the Albanian flag and the map of "Greater Albania" was shown at the football match between Serbia and Albania held in Belgrade on 14 October 2017 (ECRI Report on Serbia, 2017). Two Greek citizens were charged about killing an Albanian on the island of Zakynthos on 4 September 2004, after the defeat of the Greek national football team in Tirana ((Everyday Fears 2005, p. 57). During a match between the football teams of the Sepsi and Dinamo in Bucharest in 2017, Dinamo fans chanted "Outside the Hungarians from the country" (Daily News Hungary, 2017). The match between Bulgaria and England in Sofia in October 2019 to qualify for the European Football Championship 2020 will be remembered after the racist chanting of Bulgarian fans over the English players (Phil McNulty, 2019). In North Macedonia, such hate speech is mostly on football events between the clubs that belong of Macedonian or Albanian ethnic communities.

All the above examples show that hate crimes are a regular repertoire of sporting events in the Balkan countries. But unfortunately, such events are often trivialized, contrary to ECRI's recommendations for the imposition of prohibitions and penalties for the spread of hatred and discrimination in sports, in particular through the Internet. Along with repressive measures, ECRI recommends the use of educational measures, such as awareness-raising campaigns against racism in sport at all levels, educational projects for all ages and greater involvement of NGOs; through which sports institutions will publicly demonstrate their commitment to combating acts of hatred. To this end, ECRI requires:

- organizers to deny access to sports fields to persons who propagate or carry racist or discriminatory leaflets, symbols or banners

- athletes and coaches abstain from racist behavior and report it to judges
- support groups to adopt anti-racism charters, organize activities to attract members of minority communities, and be wary of racist content on their websites
- the media refrain from reproducing racist stereotypes, reporting racist incidents at sports and publicizing sanctions against racist offenders (Recommendation No.12, 2009, paragraph 5-16)

As a result of this recommendation, in 2018, the Council of Europe committing UEFA and FIFA to "... take the necessary steps to prevent and combat any kind of violence, racism or other forms of discrimination, including hate speech." (Memorandums of Understanding between the Council of Europe and UEFA / FIFA, October, 2018). Earlier, both federations launched campaigns against racism in football. FIFA prohibits any discriminatory or denouncing words or activities related to race, color, language, religion or origin and are provided with a range of sanctions (FIFA Disciplinary Code, 2009, Article 58 p.34). And UEFA prohibits any extreme ideological propaganda before, during and after competitions (UEFA Disciplinary Regulations, 2008, p.5).

Resolution 2199 of Council of Europe "Towards a framework for modern sport management" requires mechanisms to monitor such incidents, adopt prevention strategies and ensure proper investigation (Resolution 2199, 2018).

The most recent Resolution 2276, recommends to Member States to:

- implement in their national plans or strategies, specific measures against hate speech in sports
- strengthening cooperation with sports organizations to monitor and report incidents and to inform and raise awareness of athletes and sports organizations, as well as the general public
- ensuring consistent application of administrative and criminal sanctions and the use of technologies to identify perpetrators
- public awareness campaigns on the dangers of hate speech
- introducing sports ethics in school curricula and training physical education teachers and coaches to detect and respond to hate speech

The Resolution also calls on sport federations and other sports organizations to:

- fight against hate speech and strengthen cooperation with clubs, supporters, civil society organizations, the media and educational institutions
- appoint famous athletes as ambassadors to promote equality and non-discrimination in sport
- all players refrain from speech and manifestations of hatred and intolerance
- provide training for players and staff on how to identify and prevent intolerance
- promoting educational programs for fans to prevent stadium hate speech during competitions (Resolution 2276, 2019)

The Olympic Charter advocates the fight against racial intolerance and discrimination among participants on the basis of race, sex, ethnic origin, religion, philosophical or political opinion, marital status or other basis (Olympic Charter, 2019, p. 11/12).

According to the international recommendations, appropriate legislation was adopted in all Balkan countries.

In articles 24 to 28 of the Law on Prevention of Disorders at Sports Competitions in Croatia, visitors are forbidden, both during and after leaving a sporting event, carrying banners, flags, symbols, etc., containing racist or other messages... that may cause intolerance or incite hatred or violence based on racial, national, regional or religious affiliation or any other particularity. According to Article 10 paragraph (1) line 4, it is controlled by the security, who prohibit the entry of those persons at the competition; and if they do, they will be removed. These persons will be fined for offenses (Articles 39 and 39-a) and sentenced to a ban on attending certain sports competitions in the country and abroad (Article 50). Also important is Article 30, which forbids the media from publishing the news, if they express a racist or other unacceptable attitude towards the sports club, the athletes and their supporters.

In Greece, the Sports Laws of 1999 and 2015 states that "in serious cases of incidents, racist behaviors and related violence as a whole, on or off the ground, the Minister in charge of sports, through reasoned decisions may, on a proposal from the Standing Committee on the Treatment of Violence, impose fines of ten thousand to one million euros on the relevant subjects. In particularly serious cases, existing sporting licenses may be withdrawn. "

(Beus Richembergh Report, 2019, p.11 line 56) According the Discipline Code of the Football Federation, anyone (officials, players or fans) who publicly discriminates someone on the basis of race, color, language, religion or ethnic origin, shall be subject to suspension of several games, a ban on visitation of stadiums and fine (Hellenic FF Disciplinary Code, 2008, Article 23).

In the Law on the Prevention of Violence and Misconduct in Sporting Events, Serbia envisaged several preventive measures. Thus, in Article 7, clubs are obliged: 1) to encourage the organization and good behavior of their fans; 2) get relevant information from their fans (meetings, publishing newsletters, etc.) and 3) coordinate activities with clubs and their fans, when organizing sports events. In this regard, Article 8a provides for an obligation on the police, while performing physical security duties and maintaining order at a sporting event, to prevent entry into a sports facility of ... banners or signs inciting racial, religious, national or other intolerance. and hatred, the content of which is offensive or indecent. Apart from the fines for misdemeanors provided for in this law, for the crime of "Harassment at a sporting event or public gathering" in Article 344 a of the Criminal Code is prescribed imprisonment of six months to five years. In addition to prison sentences, the offender is also required to be sentenced to a ban on attending certain sporting events (Criminal Code of Serbia, 2005, Article 344 a, 79, 80 & 89).

In North Macedonia there are criminal and misdemeanor provisions under which acts of hatred on sports grounds may be brought. The criminal offense of "Cultivating Hatred, Discord or Intolerance on a National, Racial, Religious and Other Discriminatory Grounds", provided for in Article 319 of the Criminal Code for such offenses, provides for imprisonment of one to five years. Paragraph (2) provide imprisonment of one to ten years for a person who commits the offense ...by abusing a position or authority or if these acts lead to riots and violence against people or to property damage on a large scale (Law Amending Criminal Code of North Macedonia, 2014). Article 394-d also commits the criminal offense of "Spreading racist and xenophobic material through a computer system", which carries a prison sentence of one to five years (Law Amending Criminal Code of North Macedonia, 2009). According to Article 38-e of the Criminal Code, in the event of violence at sports matches, the convicted person may be sentenced

to a “Prohibition to attend sports matches”. It can be imposed for all or for certain sports competitions and can last from one to three years (Law Amending Criminal Code of North Macedonia, 2014).

According to Article 6 (paragraph 1, lines 1 / 2) of the Law on Prevention of Violence and Inappropriate Behavior in Sports Competitions (2004), for the purpose of preventive action in sports matches, the organizer is obliged to ensure proper behavior of his club and his fans and to inform its fans accordingly. The organizer is also obliged to provide a sufficient number of reports to prevent the entry of banners and signs that promote racial, national, religious or other intolerance (Article 7, paragraph 1, line 5); as well as to warn, or remove, viewers who may, by singing songs or offending offensive messages and incite hatred on the grounds of racial, national and religious affiliation (Article 7, paragraph 1, line 6) (Ibid. Law Amending, 2014, Article 6). If the organizer fails to take measures (Article 4 paragraph 1), he will be fined in the amount of 1,500 to 5,000 euros in denar counter-value (Article 15, paragraph 1) (Ibid. Law Amending, 2008, Article 3). The law also stipulates similar obligations for the guest sports club (Article 11, paragraph 1, line 5) (Ibid. Art.10). The law prescribes a fine in the amount of 550 to 750 euros in denar counter value for a individual who provoke and encourage hatred or violence on the basis of racial, national and religious affiliation or other characteristics (Article 13 paragraph 2, in conjunction with Article 3 paragraph 1 indent 3), and if the offender is disguised, he shall be punished with a fine of up to 600 EUR 1,000 in denar counter value t (Article 13, paragraph 3, in conjunction with Article 3, paragraph 2) (Ibid. Law Amending, 2011, Article 10 & 3). At the same time, the competent court may also impose a sanction on such offenders from entering and attending sports competitions for up to three years (Article 13-a in conjunction with Article 3 paragraph 1 indent 3). The competent court also informs the national sports federations about the imposed ban (Ibid. Law Amending, 2014, Article16). Thereafter, the organizer or the contracting distributor for the sale of the tickets will refuse to sell or give the ticket to a person who is subject to such a ban. (Ibid. Art.14).

