

**Hate speech in Europe: considerations for the proposed campaign *Young People  
Combating Hate Speech in Cyberspace.***

By Gavan Titley

*The opinions expressed in this work are the responsibility of the author and do not necessarily reflect the official policy of the Council of Europe.*

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### 1. Introduction

In an exchange with the philosophers Talal Asad and Mahmood Saba, considering the issues raised by what has become known as the Danish Cartoons Controversy, Judith Butler asks: ‘Is the freedom in free speech the same as the freedom to be protected from violence, or are these two difference valences of freedom? Under what conditions does freedom of speech become freedom to hate?’<sup>1</sup> While the first question is of integral importance to these reflections, the second question is one that is perhaps immediately recognizable to youth workers across Europe. The conditions Butler references have many aspects and dimensions, prime among them the resurgent and multivalent *racisms* that have achieved new forms of legitimacy in European political discourse, and the new, interactive and networked communicative conditions that shape their transmission, translation, and impact.

Young people, who increasingly integrate many forms of social media into their intimate, social and political lives, produce, are exposed to, and combat hate speech online. Further, they do so in a context where *what constitutes hate speech, and what is recognized as racism, are key dimensions of online engagement and discursive interaction*. As John Durham Peters has pointed out, freedom of speech has a recursive character, that is, the specific speech issue at stake quickly leads to broader reflections on the larger principles at stake.<sup>2</sup> While the ‘limits’ of free expression have always been contested, a dominant dimension of the current context is the re-working of racisms through a recursive appeal to freedom of expression. It is this intensely

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<sup>1</sup> Asad, T, W Brown, J Butler & M Saba (2009) *Is Critique Secular? Blasphemy, Injury and Free Speech*. Townsend Papers in the Humanities. P.128

<sup>2</sup> Durham Peters, J (2005) *Courting the Abyss: Free Speech and the Liberal Tradition*.

political problem, as much as the range of fora and diversity of targets of 'hate speech' across Europe, that makes engaging with this issue so complex.

Writing about young people is a field frequently beset by polarizing stereotypes; angels or devils, 'change agents' or layabouts, in need of protection and/or discipline. Considerations of racism are often content to locate it at the political extremes, or in the ignorance of pathological individuals. Thinking about the internet remains overly-structured by either/or ideas of romantic transformation or dystopian collapse. When you combine these three fields of inquiry, there is obvious potential for analysis to regard the issues at hand as located at the margins of European democracy. However hate speech online is not marginal, and the edges of this political map are not immediately obvious. The idea of a 'normal region' governed by liberal and rights-based politics is an imagined horizon that obscures a more important view.<sup>3</sup> For that reason, this introduction commences with a recommendation; *'hate speech' and shifting modes of racism must be located in the European political mainstream, and approached as much as a 'trickle down' phenomena as a 'grassroots' expression.*

'Hate speech' is a notoriously difficult concept to define. That difficulty need not deter recognition of how certain forms of racializing political speech have once again become broadly acceptable in mainstream European political discourse. In an interview with the London *Times*, the novelist Martin Amis captured the tone of this impeccably mainstream discourse when he conducted a 'thought experiment', saying:

"There's a definite urge - don't you have it? - to say, 'The Muslim community will have to suffer until it gets its house in order.' What sort of suffering? Not letting them travel. Deportation - further down the road. Curtailing of freedoms. Strip-searching people who look like they're from the Middle East or from Pakistan... Discriminatory stuff, until it hurts the whole community and they start getting tough with their children"<sup>4</sup>

Amis has not lacked company in conducting such thought experiments. The former Dutch Minister for Integration, Rita Verdonk, considered introducing a system of

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<sup>3</sup> Arditi, B (2008) *Politics on the Edges of Liberalism*.

<sup>4</sup> <http://artsbeat.blogs.nytimes.com/2007/11/20/eagleton-v-amis-v-islam/>

‘integration badges’ to be worn publicly by *allochtonen*.<sup>5</sup> The now-Chairman of the Finnish parliament’s Administration committee, Jussi Halla-Aho, blogged that, given the inevitable disposition of male immigrants to rape, he hoped that it would be ‘Red-Green’ women that they raped.<sup>6</sup> Thought experiments are, of course, accompanied by more prosaic practices, such as straightforward insult. The then-Interior Minister of France, Nicolas Sarkozy, openly described the multi-racial youth in the impoverished and repressively policed banlieues of urban France as *racaille* (scum), during the uprisings of 2005. The most high-profile politician in Europe to be charged with ‘hate speech’, Geert Wilders, has regularly referred to the Islamic headscarf as a ‘head rag’, an insult that references the racial slur ‘ragheads.’ In so doing, it is not clear what differentiates him from the French philosopher Bernard-Henri Lévy, who described the hijab as ‘an invitation to rape’; or his fellow *nouveau philosophe*, Andre Glucksmann, who described it as a ‘terrorist operation’; or the Lutheran priest Søren Krarup, who as an elected representative of the Danish People’s Party compared it to a Nazi swastika.<sup>7</sup>

In the aftermath of the politically-motivated murder of Social Democratic youth members on Utoya, in Norway, on July 22<sup>nd</sup>, there was a palpable retreat from ‘thought experiments’ among journalists, commentators and politicians, particularly when Anders Breivik’s *Manifesto* was circulated online. In a *Guardian* investigation mapping the networks and links referenced and discussed in what they termed Breivik’s ‘spider web of hate’, the journalist Andrew Brown distinguishes between what he terms the ‘paranoid fantasists’ of the Islamophobic online networks, and unfair attacks on journalists such as Melanie Phillips, who while cited approvingly in the *Manifesto*, can not be held responsible for the violence.<sup>8</sup> This is to collapse accusations of direct causality into a wider discussion of the creation of a toxic political climate. More to the point, in drawing this distinction, it is not clear how Brown would account for Phillips’ consistent dependence on violent and martial language when stereotyping Muslims in Europe. In her mainstream journalism,

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<sup>5</sup> See Lentin, A & G Titley (2011) *The Crises of Multiculturalism: Racism in a Neoliberal Age*, p. 92.

<sup>6</sup> <http://www.hs.fi/english/article/What+does+Jussi+Halla-aho+really+want/1135241598200>

<sup>7</sup> See Lentin, A & G Titley (2011) *The Crises of Multiculturalism: Racism in a Neoliberal Age*, p. 92.