While this is a confirmation of the legal "coverage" of hate crimes in sports in the laws of the Balkan countries; in practice, criminal or misdemeanor cases against the perpetrators of these offenses are rare. The following are some examples:

- In Romania, an NGO filed a lawsuit with the National Council Contra Discrimination (NCCD) against Georgi Bekali, official in Steaua Bucharest football club, who told the media that "he will never hire homosexuals to play on the football team". The NCCD ruled only an administrative warning. The European Court has criticized this practice and recommended fines for two reasons: 1) symbolic sanctions, such as administrative warnings, are incompatible with the general framework for equal treatment in employment and occupation and (2) any sanction must meet the criteria of effectiveness, proportionality and discouragement (Preliminary Verdict C-18/12, Court of Justice of the European Union, 2013). As a result, in another case the NCCD fined a handball club because its fans chanted racist comments about an African-born player from an opposing club (NCCD of Romania, 2017)

- In Croatia, in the verdict of the Zagreb Misdemeanor Court of 8 December 2015, the previously mentioned footballer Josip Simunic was found guilty of a violation of Article 4 paragraph 1 line 7 of the Law on the Prevention of Sporting Disorders competitions. In the reasoning of the verdict, the court stated that the defendant had sent messages to viewers whose content encouraged hatred on the basis of racial, national, regional or religious affiliation. Both the Supreme Misdemeanor Court and the Constitutional Court dismissed his appeals, after which Simunic filed a lawsuit with the European Court of Human Rights, citing his freedom of speech. On 22 January 2019, the Court declared the lawsuit inadmissible because there was a serious disparity between its interest in free speech and the interests of society in promoting tolerance and mutual respect for sporting events. It is important to note that the court's decision states, inter alia: "The applicant, who is a well-known footballer and idol of many football fans, should have been aware of the possible negative impact on spectators' behavior. " (European Court of Human Rights, 2019, p.13)

- The Commissioner of the Basketball Federation of North Macedonia, fined the basketball teams from Saraj and Kumanovo because of hate speech on sports competition, played on 11 February 2012 (MKD News, 2012). But apparently it had no impact on the clubs and fans, so that on the rematch played at the Sports Center in Skopje on 23 March 2012, identical incidents occurred again, after which the police filed misdemeanor charges against the organizer of the match and the teams; while the Technical Commission in

charge of monitoring the regularity of the match fined the teams a fine of 42,000 denars (MakFax, 2012)

Such examples show that - either the penalties are too low and do not affect the behavior of fans and clubs, or that preventive measures are not sufficiently worked to prevent it.

RED CARD FOR HATE SPEECH IN SPORT – CONCLUDING RECOMMENDATIONS

Hate crime is a serious problem in sports. Ignoring or underestimating the problem, encourages its expansion, especially in divided societies, such as the Balkan countries.

It is encouraging that awareness of the risk of hate speech in sport is increasing in all Balkan societies. This conclusion is borne out by the fact that they are implementing legislation that is in line with international standards for equal access to sport.

But unfortunately, the practice seems to be disproportionate to the laws. Violence and hate speech are still present at sporting events. Therefore, a different approach may be needed, in which prohibitions and penalties will be replaced with preventive activity. The following measures should be taken in that way:

- Implementation of programs at all levels of education so that children can recognize the stereotypes and free themselves from all forms of prejudices, and educate them in a spirit of tolerance and embracing diversity. Particular attention should be paid to the education of young athletes, who should be educated in the spirit of pro-social values
- Education should also be applied to the parents, sports teachers and coaches, because children copy the behavior of adults. In addition, teachers and coaches need to be trained to detect and respond to discrimination and abuse of athletes
- Conducting mass campaigns to educate people on what hate speech is and what its consequences are, especially with the inclusion of respected athletes in delivering positive messages of non-discrimination
- The government establish co-operation with sports organizations and fan groups and encourage them to fight hatred. Sports clubs and fan groups must clearly show zero tolerance for these phenomena and send appropriate messages to the fans. All fans must be informed that if they use unacceptable

language they will be dropped from the stadium and banned from future matches

- Greater responsibility for the media, which should refrain from using hate speech to increase ratings and instead promote violent athletes, to report objectively such incidents. Special attention should be paid to the regulation of Internet that are not bound by a code of ethics, so that the defamation of them is expanding rapidly

- Cooperation with NGOs; as they can publicize campaigns against hatred in sports

- Consistent procedures for dealing with players and fans using hate speech. At venues where sporting events are held, oversight should be increased to prevent the distribution or sale of any material that expresses hate speech

- Establish electronic systems for monitoring and recording hate crimes, identifying the perpetrators and reporting such crimes to the police

With these measures, sport can become an environment in which people of different origins and lifestyles will communicate harmoniously in diversity. There is a need to build a new sports order that will be inclusive and resistant to prejudice and promote coexistence, mutual understanding and tolerance among all people. Integration in sport without discrimination and integration through sport in society, should be a key message that all countries should follow.

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HATE SPEECH AS A SOCIAL PHENOMENON

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Abstract

In every democratic society, freedom of expression is guaranteed by law but it should not be abused and turned into hate speech. Hate speech is a phenomenon that exists in every society, which spreads hatred among different ethnic communities, persons or groups. It is essential that hate speech is addressed otherwise it could lead to violence and hate crimes such as, murder, aggravated battery, rape and so on.

Hate speech could be defined as a dangerous negative and abusive discourse that promotes hatred on the basis of race, religion, ethnicity, nationality, gender and sexual orientation, physical and mental disability and so on.

Key words: phenomenon, freedom of expression, hate speech, hate crime, abusive discourse

Introduction

One of the characteristics of a democratic society is the freedom of expression. It is a fundamental human right to be free to express oneself, to criticize others such as politicians, political parties, to talk about the problems in the community, in the country and so on. However, this freedom of expression should not be abused because it could be transferred into a dangerous phenomenon. Expressions, which spread, incite hatred, violence, and discrimination against a person or other people for a variety of reasons, such as, race, religion, and sexual orientation lead to an extreme form of expression –hate speech.

A vital feature of a democratic society is the freedom of expression for journalists and other people who work in the media. These people must

be free to express their views, to criticize the government and other public institutions without fear of prosecutions. However, this freedom of expression does not mean that the media people could violate people's right to a private life or to incite discrimination or ethnic hatred against other group of people. In other words, the State will impose restrictions on the media in order to protect the rights of people.

Article 10 of the Convention is structured into two paragraphs:

- The first paragraph defines the freedoms protected;
- The second paragraph stipulates the circumstances in which a State may legitimately interfere with the exercise of the freedom of expression.

Article 10 of the Convention protects people's right to have their opinion and to express them freely without government interference. This means that people have the right to express their opinions and views aloud through public demonstrations, public protests, television and radio broadcasting, the internet and social media, newspapers and other published articles, and so on.

The law also protects people's freedom to receive information from other people for example, by reading a newspaper. This means that although people have the right to freedom of expression, they also have the responsibility to respect other rights.

Freedom of expression

Throughout history people did not have the right of free speech, in other words freedom of expression was prohibited and punished by law. People could not express their opinions, ideas, views or criticize other people especially the government. Even peaceful protests and gatherings were suppressed and in many cases the leaders were jailed.

Today people have the right to freely express themselves, express their opinions and views, freedom of criticizing and argue in order to protect their interests and so on.

Everyone has the right to freedom of expression. The right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. The exercising of these freedoms , since it

carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as prescribed by law and are necessary in a democratic society, in the interest of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Hate Speech

If freedom of expression is vital for a democratic society then hate speech, which causes unpleasant and complex problems to the modern democratic societies is a danger for implementing respect, cultural pluralism and tolerance.

Hate speech could be defined as an expression against certain group on the basis of their race, religion, ethnicity, sexual orientation, disability and so on. This means that all racist, xenophobic homophobic, and identity assaulting expressions spread, promote, encourage hatred, violence and anger are dangerous and do not belong in modern democratic societies.

The definition of hate speech, which is given in the Recommendation No .R (97)20 of the Committee of Ministers dated 1997, points out that the term “hate speech” should be understood as a term that covers all forms of expression which spread, promote incite or justify racial hatred, xenophobia, anti-Semitism or any other form of hatred based on intolerance including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities and immigrants.