<sup>8</sup> Brown, A (2011) ‘Anders Breivik’s spider web of hate’. Wednesday 7 September, *Guardian, Comment is Free*. <http://www.guardian.co.uk/commentisfree/2011/sep/07/anders-breivik-hate-manifesto>

Phillips has characterized the *émeutes* in Paris in 2005 as ‘Muslim uprisings against the state’; described a Muslim conference in London in the same year as a gathering of ‘racist hate-mongers’; described Palestinian political mobilization for self-determination as ‘Holocaust denial as a national project’; and warned that ‘thousands of alienated young Muslims, most of them born and bred here but who regard themselves as an army within, are waiting for an opportunity to help destroy the society that sustains them’.<sup>9</sup>

Indeed, the aftermath of the attacks in Norway witnessed a curious phenomenon; the widespread assurance that extreme and exaggerated language and imagery concerning the demographic, cultural and religious threat of Islam - and Muslims – to Europe did not actually mean what it said, or, at least, did not intend the urgency with which it was expressed to be mistaken for real urgency (the kind that could result in action). Here is the Irish journalist, Kevin Myers, who models himself closely on Phillips and who writes for the daily newspaper with the largest circulation in the country, writing in 2006 during the Danish Cartoons controversy: ‘As I have said many times, we are at war: a generational, cultural, ethical, political, terrorist and demographic war. Sure we can give ground on the issue of the cartoons of the Prophet by beheading a few Danish cartoonists, thereby giving the Islamicists their Sudetenland.’<sup>10</sup> So when is a war not a war, and what theory of speech is required to understand this process of exaggeration and disavowal? This, and other questions must be answered in a context where, according to a study by the Friedrich Ebert Foundation in 2011:

Group-focused enmity is widely disseminated in Europe. It is not a phenomenon of the political margins but an issue at the centre of society. Europeans are conspicuously united in their rejection of immigrants and Muslims. About half of all European respondents said that there were too many immigrants in their country and that jobs should be given to non-immigrants in their country first in a time of crisis. About half condemned Islam as a religion of intolerance.<sup>11</sup>

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<sup>9</sup> Quoted in *On Utøya*, Sparrow ed (2011)

<sup>10</sup> Kevin Myers, ‘An Irishman’s Diary’, *The Irish Times*, Friday February 10 2006

<sup>11</sup> Zick, A. B. Küpper & A Hövermann (2011) *Intolerance, Prejudice and Discrimination: A European Report*.

If the fusion of the ‘war on terror’ with the anti-Muslim racism that began to noticeably emerge in Europe in the 1990s has provided a particular kind of licence for ‘exaggerated’ speech, it should not distract from the continued presence of more ‘traditional’ forms of racist speech in the political mainstream. It is also a challenge to take account of the different forms and targets of racism across the national contexts of the Council of Europe, and to pay attention to how digital communications allows them to feed off and borrow from each other. The Human Rights Commissioner of the Council, Thomas Hammarberg, has issued several warnings in 2011-12 about ‘anti-Roma hate speech’ by politicians in Italy, Hungary and the Czech Republic. Also in Italy, in 2009 the Northern League named a December police operation - aimed at checking the residence paperwork of non-EU residents in the town of Coccaglio - as ‘White Christmas’. And the examples could continue, but the point is made: openly racist speech is not a marginal phenomena of concern to young people in online discussions. It is central to, and a central focus of struggle, in mainstream political life in Europe.

It is worth noting this for another reason – when it comes to questions of speech, of defining the content, intent and nature of speech, such operations come up against the unstable and shifting nature of language. In particular, racist discourse - precisely because racism seeks spaces and opportunities for confirmation and legitimation – is shifting and strategic, capable of absorbing and re-coding references, political ideas, statements of value, and in particular, those ideas that are placed in opposition to it.

There is no doubt that the internet and digital communications, in extending capacities and opportunities for communication and participation, have extended the capacities and possibilities for hate speech, racial and bigoted harassment, ‘wedge issue’ strategies and political recruitment, and the general circulation and insinuation of racist ideas into more and more fora. While ‘hate speech’ is frequently associated with inflamed emotions and rhetoric, racist strategies online are heavily dependent on strategies that emphasise the provision of alternative information, facticity, and counter public spheres. Thus confronting ‘hate speech’ and racism online demands mapping and analyzing the various discourses and strategies that young people engage in, are targeted by, experience and confront, and developing reflected practices and messages in turn.

A key dimension of this will be working through the relationship between ‘hate speech’ and the arguments for control, ‘censorship’ and legal remedy, and the arguments for ‘freedom of speech’, but also between what is held to constitute hate speech, and the wider dissemination of racism online. Further, how do strategies of identifying and confronting ‘hate speech’ sit with the values and practices of youth work? How will a campaign provide a sufficiently unitary and unifying message, while recognizing that ethical and political debates over the nature of speech and its relationship to liberty and democratic life will never be fixed?

## **2. Hate speech: a contested concept**

### **2.1 Reading definitions**

It is worth considering a range of definitions of hate speech, but not, as is often expected of definitions, to provide a fixed meaning that in turn provides a basis for subsequent action. ‘Hate speech’ is an irreducibly complex and contested idea, weighted against competing rights in different ways in different legal traditions and jurisdictions; dependent on different understandings of speech and its potential consequences; framed by varying and conflicting assessments as to what constitutes ‘hate’; linked to particular identities that are the subjects of speech, as well as to particular speakers and ‘viewpoints’; and politically deployed as a strategy in a variety of ways, many of them deeply contradictory.

The absence of a consensus on what constitutes ‘hate speech’, and the differences that are thus manifest in legal and regulatory approaches in different countries, prompts Kenan Malik, for example, to argue that it is ‘not a particularly useful concept...in a sense hate speech restriction has become a means not only of addressing specific issues about intimidation and incitement but of enforcing general social regulation’.<sup>12</sup> As against this, the philosopher Stanley Fish contends that it is a category error to work from an assumption that concepts concerning speech in actual political contexts

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<sup>12</sup> ‘Hate speech and the law’. Interview with Kenan Malik by Peter Molnar, in *Regulating Hate Speech: Content, Context and Remedies*. CUP (2012)

can be governed by abstract, philosophical first principles, *outside of social regulation*, political argument and struggle, as there is ‘no such thing as a public forum purged of ideological pressures of exclusion’.<sup>13</sup>

What different definitions thus provide, when explicitly related to the different historical, socio-political and disciplinary contexts that they are drawn from, is an *anatomy of hate speech*. That is, the range of types of speech, potential consequences, and targeted subjects that generally feature in these debates. The first section of this chapter discusses a range of definitions, drawn from national legislation in Europe, and from academic studies. The second section summarizes and discusses the main dimensions of the European Court of Human Right’s thinking on ‘hate speech’, as reported in the *Manual on Hate Speech*.<sup>14</sup> The following section relates the concept of ‘hate speech’ to key discussions about the foundational importance of free speech and freedom of expression in democratic societies, and the final section examines some of the ways in which ‘freedom of speech’ has become claimed as a defence in racist discourse.

## **2.2 Defining hate speech**

In general, definitions of hate speech make reference to a number of the following components: the *content* of speech; the (written or oral) *tone* of speech; an evaluation of the *nature* of that speech; the (individual and collective) *targets* of that speech; and the potential *consequences* or *implications* of the speech act. Raphael Cohen-Amalgor, for example, offers an extensive definition in the following terms:

Hate speech is defined as bias-motivated, hostile, malicious speech aimed at a person or a group of people because of some of their actual or perceived innate characteristics. It expresses discriminatory, intimidating, disapproving, antagonistic, and/or prejudicial attitudes towards those characteristics, which include gender, race, religion, ethnicity, color, national origin, disability or sexual orientation. Hate speech is intended to injure, dehumanize, harass,

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<sup>13</sup> Fish, S (1994) *There’s No Such Thing as Free Speech...and it’s a good thing, too*. Oxford University Press, p.116

<sup>14</sup> Weber, A (2009).

intimidate, debase, degrade and victimize the targeted groups, and to foment insensitivity and brutality against them.<sup>15</sup>

The very extensiveness of this definition raises a series of questions that recur in discussions as to the nature and scope of hate speech. The first pertains to the spectrum of ‘innate characteristics’ that may become the target of hate speech, or, *who is the object of hate, and why?*

Cohen-Amalgor’s definition takes on the full range of dimensions that are now associated with ‘diversity politics’, and that provide for a richer sense both of human experience – in how identities are formed through multiple forms of identification, and social ascription – and of vectors of discrimination that may reinforce each other. However, in practice, legal definitions of hate speech tend to place questions of race and ethnic origin, and religion and philosophical belief in the foreground, with increasing attention being paid to sexuality, but relatively little being paid to gender, or ‘disability’. Cohen-Amalgor quotes a variety of definitions from the northern European countries, and given their historical commitment – in legislation and social provision – to gender equality, it is worth noting its general absence from these formulations:

For instance, Denmark defines hate speech as publicly making statements that threaten, ridicule, or hold in contempt a group due to race, skin color, national or ethnic origin, faith, or sexual orientation (Danish Penal Code, *Straffeloven*, section 266 B). The Dutch Penal Code, Article 137c, holds: “He who publicly, orally, in writing or graphically, intentionally expresses himself insultingly regarding a group of people because of their race, their religion or their life philosophy, their heterosexual or homosexual orientation or their physical, psychological or mental disability, shall be punished by imprisonment of no more than a year or a monetary penalty of the third category.” In Iceland, Article 233 of the Penal Code states: “Anyone who in a ridiculing, slanderous, insulting, threatening or any other manner publicly assaults a person or a group of people on the basis of their nationality, skin colour, race, religion or

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<sup>15</sup> (2011) ‘Fighting Hate and Bigotry on the Internet, *Policy and Internet*, Vol. 3(3).

sexual orientation, shall be fined or jailed for up to 2 years.” Norway prohibits hate speech, defined as “publicly making statements that threaten or ridicule someone or that incite hatred, persecution or contempt for someone due to their skin colour, ethnic origin, homosexual life style or orientation or, religion or philosophy of life” (Norwegian Penal Code, *Straffeloven*, section 135a). Sweden prohibits hate speech, and defines it as “publicly making statements that threaten or express disrespect for an ethnic group or similar group regarding their race, skin colour, national or ethnic origin, faith or sexual orientation” (Swedish Penal Code, *Brottsbalken*, Chapter 16, section 8).

In these specific cases, it is likely that the relative absence of gender, understood in relation to equality between men and women, is a consequence of clear legislative provisions under anti-discrimination legislation. However this does not account for the absence of gender identities that cannot be reduced to questions of ‘sexual orientation’, such as trans-identities, and this requires more research and consultation within the framework of this project. More broadly, there is an ongoing discussion as to whether the absence of gender from hate speech definitions serves to underplay the seriousness of sexist abuse. As Donna L. Lilian argues, while the binary categories of ‘men’ and ‘women’ flatten out and discipline people’s sexual and gendered identities, social life and political discourse primarily functions in terms of these ‘monolithic, self-evident categories’. In these terms, sexist speech can be framed as hate speech, as it functions to denigrate women as a group, in the service, ultimately, of patriarchal subjugation. Therefore,

...no matter how...unsophisticated it may seem to talk simplistically about ‘women’ and ‘men’, the world we live in is still organized around those categories. Moreover, it is organized in such a way that ‘women’ as a class are subordinate to ‘men’ as a class, and it systemically discriminates against women. Politically, we must act ‘as if’ there were a category ‘women’ because our societies act as if there were and in doing so, they bring that category,

functionally, into being. As long as this is so, we must not abandon... the project of recognizing, naming, analyzing and combating sexist hate speech.<sup>16</sup>

As Lillian notes, one reason that ‘women’ are exempted from definitions of hate speech, including in feminist studies, is that while hate speech focused on ‘race’ and ethnicity is uttered in an historical context where the ultimate goal of such speech may be the violent subjugation or elimination of these groups, the same cannot be said of ‘women’ as a category in societies primarily organized and reproduced through heterosexual couples, and who are not numerically a minority in society. This, however, does not account for the ways in which women, when constructed according to ‘innate characteristics’ within moralizing, patriarchal frameworks, can be framed as targets of sexually violent speech – for example, women who are ‘asking for rape’ because of an assessment of their appearance, behavior, ‘morals’, and so forth. Or, if we recall the series of analogous descriptions of the headscarf referenced in the introduction, how the delegitimation of a woman through her religious identity serves as a licence for sexist speech (the veil as an ‘invitation to rape’).

Lillian further notes that the widespread assumption that gender equality has been substantively achieved, and that ‘real’ sexism has become overcome, leaving nothing much more than the ironic residue of sexism in popular culture, may account for the reluctance to discuss sexist speech in terms of hate speech. A broadly similar argument is made in relation to the politics of class in Britain by Owen Jones, in his book *Chavs: The Demonisation of the Working Class*. Jones’ thesis demonstrates how the retreat and defeat of class-based politics, and the social and political changes wrought by de-industrialisation and neoliberal economics, have provided a licence for an onslaught of class-based mockery, stereotyping and victimization.<sup>17</sup> Without the political and communicative counter-power provided, for several decades in the post-war period, by strong trade unions and a Labour movement, class bigotry in the media, and a political discourse insisting that any failure in a ‘meritocracy’ is as a result of individual moral failings, have rendered poverty an acceptable target of ridicule and mockery. As with sexism, this cultural development is justified by

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<sup>16</sup> Lillian, D. L. (2007) ‘A thorn by any other name: sexist discourse as hate speech’, *Discourse and Society* Vol. 18 (6) p. 738.

<sup>17</sup> Jones, O. (2011) *Chavs: The Demonisation of the Working Class*. London: Verso.

recourse to ideas of a classless, or primarily middle-class society, where the poor are to blame for their own poverty, as they have not taken advantage of the opportunities provided for them.

Jones does not argue that this constitutes 'hate speech', but what is of interest here is how the power structures of class and gender are marginal in discussions of hate speech. This is primarily because 'women' and the 'working class' are not seen as numerical minorities or under threat of being expunged from the nation-state, but also because questions of gender and class are widely regarded as having been 'solved', and thus, given their relative increase in power in society, 'women' and 'the working class' are not vulnerable to hate speech. What this in turn alerts us to is one of the prime lines of struggle concerning hate speech in relation to ethnic and racial minorities: if being 'vulnerable' to hate speech is related to relative power in society, then one of the most consistent tactics deployed to deny the utility of hate speech as a political idea is to deny the actuality or significance of power differentials in society. This is both a normative debate - as to whether equal respect for individuals requires differential treatment, in the long-running 'multicultural' vs 'liberal' argument - and also a political strategy, whereby the political claims made by minorities are represented as an imposition of the powerless majority, and thus as constituting 'special treatment' and 'reverse discrimination/racism.' This is discussed at several points throughout this study.