Hate speech is the use of negative abusive offensive discourse and stretches to extreme forms of prejudice, discrimination, stereotypes and bias. It also includes forms of expression such as:

- burning the national flag of a country;
- burning churches, mosques and other religious objects;
- public use of insulting symbols;
- singing songs with insulting words;
- writing graphite;
- caricatures of Holy people (such as: Christ, Mohamed);
- expression through TV and radio;
- expression via Internet.(Facebook, Twitter, etc.)

Protected Characteristics

Immutable or fundamental characteristics

When we talk about immutable characteristics we mean fundamental characteristics of a certain group, which are unchangeable, such as identity and language. To use hate speech against a group, insulting, discriminating, and negating their race, identity, language and so on is very discriminatory and prohibited by law. Negating the identity and the language of a certain group using hate speech incites hatred, intolerance and may lead to hate crime. The language spoken by a group forms an important part of people's sense of who they are, in other words, of their identity. Hate speech that targets the person's or group identity is usually expressed by politicians of another group, which consider themselves inferior and more powerful than the targeted group.

Negating the history of a particular nation by using hate speech incites and encourages intolerance between the two groups or nations.

It is very important to identify and determine whether the speaker's intention was to humiliate, discriminate, and insult certain group or individuals. This is very important when the targeted group or individual is from a vulnerable or marginalized group. Sometimes it is necessary in order to find out the reason for using hate speech to identify whether there are some differences between the person or group who used hate speech and the targeted group or person, such as: religious, national, ethnic, gender, sexual orientation and so on.

Online hate speech

Online hate speech takes place online via internet especially the social media. It is widely used with the purpose to attack certain group, or person, political parties, supporters of certain political party, politicians and so on. If one desires to find hate speech, the social media is the place where to find it because it is full of hate speech spreading and inciting hatred, discrimination on the basis of race, religion, ethnic origin, sexual orientation, disability and so on.

Hate speech is a broad and complex term and in a way difficult to define it precisely and separate it from freedom of speech. Social media networks such as Facebook, Twitter and Google that mediate online

communication have prescribed their own definition of hate speech and have imposed certain rules that bind users to these rules and allow companies to limit certain forms of expression. Actually, in 2016 these organizations agreed to the European Union code of conduct obligating them to review the majority of valid notifications for removal of illegal hate speech, which would be posted on their services within 24 hours.

Cases of hate speech have risen, and legislators aim to stop and suppress extremism at its source. The German government has approved a bill that aims to crack down on hate speech on social media websites such as Facebook and Twitter. If the bill is signed into law, social media networks would have to report online hate crimes to Germany's federal Criminal Police. Such hate speech posts include far –right propaganda, graphic portrayals of violence, murder, rape, threats, and so on .The networks are required to delete such posts from their platforms. It has been stated that in Germany, the breeding ground where this extremism flourishes must be dried out and that hate speech often affects Jews, Muslims, refugees and women, and can lead to repulsive threats of rape.

Hate Speech in Republic of North Macedonia

Hate speech is manifested by writings using offensive words and symbols, graffiti, drawings, also by burning flags of other countries or burning religious symbols, religious objects such as churches, mosques and so on.

In Republic of North Macedonia hate speech is very common on the sports fields during soccer matches especially between the Macedonian and Albanian soccer teams. During these matches not only the use of offensive words but also the burning of the Macedonian flag was done by the Albanian soccer fans. . Unfortunately this event led to a greater intolerance and hatred between the Macedonians and Albanians. Derogatory words, such as “animals”, “shiptari”, “kauri”, “trash”, “garbage”, are almost always heard from the fan supporters during the soccer matches between the Macedonian and Albanian soccer teams. However, hate speech is not only expressed between the Macedonian and Albanian soccer fans, it has been noticed between soccer matches between two Macedonian teams where soccer supporters use words such as “homos”, “idiots”, and lots of offensive swearing.

Republic of North Macedonia is a multicultural country so religious leaders from all faiths who are actively engaged with local communities are instrumental in fighting and preventing discrimination and hate speech because these actions undermine the values of religious diversity and pluralism. It is vital that religious leaders show strong examples of tolerance and condemn any type of intolerance, discrimination and incitement of hate speech. Recently the religious leader of the Islamic Religious Community instead of promoting peace, tolerance in front of his followers he used hate speech using words that incite hatred, intolerance, mockery towards the Macedonian people. He stated that the people with who he lives are wild and with no identity and they will never have it. His followers applauded and cheered. This statement of the religious leader indicates that his intention was to insult, to cause violence, degrade, humiliate the Macedonian people and incite hatred between the Macedonians and Albanians. This hate speech is shameful for a religious leader who was respected by the Macedonian community.

The hatred that was incited by hate speech led to hate crime, namely, a young boy was brutally killed by a group of young Albanian boys. There have also been recorded fights between Macedonian and Albanian teenagers as a result of hate speech.

Preventing hate speech

It is the duty and responsibility of the government authorities to prevent hate speech, which leads to crime and violence. In order to prevent hate speech, which incites violence and crime most countries have implemented laws against this phenomenon.

Laws against hate speech can be divided into:

- Laws intended to preserve public order;
- Laws intended to protect human dignity

The laws that are designated to protect public order require a higher threshold be violated, so they are not specifically enforced frequently and the laws meant to protect human dignity have lower threshold for violation.

Most of the countries in the world have prescribed punishments for those who use hate speech, which incites violation and crime. We shall mention here just some of them.

Article 417 of the Macedonian Criminal Code – paragraph 3 prescribes that whoever spreads ideas about the superiority of one race over another, or who advocates racial hate, or instigates racial discrimination shall be sentenced to imprisonment of six months to three years.

The Serbian Constitution guarantees freedom of speech, but restricts it in certain cases in order to protect the right of others. So for those who provoke ethnic, racial, and religion based animosity and intolerance shall be sentenced to imprisonment of six months minimum to ten years maximum.

The Croatian Constitution guarantees freedom of speech, but whoever based on differences of religion, language, race, political or other belief, birth, education, wealth, social status, gender, skin color, nationality or ethnicity violates basic human rights and freedoms recognized by the international community shall be punished according to the Croatian penal code.

Besides these government laws there are other ways to suppress hate speech.

- Raising awareness through organizing seminars and workshops where the community shall be informed about hate speech, the consequences and dangers of its use.
- Supporting groups or persons who are attacked or targeted by hate speech and taking positive actions to prevent discriminatory and offensive language.
- Reporting social media posts which spread and incite hatred against certain group or persons.
- Organizing workshops in schools where children and teenagers would be educated that we should respect people that are different from us and we should not use hate speech just because they practice different religion, different nationality from us and so on.
- Organizing educators to host on the national and local media where hate speech would be addressed and inform that tolerance of the different ones provides for coexistence in modern multicultural societies.

Conclusion

Freedom of expression is a fundamental human right and crucial in a democratic society.

The right to speak freely on issues in society, criticize politicians, certain political issues, and give opinions and views on certain social issues and so on plays a vital role in the development process of a democratic society. This means that in a modern democratic society people have the freedom to express their ideas, thoughts and feelings without being prosecuted. However, this freedom of speech or expression should not be abused and people should be aware of the responsibilities and liabilities. Offensive hate speech should not be used and permitted as it spreads hatred and violence and can lead to violent crimes.

In order to develop a healthy democratic nation, freedom of speech is instrumental in facilitating the communication channel between the government and the public. In other words, political leaderships can take feedback of people in order to make changes in their social and economic lives but if this freedom of expression is violated and instead of positive messages and opinions people use hate speech, offensive discourse, then it may lead to harm the nation and destroy the social structure.

The media plays a significant role in one society. It is essential because through it the voice of the general public is heard and in many cases the government authorities use the media to inform the general public about the strategic projects that they want to complete, which are of their interest. However, the media has duties and responsibilities to suppress and prevent any use of hate speech, which discriminates, humiliates others.

Nonviolent protests and meetings, support and protests on the street are free to express their views, demands, opinions but this freedom of expression does not give them the right to use hate speech by using offensive speech, banners with offensive messages and should be suppressed by the government authorities.

Implementing education programs in schools where young children would be informed and educated about the consequences of hate speech and what actually is hate speech. Children should be educated from early age that in one society all people are not the same and we should respect each other's culture, religion, beliefs, skin color and so on.

Hate speech covers many forms of hatred expressions which spread, encourage, and incite hatred, violence, discrimination against a group or a person just because they are different. Hate speech represents a danger for the cohesion of a democratic society, the protection of human rights and the

rule of law. So if we want to live in a healthy modern democratic society we should not leave it unaddressed.

Offensive expressions that target people's identity and language that are unchangeable and fundamental are considered hate speech and should be suppressed and punished by law because no one has the right to discriminate, humiliate or use mockery discourse and incite hatred and violence.

Hate speech in Republic of North Macedonia is spread on various grounds, such as: social origin, political affiliation, sexual orientation, identity, nationality, gender, physical and mental disability and so on. The main reason for its occurrence lies in the lack of repressive sanctions, in other words non –sanctioning of such cases.

It is very difficult to prevent hate speech as a society grows more diverse we have to get used to hearing more and more things we might not want to hear but we have to try to suppress it by learning how to live together and respect each other because we are all different in one way or another. Hence, hate speech and the violence it enables and encourages should be stopped if we want to live freely in a modern democratic society.

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RHETORICAL VIOLENCE IN POLITICAL DISCOURSE AND ITS IMPLICATIONS

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Abstract

Political discourse, in the name of democracy and freedom of speech, at times, obtains very harsh overtones, especially, when the stakes for politicians are high. The primary targets of politicians' abusive language are their political opponents, but, sometimes, some vulnerable categories of people become the recipients of this vilifying language as well. Stemming from authority figures, hate speech seems to have the capacity to spread like wildfire, and to bruise societies deeply.

The aim of the paper is to underscore that hate speech has become an integral part of political discourse nowadays, despite the legislative implemented and the general condemnation it receives. The paper presents a number of instances of rhetorical violence generated from contemporary high-profile politicians worldwide and their targets. In an attempt to raise awareness of its destructive power when springing in the domain politics, this research also looks into the implications that it usually incurs.

Keywords: political discourse, hate speech, politicians, targets, implications

Introduction

The global presence of hate speech nowadays is indisputable, despite the fact that it “coarsens public discourse and weakens ‘the social fabric’ of countries” (Birchall 2019). What is even more disconcerting is that hate speech emerges and demonstrates a tenacious perseverance even in the very domain of politics, i.e. in political discourse, despite the fact that one of its task is to safeguard societies from the damaging effects of hate speech. In other words, hate speech has become mainstream feature of political

systems worldwide, threatening democratic values, social stability and peace. As a consequence, it has exacerbated societal and racial tensions and incited attacks with dire consequences, in which migrants, minority groups and various ethnic groups, as well as their defenders, in numerous countries have suffered most (Birchall 2019).

The aim of the paper is to underscore the fact that hate speech has become an integral part of contemporary politics. In that respect, the paper presents a number of instances of rhetorical violence stemming from current political figures at the head of different countries in the world (Donald Trump, Boris Johnson, Kim Jong-Un, Viktor Orban, Recep Tyyip Erdogan and Vladimir Putin) as well as the targets of their hate speech (other politicians and migrants, representatives of certain ethnic groups, etc.). Also, in an attempt to raise awareness of the dangerous and destructive might of hate speech when generated by politicians, this research also looks into the implications that ensue after rhetorical violence has been committed.

Theoretical background

The basics of hate speech

The concept of democratic societies, where the right to free speech is guaranteed, encourages many people not just to speak their mind freely but also to direct expressions of hatred towards an individual or group of individuals on the basis of certain characteristics such as race, colour, religion, descent, national or ethnic origin. Their ultimate goal in employing hate speech is “to injure, dehumanize, harass, intimidate, debase, degrade and victimize the targeted groups, and to foment insensitivity and brutality against them” (Cohen-Almagor 2011: 3).

With the proponents of free speech being very vocal, presenting free speech as a vital component of democracy, sometimes it is difficult to delineate the boundary between hate speech and free speech. Thus, in some democratic societies free speech is given a clear predominance, and, consequently, hate speech masked under the veil of free speech spreads in a relatively unimpeded manner (e.g. the USA); whereas in others (e.g. Russia, the EU), attempts are made to curb hate speech more vigorously and prevent it from spreading by introducing and implementing stricter laws against it (Assimakopoulos et al. 2017).

Research has shown that hate speech becomes particularly notable in turbulent socio-economic and political circumstances, as many people resort to using discriminatory epithets to insult and stigmatize the ‘others’ (Brink 2010 in Sevasti 2014) and to legitimize negative thinking about all those who are not ‘us’ (Lenkova 1998: 10 in Sevasti 2014). In other words, hate speech has become a major tool in the hands of many prominent public individuals – not just politicians but also journalists, political analysts, etc., in their struggle to legitimize themselves and delegitimize those who stand in their way of obtaining or maintaining power. Nowadays, the Internet and the social media play a very prominent role in producing and disseminating hate speech, due to the fact that, for the most part, they protect the anonymity of the ‘haters’, and provide fast access to wide masses of people both nationally and internationally (Sevasti 2014).

Hate speech as a concept refers to a remarkably wide spectrum of negative discourse ranging from cursing, to threats of attack, to hostile criticism and sarcasm (Burgers et al. 2012)¹. What form it takes largely depends on the aim the perpetrators of hate speech wish to achieve, i.e. whether their aim is to express, incite or promote hatred and intolerance towards somebody, or they aim to create extreme forms of prejudices, stereotypes which eventually and inevitably will lead to violence and aggression (Mihajlova et al. 2013). Hence, a distinction is usually made between two types of hate speech: *hard hate speech*, which comprises prosecutable forms, i.e. forms prohibited by law, as their purpose is to incite aggression and violence towards a particular target; and, *soft hate speech*, which are cases of inflammatory, offensive comments that are lawful, but which raise serious concerns in terms of intolerance and discrimination and may have a devastating effect on their recipients on the grounds of moral harassment (Assimakopoulos et al. 2017).

¹In the ‘cursing’ category contain a) profanities (e.g. fuck, assholes, bastards, bitch etc.), b) insulting/offensive epithets and slurs (e.g. hypocrites, murderers etc.) and c) hatred words/degradations (fascist, mocking characterizations for rightists, leftists, anarchists etc.). The ‘threat of attack’ category includes expressions of intention to inflict evil, injury, or damage (e.g. kill, murder, hit, exterminate, remove, clean up, etc.). The ‘hostile criticism’ category includes expressions of disapproval and of noting the problems or faults of a person; whereas the ‘sarcasm’ category includes sarcastic comments and words that mean the opposite of what they are usually used for, in order to insult someone and to show irritation with this person (Burgers et al. 2012).

In close relation to the form of hate speech, is the role ‘the hater’ assumes when producing hate speech. Namely, it has been established that in producing hate speech, speakers assume three major roles: a judge, an activist and an analyst (Atifi & Marcoccia 2017). The role of judges presupposes expressing criticism and passing moral judgment towards somebody or something; the analysts with their hateful comment simply analyse a situation and offer their interpretation of it; whereas the activist’s role is primarily to instigate the masses to raise their voice, take a stand and take actions against those who they personally disapprove of.

Irrespective of the forms of hate speech and the roles the ‘haters’ assume with their hateful messages, the effects of hate speech are never favourable nor positive. Hate speech undoubtedly provokes pain, distress, fear, embarrassment, isolation (Nemes 2002). If it is directed towards a group of people it brings about inequality problems and pushes the members of a specific group in isolation, creating feelings of fear and disillusionment. Apart from silencing the ‘victims’, sometimes, hate speech does the opposite – galvanizes the victims to become aggressive and dangerous (Parekh 2006).

Hate speech in the context of political discourse

Despite the general expectations that politicians should be in full possession of their temper and character and extremely vigilant in making public statements, practice shows that in times of great social, economic and political turmoil, politicians themselves deliberately and quite ostensibly ‘season’ their own political discourse with hate speech.

Today’s presence of hate speech in the domain of political discourse is by no means without a precedent. It is a well-known fact that the notorious fascist leaders Hitler and Musilini relied heavily on hate speech in promoting their political ideology of being a superior race, entitled to wipe out an entire nation (the Jews) from the face of Earth because of their alleged inferior qualities. The scars and the bruises of their ensuing atrocities, which, took place not that long ago, are still quite sore and in the process of healing.

Current high-profile politicians seem to readily ignore the valuable lessons learned from the turbulent past, and in the recent decades we all witness how the language of politics is turning more and more brutal. It is understandable that politicians must involve themselves in heated debates, fiery and impassioned exchanges, considering the fact that they are in charge

of making important decisions that can have life-changing impact on the part of those involved (Brabin & Dromey 2019). But the question that arises is whether their duties and responsibilities exempt them from their obligation to use a diplomatic, fact-based and objective political discourse intended to solve issues and conflicts, not exacerbate them.

USAID's study of 2016² points to several key reasons why politicians resort to using hate speech: to denigrate political opponents, to gain more support among voters who share their views, to gain political power by humiliating others, to draw attention to the wrong-doings of political opponents, to marginalize groups on the basis that they are different, to create divisions among ethnic groups, and to move attention away from the real social problems.