The reasons why hate speech directed at people on the basis of race and/or ethnicity is emphasized in Europe needs no special introduction in the context of a Council of Europe project. The trace of European history is obvious in the prohibition of certain forms of speech in several European countries, primarily 'Holocaust denial' but also the use of proscribed symbols. More generally, the focus on hate speech against ethnic and racial minorities must be situated historically, where hate speech is regarded as perpetuating historically-generated relations of oppression and inequality, but also where hate speech has the potential to incite or inflame analogous violence against people on the basis of their real or perceived background. On the one hand, this argument assumes a relation between speech and action that is the subject of endless controversy; is speech not just speech, and those who may act on it solely responsible for their actions? Or can hate speech be regarded as having a

propagandistic dimension, providing justification for discrimination and ultimately a perceived legitimation for violence? Alexander Tsesis<sup>18</sup> makes this point in his study of what he terms ‘destructive messages’ when he defines hate speech as ‘...antisocial oratory that is intended to incite persecution against people because of their race, color, religion, ethnic group, or nationality, and has a substantial likelihood of causing . . . harm.’

If definitions generally specify race and ethnicity as defining features of people who may be subject to hate speech, there is no consensus on the implications of this foundational move. Firstly, this involves identifying ‘groups’ in a context where group identities are increasingly subject to ‘internal’ and ‘external’ critique and relativization, and where state’s recognition of group identities, and what this implies for provision and protection, vary significantly. Nevertheless, if hate is directed on the basis of attribution and stereotyping, it must also be combatted on those terms. Focusing on questions of race and ethnicity involves a double recognition; of the perduring impact of historical oppression and inequality, and of the lessons of that history for combating current and future discrimination and violence. However, in matters of history, as of language, this assessment is a subject of constant controversy and contestation, particularly in relation to racism.

One of the more influential definitions of hate speech, in the US critical tradition, is provided by Mari Matsuda, who argues that hate speech has a message of racial inferiority, that this message is directed against ‘a member of a historically oppressed group’, and that this message is ‘persecutory, hateful and degrading’.<sup>19</sup> This form of definition has two significant implications. The first is that racism must be approached as an historical structure that involves legacies of power, inequality and oppression that have significant implications for the present, while recognizing that racism is mutable in form, and shifting in its expression. However, few areas of political analysis are as complex and contested as the question as to *what is recognized as racism* in European societies. As Howard Winant argues, ‘The global racial situation...is fluid, contradictory, contentious. No longer unabashedly white

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<sup>18</sup> Tsesis, A (2002) *Destructive Messages: How Hate Speech Paves the Way for Harmful Social Movements*. NYU Press, p. 211

<sup>19</sup> Matsuda (1993: 36)

supremacist, for the most part the world is, so to speak, abashedly white supremacist. The conflicts generated by the powerful movements for racial justice that succeeded World War 11 have been contained but not resolved'.<sup>20</sup>

The shift that Winant describes is multivalent. Racism is regarded as a political evil, but one primarily associated with historical movements and contexts that have been overcome. The close historical association of racism with skin colour, and with the spurious biologism of eugenicist movements and the Nazi era, culminating in the Holocaust; with the transatlantic slave trade, plantation and Jim Crow segregation; and with with apartheid South Africa fixes racism as a historical aberration that has been overcome, and that where it continues to exist, it does so in extremist movements and ignorant pronouncements that make some form of explicit reference to this repudiated past. Given this collective sense of overcoming, and the close association of racism with the margins and extremes, discussing racism in the present, and in particular, insisting that it still has a systemic character, is held to offer an unfair insult to European *amour-propre*. For this reason, as Winant continues:

Nationally, governments that have enacted antidiscrimination laws (no matter that these are usually no match for the institutionalized racism they claim to redress, even in postapartheid South Africa, the most promising case), that have legalized large numbers of immigrants (no matter that millions more still risk their lives to migrate and remain relegated to extralegal status) are far more difficult targets for protest than were their intransigent predecessors. (however it is not difficult to see that) political systems will continue to be organized racially. Race will persist in playing its traditional role of stigmatizing signifier: the dangers and threats of disorder, criminality and subversion will be regularly located by politicians and pundits as emanating from ghettos and barrios, the Parisian *banlieues*, and the (disparagingly named) 'casbahs' of Frankfurt and Dusseldorf. But at the same time the route to 'success' and 'participation' will be held open for those whose docility, or whose 'moderate' and tempered criticism, reinforces the system, which after all continues to need both racially 'different' workers to do its dirty work, and

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<sup>20</sup> Winant, H (2005) *The New Politics of Race: Globalism, Difference, Justice*. P. xv.

racially ‘different administrators and politicians who maintain some credibility at a mass level. Thus passeth the racial system of the global North and West’.

In this context, the implications of Winant’s assessment of the continuance of racial systems is to draw attention to the fact that how racism is understood and defined has significant consequences for the political opposition to it, and this is a recurring problem for campaigns organized to oppose racism ‘in all its forms’. A more immediate implication of Winant’s trenchant analysis, and Matsuda’s definition, is that members of ethnic and racial majorities cannot be targets of hate speech from minorities, as hate speech involves the putative power to enact oppression. This point will be taken up in a later section.

To further complicate this picture, the intersection between ‘race’ and other dimensions of the targets of hate speech requires consideration. In particular, the intersection of religion with questions of ‘race’, or more accurately, *racialization*, needs to be broached. Particularly in a context where Islam, and the presence of people who are Muslim, is a source of endless discussion and tension in European societies, the protection of religion in hate speech definitions is hotly contested.

Over the last decade, several high-profile prosecutions have been brought, through civil and criminal law, for varieties of hate speech of singling out religious identities for insult. On most occasions, these cases have been decided on how, and to what extent, a differentiation is made between targeting a belief, and a belief system, and the adherent of that belief, or associated with that belief. Some examples help to develop the distinctions. In France, in 2002, the novelist Michel Houellebecq was cleared of offering either a racial insult to Muslims, or of inciting religious hatred, for describing Islam as ‘the stupidest religion’. In contrast, Brigitte Bardot was convicted for inciting hatred for describing Muslims in France as a population that ‘destroys our country’. This distinction supports the argument that religion, as a belief system, should be no more exempt from criticism, including scorn and ridicule, than any secular set of beliefs, such as Marxism, or Liberalism. However, as Sindre Bangstad has argued, this argument depends on an assumption that ‘the distinction between

speech directed against religion or belief of any sort and speech directed at individuals professing a particular religion or belief is easily identifiable'.<sup>21</sup>

In the case of Geert Wilders, for example, this distinction is not so easily made. Between 2009-2011, Wilders was charged, under Dutch anti-hate speech laws, with 'giving religious offence to Muslims and inciting hatred and discrimination against Muslims and people of non-Western immigrant origin, particularly Moroccans', before being ultimately cleared through a judgment that noted that his speech was legitimate, if extreme political speech. However, Wilders, who professes that he has no problem with Muslims, just with Islam, denies that Islam can be regarded as anything but a radical and radicalizing ideology, and that Dutch society must take measures to protect itself against Islamicization, on all fronts. In this scenario, where people are identified and identify as having a relationship with Islam, and where particular symbols signify that relationship, how is the line between identity and belief policed?