Given the high standing of politicians in society and the fact that they usually have a significant impact on the shaping of the general public's opinion, it is little wonder that some of their loyal supporters and followers, sometimes, interpret politicians' hate messages as outright calls for aggression and violence. Thus, for instance, UN experts in their report³ of 23rd September, 2019, confirm that they are "gravely concerned that leaders, senior government officials, politicians and other prominent figures spread fear among the public against migrants or those seen as 'the others', for their own political gain". Underscoring the need of stopping this phenomenon, UN experts flagged a correlation between exposure to hate speech and the number of hate crimes committed. To curb xenophobic attacks on migrants and prevent incitement against all marginalized groups, the UN experts called on public officials, politicians and media "to assume their collective responsibility to promote societies that are tolerant and inclusive and to redouble their efforts in holding the culpable accountable".

Similar conclusions have been reached in the annual report of the European Commission against Racism and Intolerance (ECRI) published in June, 2019⁴, as they too underline that xenophobic populism and racist hate

²https://www.ifes.org/sites/default/files/2016_ifes_the_influence_of_political_hate_speech_as_a_tool_on_youth_of_k.eng_.pdf.

³<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25037&LangD=E>

⁴<https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/-/hate-speech-and-xenophobic-populism-remained-major-concerns-in-europe-in-2018>

speech continued to make their mark on the contemporary political climate in Europe in 2018. ECRI has also raised alarm about the increasing spread of “fake news” often producing distorted images of vulnerable groups, and called on politicians, religious and community leaders to not only avoid using hate speech, but proactively counter it. What is stated in their annual report is that islamophobia and anti-immigrant sentiment are still prevalent in most member states. Muslim women are frequently the targets of violence which often involves pulling off face veils and headscarves or being spat at. Persons of African descent who were born in Europe or have lived there for a long period of time already also face increasing resentment. Jewish people in Europe continue to be confronted with antisemitic hatred, including violence, often considered as justifiable reactions to the actions of the Israeli government. Roma continue to be one of the most marginalized communities in Europe with Roma girls and women being particularly targeted.

Research methodology

For the purposes of this paper a small corpus of instances of hate speech has been compiled. All the instances of violent rhetoric discussed in this study were generated by extremely high-ranking politicians such as Donald Trump (the President of the USA); Kim Jong-Un (the North Korean leader), Boris Johnson (the British Prime Minister); Recep Tyyip Erdogan (the President of Turkey), Viktor Orban (the Prime Minister of Hungary) and Vladimir Putin (the President of Russia).

The hateful messages discussed here have been produced in the recent years, either while the politicians were still campaigning for their post or after they have been voted into office. Another common feature of all analysed examples is that they have all been reported on extensively in the newspapers, and received public criticism and condemnation.

The analysis was also aimed at determining the targets of the selected hate messages (other politicians or groups/communities of people on various grounds). Moreover, the role that politicians assumed with their hateful messages was investigated. More precisely, the study, in this respect, rests on Atifi and Marcoccia’s (2017) proposal that people (in their Tweeter and Facebook posts) play three major social roles: a judge, an activist and an analyst. When they play the role of a judge they mainly assess and evaluate a certain, in this case political, situation

or action (they perform asserting, evaluating, assessing, stating, affirming acts). The activist's main focus is on persuading people to act, to do something about the issue at stake (they perform questioning, ordering, imploring, challenging, summoning acts). The analyst, on the other hand, mainly aims to make an analysis of the situation and clarify it so that people would understand it better (they explain, contextualize, enlighten, clarify, analyse, etc.). Finally, the form of the politicians' hate messages (soft versus hard hate speech) and the consequences of their hate speech, were put under scrutiny.

Results of the analysed instances of hate speech

The American president usage of hate speech

The current president of the USA, Donald Trump, is widely known for his unconventional ways of both speaking and doing politics in general. Early in his 2016 campaign he made a pledge to the American people that he will shun the standard ways of political diplomacy and that he will make 'America great again' by speaking his mind openly and without any circumventions. As his presidency is drawing to a close, one can freely observe that he has definitely kept his 'promise'. Mr. Trump infamously began his presidential campaign by attacking Mexican immigrants depicting them as rapists, drug dealers and criminals, and has regularly hit the headlines since taking office due to derogatory remarks aimed at minorities. Thus, for instance, his White House officials were not able to deny the reports that the president, during a meeting, had questioned them why the USA allowed immigrants from "s***hole countries" such as Haiti, El Salvador and African nations".⁵

Throughout his presidency Mr. Trump has denigrated foreigners on numerous occasions, calling them 'animals' or 'the worst of the worst' and comparing them to infestation ("immigrants who pour into and infest our Country").

Evidently in all these examples, Mr. Trump is assuming the role not only of an analyst but also a judge. Namely, he is analyzing and criticizing certain groups of people (nations). However, since he is not openly calling for violence, these instances qualify as soft speech. Benesch (2018) in her article "Why the rhetoric of infestation is dangerous", however, notes, that the dangerous speech with which the president often compares people to infestations: vermin, locusts, bacteria, or cancer, produces powerful sensations of revulsion, and, most importantly, fear.

⁵ <https://www.independent.co.uk/news/world/americas/us-politics/un-trump-hate-speech-human-rights-immigrants-minorities-a9116681.html>

Furthermore, Benesch (2018) underlines that for inspiring violence, fear is more powerful than hatred or even contempt.⁶

The current American president has also used offensive words, to verbally attack other political figures and officials. Thus, even during his presidential campaign he made the suggestion that ‘Second Amendment people’ should stop Hillary Clinton. Irrespective of whether he assumed the role of an activist here, intending to provoke his supporters to assassinate his opponent or not, what is quite worrying is that certain audience members at Trump rallies, listening to his ambiguous but provocative language, have shouted out explicit calls for violence such as ‘hang the bitch,’ ‘kill her,’ and ‘build a wall—kill them all’ and they were not rebuked for it by the others in the crowd nor by the candidate himself (Benesch, Buerger, and Glavinic 2017)⁷. Another example of Mr. Trump demonizing people in his public addresses during his presidential campaign is his rather bizarre assertion that Hillary Clinton and President Obama are co-founders of the Islamic State or ISIS (also referring to the latter as ‘Barack Hussein Obama’). Although a few hours later he depicted his previous statement as ‘sarcastic’, still, his claim was assessed as extremely dangerous and provoking, since many Americans perceive ISIS as an existential threat (Benesch, Buerger, and Glavinic 2017).

Immediately, after assuming office, the new president was involved into a serious dispute with another political leader, the North Korean President, Kim Jong-un, which the entire world was following very closely as it had the potential to easily trigger a nuclear war. During this dispute, in his public statements he repeatedly referred to the North Korean President with highly offensive terminology such as “madman”, “maniac”, “the little rocket man”, etc. In response to his offensive and derogatory language, he was also called names and received threats by Kim Jong-un himself (“*Whatever Trump might have expected, he will face results beyond his expectation. I will surely and definitely tame the mentally deranged U.S dotard with fire*”). Given the gravity of this political conflict and what was at stake, these instances of violent rhetoric can easily qualify as hard hate speech.

Various organizations, politicians and journalists have reacted to President Trump’s hate speech. Thus, UN has reacted against the Presidents ‘dehumanizing hate speech towards immigrants’ (Wyatt, 2019)⁸. In their report they state that President Donald Trump’s xenophobic rhetoric has become known as the “Trump Effect”, as it has gone beyond the political world and injected itself into everyday

⁶ <https://dangerousspeech.org/why-the-rhetoric-of-infestation-is-dangerous/>

⁷ <https://dangerousspeech.org/yes-trump-has-been-racist-before-heres-why-these-retweets-are-worse/>

⁸ <https://www.independent.co.uk/news/world/americas/us-politics/un-trump-hate-speech-human-rights-immigrants-minorities-a9116681.html>

life — and, in many instances across dozens of states, in very violent ways. As a result of his statement, they state, his supporters, or his staff have harassed or attacked Latinos, immigrants, Muslim-American, African-Americans, and other minority and marginalized groups.

The Trump effect is also seen in the fact that, as [Benesch, Buerger, and Glavinic](#) (2017) put it, Trump’s staff, who in the past have often tied themselves into rhetorical knots, trying to clean up his statements, now are explicitly condoning the President’s use of Twitter to spread hateful and fear-inducing messages. This can be seen in President’s spokeswoman Sanders’ simple confirmation that the point of Donald Trump’s recent retweets was to convey fear of a real “threat”. Their interpretation of this statement is that that these messages have been normalized to a point that the White House no longer considers them a public relations challenge.