What this 'line' approach does not take into account is the ways in which religious affiliation allows for the *racialization* of particular populations, and how this shifting mode of racialization both attests to Winant's emphasis on the 'fluid and contentious' nature of contemporary racial understandings. For as David Theo Goldberg argues, the 'idea of the Muslim' is a racial idea:

The Muslim in Europe – not individual Muslims, not even Muslim communities, but *the idea* of the Muslim himself – has come to represent the threat of death...The Muslim image in contemporary Europe is overwhelmingly one of fanaticism, fundamentalism, female (women and girls') suppression, subjugation and repression. The Muslim in this view foments conflict...He is a traditionalist, premodern, in the tradition of racial historicism difficult if not impossible to modernize, at least without ceasing to be "the Muslim"<sup>22</sup> (2009: 165-6)

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<sup>21</sup> 'Fighting words that are not fought' *The Immanent Frame* 14 June 2011 <http://blogs.ssrc.org/tif/2011/06/14/fighting-words/>

<sup>22</sup> Goldberg, D.T. (2009) *The Threat of Race*, pp. 165-6

Thus forms of speech that attack beliefs may also be intended to single out a particular population, or they may not, but may nevertheless signify in a context where attacking religion performs the same racializing function as attacks on the physical signifiers of race and ethnicity. Speech is not pure, nor meaning governed by intention, and for this reason, the ‘line’ between an attack on religion, and on its adherents, is currently the most contested and complex dilemma for questions of hate speech. In Denmark, for example, the case of Lars Hedegaard, who gave an interview to the blog *snaphanen.dk*, has hinged on the intent of his comments, and whether he knew they would be made public or not (as having been made public, the chances of avoiding them decrease, and as we shall see, the idea of offence hinges not just on the content of speech, but on its relative avoidability). According to Hedegaard, ‘When a Muslim man rapes a woman, it is his right to do it...girls in Muslim families are raped by their uncles, their cousins, or their fathers...’ and ‘whenever it is prudent for a Muslim to hide his true intentions by lying or making a false oath in his own or Islam’s service, then it is ok to do it’.<sup>23</sup>

Unsurprisingly, Hedegaard and his defenders argued that his comments were not intended to refer to all Muslims, and were about the influence of Islam’. Here it is useful to return to Goldberg, who argues that: ‘Europe begins to exemplify what happens when no category is available to name a set of experiences that are linked in their production, or at least inflection, historically and symbolically, experientially and politically, to racial arrangements and engagements.’<sup>24</sup> In a campaign of this nature, significant work will need to be done on working through the contemporary tension between being seen to unfairly exempt religious views and convictions from criticism on the basis of respect for the sacred, and the ways in which the criticism of religion has become a powerful and malleable vehicle for re-working and re-coding racisms. Some of these questions, and open discussions concerning the question of intention, and the putative ‘harm’ and ‘offense’ of hate speech, will be returned to in a later section. The next section focuses down on some of the issues raised here by discussing the Council of Europe’s definitions and instruments in this arena.

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<sup>23</sup> Quoted in Institute of Race Relations, *European Race Audit, Briefing Paper No. 5* September 2011.

<sup>24</sup> *ibid*, p. 154

### **2.3 The Council of Europe and the European Court of Human Rights approach to hate speech**

‘Freedom of speech’ is often opposed to ‘hate speech’, where freedom of speech is understood as a zero-sum game – it either exists or doesn’t, is extended to all, or none – and where freedom of speech is presented as the foundational democratic right from which all others emerge, and on which all others ultimately depend. The dilemma this presents is that approaches that treat free speech as sacrosanct must then provide a defence for specific examples of hate speech. One negative implication of this is that, as Lynn Mills Eckert argues, ‘free speech doctrine (may) confuse the need to protect dissident speech with an ineluctable obligation to protect hate speech’.<sup>25</sup> The CoE’s Manual on Hate Speech, which lays out the interpretations and understandings of the European Court of Human Rights, addresses this tension by framing the opposition between freedom of speech and hate speech in terms of conflicting rights and obligations. As the introduction states:

In multicultural societies, which are characterised by a variety of cultures, religions and lifestyles, it is sometimes necessary to reconcile the right to freedom of expression with other rights, such as the right to freedom of thought, conscience and religion or the right to be free from discrimination. This reconciliation can become a source of problems, because these rights are all fundamental elements of a “democratic society”.

Thus, while freedom of expression is enshrined in Article 10 of the European Convention on Human Rights (ECHR), the external manifestation of expression does not enjoy the absolute rights enjoyed by the internal (freedom of thought). The reason for this is that the exercise of freedom carries also with it duties to the rights of others. This vision of interlocking and conflicting rights is acute in the context of ‘combating racial discrimination in all its forms and manifestations’. As a consequence, the Court has held that

...that tolerance and respect for the equal dignity of all human beings constitute the

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<sup>25</sup> Lynn Mills Eckert (2011) ‘A critique of the content and viewpoint neutrality principle in modern free speech doctrine.’

foundations of a democratic, pluralistic society. That being so, as a matter of principle it may be considered necessary in certain democratic societies to sanction or even prevent all forms of expression which spread, incite, promote or justify hatred based on intolerance (including religious intolerance), provided that any “formalities”, “conditions”, “restrictions” or “penalties” imposed are proportionate to the legitimate aim pursued.

Even when an analysis based on conflicting rights and interests is accepted, no widely accepted definition of ‘hate speech’ exists. The Council of Europe’s Committee of Ministers Recommendation 97(2) defines it as follows:

...the term “hate speech” shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.

To date, ‘hate speech’ has been interpreted as covering:

- firstly, incitement of racial hatred or in other words, hatred directed against persons or groups of persons on the grounds of belonging to a race;
- secondly, incitement to hatred on religious grounds, to which may be equated incitement to hatred on the basis of a distinction between believers and non-believers;
- and lastly, to use the wording of the Recommendation on “hate speech” of the Committee of Ministers of the Council of Europe, incitement to other forms of hatred based on intolerance “expressed by aggressive nationalism and ethnocentrism”.

All of this, of course, tends towards the important question of what constitutes hate speech, or to put it another way, how is hate speech identified?

#### **2.4 Some discussion points on ‘freedom of speech’ in relation to ‘hate speech’**

The tension between understandings of the fundamental importance and scope of ‘freedom of speech’, and the injustice and implications of hate speech, can never be satisfactorily resolved, and in the context of a campaign, it would be a mistake to seek to fix a normative position that must be adhered to as the basis for action. Instead, this section offers a series of discussion points that can be further developed in subsequent drafts.

- Freedom of speech, and freedom of expression, is a central tenet of the western democratic tradition and narrative of development and progress. As Kenan Malik summarises, ‘From the Enlightenment onwards, freedom of expression had come to be seen not just as an important liberty, but as the very foundation of liberty. “He who destroys a good book destroys reason itself” as John Milton put it in *Areopagitica*, his famous ‘speech for the liberty of unlicenc’d printing’. “Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties”, he added. All progressive political strands that grew out of the Enlightenment, from liberalism to Marxism, were wedded to the principle of free speech’.<sup>26</sup>
- Thus freedom of speech is not just a universal right that guarantees freedom for the individual, it is historically related to challenges to arbitrary state authority; to the ‘enchantment’ of religion; to the growth of rationality, science and general progress; and to the conduct of democracy.
- In the First Amendment tradition of the USA, but also in this Enlightenment vein, freedom of speech is central to the success of a ‘marketplace of ideas’. That marketplace is a space for robust exchange, exchange that includes offence and ridicule, but these are ultimately a price worth paying for the greater freedom derived from untrammelled free expression, and for the pursuit of truth. If democracy involves increasing the participation of citizens, then it is freedom of speech that underpins that participation, and safeguarding that participation from coercion or suppression. In this understanding, to interfere with free speech is to undermine the very character of democracy. It is also open to the charge of arbitrary authority; on what basis, other than the exercise of power, does somebody get to decide for other rational agents as to

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<sup>26</sup> Malik, K (2009) *From Fatwa to Jihad: The Rushdie Affair and its Legacy*, p. 156.

what is appropriate for them to engage with? Further, if democracy depends on the participation of citizens in affairs that concern them, and therefore requires an informed citizenry, freedom of expression and the 'free flow of information' are fundamental dimensions of meaningful democracy.

- In relation to 'hate speech', a commitment to the idea of a 'market place of ideas' is held to be more and better speech, persuasion, the struggle for the best ideas to win out. The statement of the former US Supreme Court justice, Louis Brandeis, that 'sunlight is the best disinfectant' is often used to summarise the opinion that openness and contest is the antidote to hate speech, rather than state intervention or censorship.
- It follows from this that tolerance of those opinions one may find objectionable involves a form of civic virtue, the capacity to demonstrate self-restraint, that ultimately strengthens public life and democratic society.
- For the state to interfere to suppress hate speech is to invite a 'slippery slope' towards greater intervention, ultimately allowing the suppression of, for example, political dissent, and in an unintended irony, minority opinions. Any claim for particular forms of speech to be censored or managed increases the legitimacy and power of the state to abrogate powers to define the limits of acceptable political discourse, with consequences for political freedom.
- In a position more associated with critical theory than liberal philosophy, it could be argued that hate speech can be robbed of its power to injure by being contested, confronted, parodied, that is, by refusing the power of the speaker of hate speech to define not only the meanings of words, but the identity of the subject being addressed.

The following arguments can be opposed to the positions outlined above:

- There is no such thing as free speech. In practice, all states limit freedom of speech through legislation on, for example, libel, copyright, intellectual property, state security, commercial confidentiality, and so forth. Even more fundamentally, Stanley Fish has argued that 'free speech' is an impossible concept. One dimension of his argument may be quiet familiar: social and institutional interactions have strong underlying assumptions as to what constitutes appropriate forms of speech and interaction, suggesting that the

‘regulation of free speech is a defining feature of everyday reality. The question that stems from this is not whether people are free to transgress these underlying structures, but whether, in general practice, they do. Further, Fish argues that the idea of ‘free speech’ does not make sense in the context of society and inter-subjective communication:

‘Many discussions of free speech, especially by those whom I would call free speech ideologues, begin by assuming as normative the situation in which speech is offered for its own sake, just for the sake of expression. The idea is that free expression, the ability to open up your mouth and deliver an opinion in a seminar-like atmosphere, is the typical situation and any constraint on free expression is therefore a deviation from that typical or normative situation. I begin by saying that this is empirically false, that the prototypical academic situation in which you utter sentences only to solicit sentences in return with no thought of actions being taken, is in fact anomalous. It is something that occurs only in the academy and for a very small number of people. *Therefore, a theory of free speech which takes such weightless situations as being the centre of the subject* seems to me to go wrong from the first. I begin from the opposite direction. I believe the situation of constraint is the normative one and that the distinctions which are to be made are between differing situations of constraint; rather than a distinction between constraint on the one hand and a condition of no constraint on the other. Another way to put this is to say that, except in a seminar-like situation, when one speaks to another person, it is usually for an instrumental purpose: you are trying to get someone to do something, you are trying to urge an idea and, down the road, a course of action. These are the reasons for which speech exists and it is in that sense that I say that there is no such thing as "free speech", that is, speech that has as its rationale nothing more than its own production.’ (italics added).<sup>27</sup>

- Thus, to complete Fish’s line of thought, ‘free speech’ cannot be defended by recourse to a principle of ‘free speech’, as this is a principle that must first be argued for and grounded, particularly in relation to the question as to whether ‘ it is more in keeping with the values of a democratic society, in which

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<sup>27</sup> (1998) ‘Interview with Stanley Fish’, with Peter Lowe and Annemarie Jonson, The Australian Humanities Review. <http://www.australianhumanitiesreview.org/archive/Issue-February-1998/fish.html>

everyone is deemed equal, to allow or prohibit speech that singles out specific individuals and groups as less than equal?’ In contrast to Jo Glanville, the editor of *Index on Censorship*, who argues that ‘the universal right to free speech’ should not involve ‘cutting the cloth of human rights to fit the preoccupations and politics of our time’<sup>28</sup>, Fish sees struggles over the nature of speech as always taking place within a the world of politics, and the question that needs to be asked is: ‘given that it is speech, what does it do, do we want it to be done, and is more gained or lost by moving to curtail it?’<sup>29</sup>

- Before addressing the question of ‘what does it do’, arguments that critique the idea of a ‘marketplace of ideas’ must also be acknowledged. What Manuel Castells calls *communication power* is (grossly) unevenly distributed, and thus freedom of expression, beyond physical capabilities, is structured in inequality. To a significant extent, even in the digital era, those inequalities in communication power map onto inequalities in political and cultural power. Thus while the idea of a ‘marketplace of ideas’ provides a seductive rhetoric, as a metaphor it does not take account of hugely different capacities to ‘trade’, and even to be admitted to the trading floor by formal and informal gatekeepers. Thus the power of the market place idea to combat hate speech depends, to a problematic degree, on the willingness of more powerful actors to mobilize against hate speech and racist action. As the introduction makes clear, no such assumption can be made in Europe today.
- The ‘slippery slope’ argument does not contend with the fact that, given both the de facto restrictions on free speech, and the map of power and resource inequalities that position people very differently in society, ‘we’ are already on the slope, and not in danger of descending from a pure starting position. More specifically, there is very little evidence that restrictions on hate speech result in more expansive restrictions on political speech<sup>30</sup> though this needs to be further examined in relation to the some of the ‘counter-terrorism’ measures enacted in the UK and USA, among other places, during the so-called ‘war on terror’.<sup>31</sup>

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<sup>28</sup> <http://www.indexoncensorship.org/2009/03/modern-liberty-free-speech-must-be-for-all/>

<sup>29</sup> op.cit, p. 127.

<sup>30</sup> Bangstad op.cit

<sup>31</sup> McGhee, D. (2008) *The End of Multiculturalism? Terrorism, Integration and Human Rights*. Open University Press.