European politicians resorting to hate speech

This move towards using hate speech in political discourse is all too easy to track down in the language of other leaders from many countries all around the world, including the European politicians. As Tulkens⁹ notes hate speech targeting ethnic, religious, sexual minorities, immigrants and other groups is a widespread phenomenon within Europe, including in political discourse. It is increasingly found not only in the political discourse of far-right parties, but spreads also into the rhetoric of mainstream parties. Populism does not relate only to countries under situations of austerity: today there is a new phenomenon of populism in Europe. A serious concern is the growing success of populist parties that widely use hate speech, as well as trivializing its use.

The UK being in the whirl of its burning and controversial Brexit issue, has also seen an increasingly sharp edge to political exchanges, both inside and outside parliament recently. The rhetoric of the Prime Minister, Boris Johnson, in particular, is labelled as dangerous and divisive since he talks of opponents as ‘traitors’; labels legislative proposals which include a no-deal Brexit as a “surrender bill”, and has reportedly compared himself to the Emperor Augustus, known for leading a bloody purge of his enemies (Brabin and Dromey 2019)¹⁰.

⁹<https://rm.coe.int/16800c170e>

¹⁰<https://www.theguardian.com/commentisfree/2019/sep/21/boris-johnsons-rhetoric-is-dangerous-and-divisive>

Mr. Johnson, in fact, has a history of making comments and statements that targeted a variety of people, i.e. groups of people on the basis of their religion and nationality, even before assuming his current post, i.e. while he had held some other high-ranking political positions. Thus, for instance, he is infamously famous for having compared Muslim women wearing hijab to “bank robbers” and “letterboxes” (Brabin and Dromey, 2019).

The outspoken PM has also a long history of controversial statements targeting many other high-profile politicians (Birchall 2019)¹¹. Thus, for instance, in 2007 he made a comment about Hilary Clinton depicting her as a nurse in a mental hospital (*"She's got dyed blonde hair and pouty lips, and a steely blue stare, like a sadistic nurse in a mental hospital."*) and comparing her to Shakespeare's character Lady Macbeth (*"Lady Macbeth, stamping her heel, bawling out subordinates and fristbeeing ashtrays at her erring husband"*). In 2015, he also made an offensive and derogatory statement targeting the Russian president, Vladimir Putin calling him an ‘elf’ and ‘tyrant’ (*"Despite looking a bit like Dobby the House Elf, he is a ruthless and manipulative tyrant"*). Similarly, he has made fun of President Recep Tayyip Erdogan of Turkey in 2016 by composing and reciting a poem in which the Turkish president is depicted as having intercourse with a goat:

*"There was a young fellow from Ankara,
"Who was a terrific wankerer.
"Till he sowed his wild oats,
"With the help of a goat,
"But he didn't even stop to thankera"*

In 2016, he made a provocative statement with which he addressed the American President, openly stating that he is not welcome in the UK (*"I would invite him to come and see the whole of London ... except that I wouldn't want to expose Londoners to any risk of meeting Donald Trump"*).

His prejudices against other nations can be also seen in some of his provocative and humiliating statements like the one made in 2006, when he made a very unseemly reference to Papua New Guinea stating the following: *"For ten years we in the Tory Party have become used to Papua New*

¹¹ <https://www.thesun.co.uk/news/6965554/boris-johnson-controversial-comments-burka-racism/>

Guinea-style orgies of cannibalism and chief-killing.” At one point he has even targeted both the Queen alongside with the peoples of the Commonwealth describing them as ‘piccaninnies’ (“*It is said that the Queen has come to love the Commonwealth, partly because it supplies her with regular cheering crowds of flag-waving piccaninnies*”).

Clearly, the PM here assumes the role of analyst and judge as these statements are not calling for violent and aggressive behavior directly and openly. Nevertheless, there is no doubt that they are highly offensive and that his intent is to put his addressees down (soft hate speech). Similarly to the “Trump effect” various analysis, journalists and organizations in charge of monitoring and gauging the implications of hate speech noted that these instance of political rhetorical violence make a profound impact on certain individuals who interpret them as a clear endorsement of taking violent measures towards suppressing and eradicating what is different and disliked by their political leaders. Thus, for instance, the watchdog organization, Tell Mama, which is responsible for measuring anti-Muslim attacks, immediately after Mr. Johnson’s offensive comments targeting Muslim women went public, reported an enormous increase in the usage of hate speech in the UK (Brabin and Dromey 2019). Also, Brabin and Dromey (2019) warn that this threatening language, mirroring Johnson’s language of “cowards and traitors” has crept in to the day-to-day dialogue so much so that emails or messages on social media from members of the public, instead of simply expressing an opinion, now, assume the form of barely disguised threats of violence and insults.

Victor Orban, the Prime Minister of Hungary, is another European politician, who has made some rather controversial comments on minorities that can easily get the status of hate speech¹². Being Hungary's right-wing Prime Minister, Mr. Orban, amidst the great migration crisis in the recent years instigated by the war in Syria, has been one of Europe's leading voices against migration into the EU. Unafraid of controversy, he has described migration as an "invasion" and compared the migrants to a "poison", calling them “Muslim invaders”. In 2016, he said that "*Hungary does not need a single migrant for the economy to work, or the population to sustain itself, or for the country to have a future ... for us migration is not a solution but a*

¹²<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25037&LangID=E>

problem ... not medicine but a poison, we don't need it and won't swallow it." When asked whether it was fair for Germany to accept hundreds of thousands of refugees and migrants while Hungary accepted none, Orban responded: "*The difference is, you wanted the migrants, and we didn't.... Migration threatens the sovereignty and cultural identity of Hungary*".

Orban has repeatedly criticized German Chancellor Angela Merkel for her decision to allow over a million migrants into Germany in the summer of 2015. In a statement for Bild in early 2016, Orban stated that "*If you take masses of non-registered immigrants from the Middle East into your country, you are importing terrorism, crime, anti-Semitism, and homophobia.*" The Prime Minister has also repeatedly criticized the EU for trying to get member states to share refugees based on national quotas. In a 2015 interview with POLITICO, he suggested the bloc's leaders instead focus more on strengthening the EU's external border, stating that "*... the factual point is that all the terrorists are basically migrants.*"

Another world politician who is famed for sometimes avoiding the language of political diplomacy is the Turkish Prime Minister, Recep Tyyip Erdogan. He has been particularly outspoken after the failed coup attempt in Turkey, in 2016. Since he mainly holds the Gulen movement¹³ responsible for the coup in 2016, although the movement denies any involvement, Erdogan in many of his public statements has called the members of the Gulen movement: 'assassins', 'perverts', 'grave robbers' etc.¹⁴; ascribing the following qualifications to them: "*they lie, do monkey business, plot and malice*", "*they don't have any morality, nor shame*", "*they do not love the country, flag, nation*", "*they are frauds , slenderers*", "*they are blood sucking vampires*", "*pawns of Turkey's foes*", etc. Obviously, in all of these public statements, the Turkish president assumes the role of analyst and judge, and not an activist, which implies that these are all instances of soft hate speech as they are aimed solely at criticizing and offending the addressees.

¹³ The Gülen movement is a transnational socially-conscious Islamic movement with political overtones, inspired by the writings and preachings of Fethullah Gülen, a Turkish Islamic preacher who has lived in the United States since 1999. The movement is designated as a terrorist organization by Turkey, Pakistan, the OIC, and the GCC. However, their purported terror activities are not recognized as such by the United States, nor the European Union (https://en.m.wikipedia.org/wiki/G%C3%BClen_movement).

¹⁴ <https://www.youtube.com/watch?v=TIQcj1v9xG4>

The Russian president, Vladimir Putin, as a very famous world leader, is often criticised for silencing the right to free speech, and his government for viewing activists as enemies of the state. The American newspaper “The Atlantic”¹⁵ reported that Putin [signed into law](#) new rules that criminalise any “disrespect” for the Russian society, the government, official symbols, the constitution, or any state body, as well as what the authorities deem to be “fake news”. Besides this, he himself is also often accused of using hate speech against certain countries and groups of people, as it was, for instance, in his famous Crimean speech¹⁶ in March 2014 targeting Ukraine. After the controversial Crimea-wide referendum¹⁷ (considered unconstitutional under the Ukrainian and Crimean constitutions), Crimea was reunified with Russia. Although the official results showed majority support for reunification, the vote was boycotted by many loyal to Ukraine and declared illegitimate by Western governments and the United Nations. In his speech, Putin used the term “natsional-predateli” (“national-traitors”), a calque from the German term *Nationalverräter*, to refer to those who were against the unification. In addition, although he expressed appreciation to people protesting peacefully against corruption, inefficient state management and poverty, he explained his refusal to accept the new Ukrainian government in the unlawful events on Euromaidan¹⁸ (“Groups wanted to seize power and would stop short of nothing. They resorted to terror, murder and pogroms. Nationalists, neo-Nazis, Russophobes and anti-Semites executed this coup. They continue to set the tone in Ukraine to this day”). As can be seen he assumes the role of analyst and a judge at the same time. Washington Post assessed some of Putin’s statements as “dubious and false”, while certain politicians have compared him to [Adolf Hitler](#). For instance, [Hillary Clinton](#) compared events in [Crimea](#) to the [Czech Crisis](#) of

¹⁵<https://www.theatlantic.com/international/archive/2019/03/putins-new-law-makes-it-illegal-disrespect-russia/585502/>

¹⁶https://en.wikipedia.org/wiki/Crimean_speech_of_Vladimir_Putin

¹⁷ Crimea, the peninsula located on the northern coast of the Black Sea in Eastern Europe, was reunified with Russia in 2014. In 1954, it was transferred to the Ukrainian SSR from the Russian SFSR but then again Russia formally annexed Crimea on 18 March 2014, incorporating the Republic of Crimea and the federal city of Sevastopol as the 84th and 85th federal subjects of Russia.