- Approaches to free speech grounded in ideas of absolute individual moral autonomy argue that speech cannot be regarded as an action, in that any violent action taken by another individual on the basis of speech is their responsibility, and not that of the speaker. This position is critiqued from a variety of standpoints that *understand speech as a form of action*, and that supplement or replace a liberal, individualized vision of democracy as constituted through collective processes that require recognition of questions of harm and even offence. In extremis, this means accepting that, contrary to the idea of civic toleration that sees extreme provocation as a opportunity to strengthen democratic values, that, as Chantal Mouffe argues, ‘democracy cannot treat those who put its basic institutions into question as legitimate adversaries’.<sup>32</sup>
- In terms of the specific nature of hate speech directed on the basis of race and ethnicity, accepting that histories and structures of racialization and exclusion undermine the myth of a level playing field or ‘marketplace’ of ideas entails accepting that hate speech can compound everyday exclusion and further contribute to a prejudicial atmosphere. While the targets of hate speech can and do resist through speech and democratic action, it is a material and political reality that they can not do so on an equal footing. While some free speech proponents argue that it is patronizing – and even a form of racism – to assume that minorities require group protection, there is no necessary contradiction between the antiracist activism of those who experience racism, and the efforts of institutions to combat speech that compounds racism and discrimination.
- A key question in discussions of hate speech is the nature of harm, and how the inflicting of harm is ascertained. This in turn poses the question as to whether evidence of psychological or other forms of harm and injury must be produced before ideas of hate speech can be legitimated. On one level, while no forms of speech cause intrinsic harm, some terms, as Judith Butler argues, have a particular power to injure because they ‘carry their (socially produced) contexts with them’.<sup>33</sup> I will return to assessments of harm and offence in a later draft, including considerations of empirical research. But it is important

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<sup>32</sup> (2005) *On the Political*, p. 120. London: Verso.

<sup>33</sup> Butler, *Excitable Speech*.

to note that there is no intrinsic reason – beyond the formulation of certain definitions – that hate speech must be proven to have direct causal effects in order for it to be taken seriously politically, up to and including restriction. For example, the distinguished legal academic Jeremy Waldron argues that:

...hate speech regulation can be understood as the protection of a certain sort of precious public good: a visible assurance offered by society to all of its members that they will not be subject to abuse, defamation, humiliation, discrimination, and violence on grounds of race, ethnicity, religion, gender, and in some cases sexual orientation. I will not try to make the case that hate speech laws actually reduce discrimination, violence, and so on, or that they make it more likely that hatemongers will give up their bigotry and become good, tolerant citizens. I hope that will happen, and hate speech laws may work as part of a broader campaign for equality and toleration. But I am going to argue that the most important aim of these laws is more immediate. The aim is simply to diminish the presence of visible hatred in society and thus benefit members of vulnerable minorities by protecting the public commitment to their equal standing in society against public denigration.<sup>34</sup>

## **2.6 Coda: Freedom of speech as a tactical accomplice of hate speech?**

Sindre Bangstad describes efforts to ‘Europeanize’ a vision of the US First Amendment, where ‘the only legitimate restriction of speech pertains to any utterance functioning as an incitement to “immediate” violence against particular individuals, if and when the listening audience is in fact liable to act upon such speech.’<sup>35</sup> As a consequence, any argument made in relation to hate speech can be cast as not just a restriction, but an ‘attack’ on free speech. More and more regularly, ‘free speech debates’ are instigated as a way of creating a legitimate space for racist utterances, and for rejecting criticism of these utterances as a lack of openness or a betrayal of European or Enlightenment values. This tactic also depends on a power inversion: if

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<sup>34</sup> Waldron, J (2009) ‘Dignity and Defamation: The Visibility of Hate’, *Harvard Law Review*. P. 1599-1600.

<sup>35</sup> Bangstad op.cit.

restrictions are placed on speech - particularly speech that only seeks to 'tell the truth' and 'break taboos' about the impact of migrants or minorities on society - then this can be held to represent an imposition on the natural functioning of democracy (and the natural honesty of the ordinary people) by political correctness, multiculturalism, or human rights orthodoxies. Ergo, 'hate speech' is an elite strategy used to limit and suppress truths that elites do not wish to hear, truths that just so happen to represent the opinions of the put-upon majority, that is now, in fact, the victim of this power inversion.

This poses a challenge for human rights education where human rights language is used to justify hate speech, and where young people acting against hate speech can be strategically cast as censors, or as 'elites' afraid of open debate.

### **3. Hate speech online**

#### **3.1 Introduction**

There is a widely circulated cartoon, showing a stick-man crouched in concentration over his laptop, while his female stick-companion appears in the background, asking him if he is coming to bed. Without shifting his gaze from the screen, he replies, 'I can't! Some one is wrong on the internet!' What the cartoon satirizes, among other things, is the sheer extent of the information produced and circulated online, on a daily basis, and this difficulties this entails for analysis. Perhaps as a result of this, analysis of the internet, and latterly, of social network media and digital technologies, is frequently subject to exaggerated assessments of liberation, or new forms of capture. As Henry Jenkins and Howard Rheingold note, digital technological change, and network expansion, is frequently discussed in *revolutionary terms*:

The utopian rhetoric predicting an imminent digital revolution is simplistic and often oblivious to complex historical processes (however)...such pervasive talk about revolutionary change implies some fundamental dissatisfaction with the established order. Even if we believe that the concept of a digital revolution is

empty rhetoric, we must still explain why a revolution, even a virtual one, has such appeal.<sup>36</sup>

One of the tendencies inherent in this has been to celebrate the democratizing tendencies of networked participation, and most recently, the ways in which social media provide extensive political tools for civil society and young people to organize protests, campaigns, political action and social projects, and to communicate transnationally, bypassing mainstream media gatekeeping and (some or most) national systems of political control. In his new book, *Why It's Kicking Off Everywhere*, the BBC journalist Paul Mason provides an interesting synthesis of the political uses of social media platforms, as observed in his coverage of Greece, Tunisia and Egypt over the last two years.

If you look at the full suite of information tools that were employed to spread the revolutions of 2009–11, it goes like this: Facebook is used to form groups, covert and overt – in order to establish those strong but flexible connections. Twitter is used for real-time organisation and news dissemination, bypassing the cumbersome newsgathering operations of the mainstream media. YouTube and the Twitter-linked photographic sites – Yfrog, Flickr and Twitpic – are used to provide instant evidence of the claims being made. Link-shorteners such as bit.ly are used to disseminate key articles via Twitter.

At the same time, there are several compelling arguments being made not to over-estimate the power and potentials of networked social media. The writer Evgeny Morozov is hugely critical of what he terms the ‘Google Doctrine’; the idea that the free flow of information (in and of itself a mythic idea) renders established forms of political power meaningless. ‘Cyber-centrism’, he argues, is often substituted for patient political analysis of complex situations. He quotes several examples of this exaggerated tendency:

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<sup>36</sup> Henry Jenkins & David Thorburn, *Democracy & New Media* (2004:9)

‘You cannot have Rwanda again because information would come out far more quickly about what is actually going on and the public opinion would grow to the point where action would need to be taken’, Gordon Brown argued. ‘This week’s events in Iran are a reminder of the way that people are using new technology to come together in new ways to make their views known’. On Brown’s logic, the millions who poured into the streets of London, New York, Rome and other cities on February 15 2003, to protest the impending onset of the Iraq War made one silly mistake: they didn’t blog enough about it. *That* would have definitely prevented the bloodbath’.<sup>37</sup>

Similarly, the cyber theorist Jodi Dean argues that there is a fundamental problem with the unprecedented expansion in communication and the possibility to communicate – it means that people are relieved of the obligation to listen. Specifically, she argues, the possibility of communication may become celebrated as political participation in and of itself, resulting in what she terms ‘Democracy that speaks without listening’. As a result, there is the endless circulation of ‘politics as content’, but ‘official politics’ proceeds regardless. What Dean terms ‘communicative abundance’ relieves ‘political actors of the ‘obligation to answer embedded in a message’. That is, when we normally consider inter-personal communication, or democratic communication, we assume that a message has a *use value* (it has been sent, received, understood, it is an action oriented towards understanding). However, under conditions of communicative abundance, messages cease to have *use value* and instead have *exchange value*, that is, they contribute to the flow of circulating digital content.<sup>38</sup>

These theoretical perspectives are chosen from among a huge spectrum of options. But what they point to is this: the internet, and social media platforms, have become crucial spaces for political activity, including campaigning. However, the relative ease with which such campaigns can now be circulated and communicated must be tempered by an assessment of how these new capabilities relate to a wider politics,

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<sup>37</sup> Evgeny Morosov, *The Net Delusion*, 2010: 13

<sup>38</sup> Dean, J (2009) *Democracy and Other Neoliberal Fantasies*

and how a campaign aimed at online hate speech and racism will work to ensure that it has a political use value, and not merely exchange value.