¹⁸ A wave of demonstrations and civil unrest in Ukraine, which began on the night of 21 November 2013 with public protests in Maidan Nezalezhnosti (Independence Square) in Kiev.

1938 and has directly compared Russia's [Vladimir Putin](#) to Hitler. The Russian historian Andrey Piontkovsky also compared Putin's speech to Hitler's speech on [Sudetenland](#) from 1939 because, for him, "the same arguments and vision of history" were used and because, in his opinion, this speech played a key role in starting the [war in Donbass](#)¹⁹.

Conclusion

Hate speech seems to have become such an integral part of political discourse that rather than promoting democracy and peace, politicians win people's votes by demonizing their opponents or some specific social groups of people. The paper aimed to present several examples of hate speech used by high-profile politicians, targeted and criticised by the media. The objective of the analysis was to determine who these hateful messages were usually aimed at, and what role the politicians assumed when they made these comments.

The analysis showed that politicians' negative hateful messages are directed mainly towards their political opponents in their country (e.g. The American president Donald Trump Trump often attacks his democratic political opponent Hillary Clinton) or political leaders from other countries (e.g. Trump and the North Korean leader Kim Jong-Un use derogatory terms to address each other; the British Prime Minister Boris Johnson uses negative lexis (metaphors mainly) to talk about the American politicians Trump and Clinton, Turkish president Erdogan and Russian president Putin). Sometimes politicians talk negatively about another country or nation (e.g. the Russian president Putin uses hate speech when talking about Ukraine and Euromaidan). Finally, some politicians' hateful language is directed towards a specific group of people (e.g. The American president Trump often offends Latinos, immigrants, Muslim-American, African-Americans, and other minority and marginalized groups; the British Prime Minister, Boris Johnson, uses negative lexis to talk about Muslims, while the Hungarian's Prime Minister, Mr. Orban, about migrants).

In addition, the analysis showed that, when using hate speech, almost all politicians in our corpus assumed the roles of analysts and judges. They "analysed" the specific person or group of people and made judgements

¹⁹ Read more at <https://www.hudson.org/research/11165-andrei-piontkovsky-putin-s-concept-of-the-russian-world-threatens-all-territories-with-a-russian-population->

based on that analysis. However, since all of the subjects presented in this paper are very influential political figures, it can be expected that these negative comments might instigate actions against the target, either by the politicians themselves or their supporters who are influenced by such negative language. The hate speech used gives legitimacy to the actions that follow. Therefore, this paper tends to raise the awareness against its use in political discourse.

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HATE SPEECH THROUGH THE PRISM OF THE EUROPEAN COURT OF HUMAN RIGHTS

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Abstract

Hate speech is by definition an expression of hatred for a particular group. It generally seeks to offend a particular person or group by defining and belonging to a particular racial, ethnic, religious, or other type. Hate speech carries a message that points to the inferiority of members of the target group, condemns, humiliates and is often full of hatred.

The European Court of Human Rights in its judgments on hate speech starts with the definition that hate speech encompasses "all forms of expression that spread, incite, promote, or justify intolerance-based hatred." He has developed several in his practice elements of hate speech: intention, content, context of expression and prohibited consequence.

The purpose of this paper is to elaborate on the elements of hate speech and to illustrate them with cases from the court practice of the European Court of Human Rights.

Keywords: speech, hatred, tolerance, practice, ECHR.

Introduction

The emergence of hate speech is in direct conflict with most international treaties as well as with the laws of individual countries that are primarily based on respect for diversity among people. Modern democratic societies base their existence on respect for and fostering cultural pluralism and tolerance, and the hate speech they define as unacceptable and contrary

to constitutionally protected civil rights is unacceptable to them. The diversity that lives in a coherent way of living international treaties should be regarded as an advantage and a privilege and should in no way be treated in terms of disrespect for diversity.

Hate Speech Definition

One of the definitions for hate speech, which is going to be elaborated in this paper originates from Recommendation R (97)¹ adopted by the Committee of Ministers of the Council of Europe. There, hate speech is defined as a term that encompasses all forms of expression that propagate, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance.

Generally speaking, hate speech involves expressing hatred towards a particular group and is intended to offend a member of that group. Hate speech carries a message of inferiority to members of a particular group, trying to condemn, humiliate, and direct the hatred of that particular category of people.

Very often, hate speech results with intolerance, which is sometimes manifested as aggressive nationalism, ethnocentrism, discrimination and hostility directed at minority groups, migrants or persons with immigration origin.

The European Court of Human Rights has also given its definition of hate speech and it is considered that it covers "all forms of expression that propagate, incite, promote or justify intolerance-based hatred."¹

The term "hate speech" has not been universally accepted as definition. However, on the numerous definitions found in the literature we can compose one definition according to which: "hate speech is a type of expression designed to promote hatred based on race, religion, ethnicity, national origin, sex, sexual orientation, class, social origin, physical or mental disability. " This definition broadly presents the categories of hate speech that may be affected.

Beside direct speech, hate speech includes many other forms of expression, such as:

1. public use of offensive symbols (eg. swastika);

¹Erbakan v. Turkey (Application no.59405/00), Judgment 6 July 2006, § 56

2. Their explicit display of parades, protests, public addresses and similar;
3. burning cross (this is characteristic of the Ku Klux Klan in the United States);
4. burning flags;
5. Drawing graffiti²;
6. gluing posters;
7. Distribution and dissemination of leaflets with such content;
8. Expression through TV, radio and internet;³

Hate Speech Elements

In its practice, the European Court of Human Rights has developed several elements of hate speech: intent, content, i.e. the context of expression and the forbidden consequence. Each of these elements has its own features which need to be recognized as hate speech. Sometimes the features are visible (such as skin color, race, etc.) and then they are manifested as markers of group identity. However, there are characteristics that are unchangeable for a group of people such as blond hair or blue eyes for example, but that does not make them a member of a particular class, race or ethnicity.

Article 14 The European Convention on Human Rights and Article 1 of Protocol no. 12 of the European Convention brings open and inexhaustible list of protected features in relation to the prohibition of discrimination, such as: sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, ownership, birth or other status. Although the Convention does not explicitly mention sexual orientation, physical or mental disability or age in the List of Protected Properties, the European Court of Human Rights has applied Article 14 in respect of characteristics not explicitly mentioned therein.³

²It is interesting to note that in spite of the obvious hate speech, there are also subtle cases of this kind of offensive expression. Namely, at the door of an LGBT organization unknown perpetrators spray painted "Tremites" which seems to not sound like hatred against anyone but the islands of Tremiti were a place where Mussolini sent homosexuals from Italy into exile. This common toponym has grown into hate speech against LGBT people

³For example, regarding the sexual orientation such judgment is brought on 21 December 1999 in the case of Salgueiro da Silva Mouta against Portugal).

Article 3 by the Law on Prevention and Protection against Discrimination of the Republic of Macedonia also provides wide and open list of protected characteristics that include: gender, race, skin color, gender, belonging to a marginalized group, ethnicity, language, citizenship, social origin, religion or belief, other beliefs, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health status or any other grounds that is provided by law or ratified international agreement.

So, from the general set of protected features provided by the national and international human rights instruments, the term / concept of hate speech only applies to some of them.

Bearing in mind that hate speech implies racist, xenophobic, homophobic, and other related declarations of identity-assaulting expression, the list of protected features in hate speech would be limited to:

1. race, skin color, religion or belief, ethnicity, national origin, citizenship, language
2. gender, sex, sexual orientation
3. physical or mental disability
4. class and social origin

From this we can conclude that hate speech is directed to aspects of the identity and the individual person that are unchangeable in some fundamental sense. For instance, it is belonging to a particular culture. This grounds: belonging to a particular culture is used as an umbrella term that explains the nature of certain identity characteristics such as: race, skin color, ethnicity, religion, national origin, citizenship or language.

In identity or protected characteristics belong: sex, gender, sexual orientation, class and social background (typical for societies with a history of class division), as well as physical and mental disability.

Protected characteristics of hate speech do not include, as example, a person's political affiliation, as well as their economic or property status, marital status, education, etc.

They can certainly be grounds for discrimination, but the insult, concerning certain social groups (such as membership of a political party) shall not be considered as hate speech.

Practice of the European Court of Human Rights in the field of Hate Speech

European citizens are not immune to hate speech, especially when it comes to achieving the goals they set at different stages in their political development. In the remainder of this paper, we will present some examples of such cases that have been resolved before the European Court of Human Rights.

Case 1.

Daniel Feret Member of the Belgian Parliament and President of the National Front political party in Belgium

During his election campaign, his party distributed several types of leaflets that included slogans such as "Stop Islamization in Belgium", "Stop False Integration Policy" and "Send unemployed non-Europeans home". Daniel Jarrett was found guilty of inciting racial discrimination. He was convicted of socially useful activity and banned from performing parliamentary function for 10 years. He appealed to the European Court for a violation of his right to freedom of expression.

According to the Court, comments of Feret bring clear responsibility for causing feelings of distrust, availability or temporary and hatred of strangers, information solutions to participate more than tradition. He sends sacred message to the choice in context to encourage hate.

His condemnation by the domestic authorities is justified in preventing disorder and protecting the rights of others or members of the immigrant community.⁴

Case 2.

Dennis Leru cartoonist from France

Dennis Leru, cartoonist, in one of his cartoons published in the Basque Weekly on September 13, 2001 presented the attack on the World Trade Center in New York City. "We all dreamed of this ... Hamas did it." Having been fined for "endorsing terrorism", Leru has appealed to the European Court of Human Rights for a violation of his freedom of expression.

⁴(Féret against Belgium, Appeal No. 15615/07, Verdict 16 July 2009).

The court confirmed that through this case, the accused glorified the violent overthrow of the American imperialism, expressed moral support for the perpetrators of the attacks on 11 September, commented with approval for the violence perpetrated against thousands of citizens and belittled the dignity of the victims. Despite the newspaper's small circulation, the Court held that the publication of the cartoon caused a certain public reaction, capable of inciting violence and having an obvious impact on public order in the Basque Country.⁵

Case 3

Members of the National Youth Organization in Sweden

In the case of Wedel and the others against Sweden, the applicants have been found guilty of distributing 100 leaflets in high school about homosexuals which the Swedish courts have found them offensive for this group of people.

The accused distributed leaflets through an organization called National Youth, leaving them in or on the students' lockers. The leaflets contained information that said homosexuality is a "deviant sexual affection", it had "morally destructive effect on society's orientation" and was responsible for the development of HIV and AIDS.

The applicants before the Court indicated that their goal was not to express contempt for homosexuals as a group and stressed that the purpose of their action was to initiate debate on the lack of objectivity of education in Swedish schools.

The court finds that such statements constitute serious and damaging allegations, even if they are not directly invoked for acts of hatred.⁶

Case 4

Pavel Ivanov a journalist from Russia

Pavel Ivanov wrote and published series of articles describing Jews as the source of evil in Russia. He was convicted of conspiracy against the Russian people and the meaning of his remarks involved anti-Semitism. He was found guilty of inciting ethnic, racial and religious hatred.

⁵Leroy against France, Appeal No. 36109/03, Verdict 2 October 2008.

⁶ Vejdel and others against Sweden, Appeal No. 1813/07, Verdict 09 February 2012.

According to the European Court of Human Rights, an applicant who seeks in his publications to "incite hatred of the Jewish people" and advocates violence against a particular ethnic group cannot be used in the protection afforded by Article 10 of the Convention. The court declared his application inadmissible.⁷

Case 5

Mark Anthony Northwood - England

Mark Anthony Norwood posted on his window a poster with twin towers in flames and the words "Islam outside Britain - protecting the British people". The poster was obtained from the British National Party (BNP) whose member was Norwood.

As a consequence, he was charged with aggravated hostility to a religious group. Norwood argued in his defense that this violated his right to freedom of expression.

The European Court of Human Rights found that such general, fierce attack on a religious group, linking the group as a whole with a serious act of terrorism contrary to the values proclaimed and guaranteed by the Convention, in particular tolerance, social peace and non-discrimination, and thus prevented Norwood to use the Article 10 of the Convention. The court declared his appeal inadmissible.⁸

These are just a few cases that have been pending before the European Court of Human Rights regarding the treatment of hate speech. They show that prejudice is one of the reasons for its occurrence. The objective criteria for judging a possible hate speech are the purpose for which it is presented to the public, the content of what is presented and the consequences or differences that occur between the person conducting the hate speech and to whom it refers to.

It should be emphasized that there is no consensus among states which are motivated by hatred or prejudice and at the same time are a real threat to violence against a particular person. Some countries punish only those forms of expression that represent a real and imminent threat of violence against the person concerned. In many other countries laws prohibit

⁷Pavel Ivanov against Russia, Appeal No. 35222/04, decision for admission 20 February 2007.

⁸Mark Anthony Norwood against the United Kingdom, Appeal No. 23131/03, decision for admission 16 November 2004.

oral, written or symbolic communications that advocate or initiate discrimination based on hatred. These differences also have affect on particular countries.

Prejudice indicators are useful for judges, prosecutors, the media, journalists and civil society organizations when analyzing specific expressions as hate speech.

Consequences of Hate Speech

Hate speech causes great harm both to the particular individual or group to which he or she is concerned and to society at large. Hate speech causes emotional and psychological pain on the victims, affects the social mobility and prosperity at work: the psychological responses to such verbal attacks consist of feelings of humiliation, isolation, self-hatred and self-doubt. The affected person may respond by seeking a way out with alcohol, drugs or other types of antisocial behavior. Hate speech violates the "market of ideas", the educational environment and the ideal of equality - equal treatment and the principle of non-discrimination which are fundamental to every democratic society.

Hate speech carries no other meaning than an attitude of fundamental inequality between people. It is a form of social and political exclusion, a declaration of hostility to the segment of citizens in society. Hate speech potentially leads to hate crime, and it can also lead to genocide: when a particular group is humiliated or inhuman and such speech is kept out away from "community of equals" then it can easily become a subject of physical abuse, attacks and violence.

Hate speech has a detrimental effect on social order, peace and the quality of life of the community. It makes members of victimized communities frightening, angry and suspicious to other groups and the power structure that should protect them.

Conclusion

Hate speech causes great harm both to the specific individuals to whom the expression is addressed and to society in general. It violates the ideal of equality or the equal treatment of the principle of non-discrimination which is fundamental to any democratic society. Hate speech has a harmful

effect on social order, peace and quality of life in the community. Hate speech potentially leads to hate crime, and can also lead to genocide.

Having in mind the damage caused by hate speech, in terms of its impunity to varying degrees it is generally accepted. A European review expert on finding ideas for non-discrimination with a wish not to be discriminated against (Protocol 12 of a Human Rights Convention) and with the usual services of using the "creativity promotion" institution is our initial choice locally. It can be found in multiple places over a year or more, it can be found on multiple places or provided multiple times.

A European peer-review expert on finding ideas for non-discrimination with a wish not to be discriminated against (Protocol 12 of a human rights convention) and trying to expand the institute for <<promoting equality>>. These two institutes require far greater state activity in eliminating the more subtle forms of indirect discrimination and creating the conditions for effective equality of opportunity.

This is especially reflected in hate speech in terms of being more sensitive to the dangers of public expression containing intolerance and xenophobia (see particularly ECRI recommendations, Council of Europe).

European experience is accepting to enter into legal solution of overlapping legal rights: the right to freedom of speech and justice not to be offended on ethnic and cultural grounds. This "legal solution" comes from the position for inseparability and uniqueness of the Human Rights with which is affirmed the relation between the freedom of speech and equality. Namely, the freedom of speech and equality, both have complementary and essential contribution in ensuring and protecting human dignity.

Thus, the "narrowing" of freedom of speech by prohibition of hate speech provides greater social space for the freedom of speech of all groups in society, i.e. provides lively debate on various aspects of the public interest that gives voice to different perspectives and views.

Conversely, when the racist, homophobic or xenophobic speech is free speech by some groups in society it is suppressed. Everyone's right is to be heard, to speak and to participate in political, artistic and social life as an integral part of the endorsement and equality. When the participation and voice, their issues, experiences, and concerns of the people are denied and they are treated as if they were invisible, those people themselves become more vulnerable to intolerance, prejudice, and marginalization.

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