### 3.2 Race and racism online

The utopianism associated with the internet has long been associated with the potentially emancipatory properties of virtual communication. Not only has the internet – despite the deep and persistent digital divides that are structured within societies as well as between nations – democratized communications relative to the unequal concentrations of communication power represented by the capital-intensive mainstream broadcast and print media, it has changed the nature of communication in time and space. Identities online are fluid, communication and interaction can take place in networks and communities brought together by shared interests, politics and experiences, beyond the material and physical limitations imposed by ‘embodied living’. For this reason, the early days of internet research and general celebration were characterized by optimistic assertions of a ‘race-free’ internet, a space in which the dependence of racialization on the body and on physical markers of difference has been overcome. However, as Jessie Daniels has documented, white supremacist groups in the US were ‘early adopters’ of cyber-strategies, establishing two main forms of hate sites from the mid to late 1990s onwards:

- (1) *overt* hate Web sites that target individuals or groups, showcase racist propaganda, or offer online community for white supremacists; and (2)
- cloaked* Web sites that intentionally seek to deceive the casual Web user.<sup>39</sup>

As Meddaugh and Kay argues, also in the context of the US, the internet has proven hugely useful to white supremacist and racist groups, and has to be seen in terms of a significant and worrying increase in such political groupings. They argue that a specific benefit of the Web, apart from the organization of membership sites and enhanced communications, is that it allows for recruitment and targeting of a younger

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<sup>39</sup> Daniels, Jessie. “Race, Civil Rights, and Hate Speech in the Digital Era.” *Learning Race and Ethnicity: Youth and Digital Media*. Edited by Anna Everett. The John D. and Catherine T. MacArthur Foundation Series on Digital Media and Learning. Cambridge, MA: The MIT Press, 2008. 129–154.

and more heterogeneous political base than before.<sup>40</sup> Two dimensions of this wider ‘appeal’ are important here. Internet networking involves high levels of intertextuality, that is, the ability to move between links, and to integrate different kinds of sites with each other. Further, the extension of authorship that comes with digital diffusion makes it difficult to determine, at least immediately, the credibility or otherwise of different kinds of sites. Thus the inter-linking strategies of hate sites are immanent to internet logic, and as Meddaugh and Kay argue, what makes the circulation of hate sites so pervasive is that ‘web hate is enabled by the collapse of discourse genres and discursive integration located in a multimedia environment’ (so, for example, the ‘news’ has collapsed as a genre online, governed by accepted forms of professional ethics, processes of news production, and signs of ‘authoritative discourse’).

In Europe also, racist groups of various genres have been quick to develop sophisticated web presences, and as several studies have pointed out, ‘populist’ (and quasi-fascist) parties such as the British National Party and the Front National have developed web strategies that position them as sources of counter-knowledge, that is, digital resources where people can get the ‘truth’ and the true news that is not available in the ‘liberal’ mainstream media sphere.<sup>41</sup>

In all of these spheres, a consistent tactic is to position the site as a portal for alternative news, news that is being suppressed for political reasons, and news that inevitably focuses on a range of so-called ‘wedge issues’ – the truth about the costs of immigration; the European Union; Islamicization and the problem of ‘cultural relativist’ tolerance for the ‘enemy within’, and so forth (the next draft will include a thematic survey of the European ‘Islamophobic’ blog networks). This political positioning involves a triangular relationship associated with political populism, whereby ‘truth-tellers’ represent the ‘ordinary people’ in the face of the self-interest of the ‘corrupt elites’. As several studies show, the strategic shifts in racist strategy and outreach centrally involve the ability to summarise and undermine the strategies

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<sup>40</sup> Meddaugh, P.M. & J. Kay (2009) ‘Hate Speech or Reasonable Racism? The Other in Stormfront’. *Journal of Mass Media Ethics* 24: 251-268. It should be noted that Daniels, J, op.cit makes the point that membership recruitment depends heavily on physical meetings, social events and interpersonal contact, over periods of time.

<sup>41</sup> E.G Bratten, (2005) ‘Online zealotry: la France du people virtuel’, *New Media and Society*, vol. 7 (4): 517-532.

that are ranged against them. So, for example, in a study of the politics of antiracism and ‘hate speech’ in Hungary, David Boromisza-Habashi analyses how the idea of ‘hate speech’ is marginalized as a foreign imposition, aimed at corrupting the Hungarian language; imposing an ‘alien political utopia’, and employing hateful or ‘fascist’ tactics to combat what they hypocritically see as ‘hate speech’.<sup>42</sup>

Beyond the sites of dedicated hate and extremist groups, far more research is needed on the ways in which the ‘comment culture’ of social media platforms and online discussion fora further and transform the expression of racism. This campaign seeks to intervene at a moment when many people’s communicative capabilities have been transformed, and where, as Nick Couldry notes, a central rationale of interactive, social media is an ‘invitation to discourse’ – that is, to engage, comment, link, share and circulate.<sup>43</sup> The ‘perpetual machine’ of comment culture produces exponential growth in content and in opportunities to create content, commenting or interacting on blogs, news sites, communities of interest, Facebook page or individual threads, YouTube threads, Twitter, and so forth. While more attention needs to be paid to people’s actual online practice, it is clear, as Geert Lovink points out, that people practice particular forms of reading and interacting, as he points out, ‘We do not care so much what the text precisely says but what the wider ecology is. Instead of close reading, we practice ‘intuitive scanning’.<sup>44</sup>

There is very little research on hate speech in commercial social media platforms<sup>45</sup> and next to none examining how the migration of newspapers online, for example, has created new opportunities for comment threads on migration or multiculturalism-related news stories to be linked into racist networks. However Lovink’s notion of ‘intuitive scanning’ suggests that certain key words and themes on sites that allow for general interaction act as triggers for hate speech or the rehearsal of certain kinds of arguments about the ‘problem’ of others and their ‘culture’. More research is needed on both organized forms of comment ‘swarming’, where motivated commentators draw on ‘talking points’ documents produced by racist networks to shape what

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<sup>42</sup> (2011) ‘Dismantling the antiracist ‘hate speech’ agenda in Hungary: an ethni-rhetorical analysis’. *Text and Talk*, 31-1, pp.1-19.

<sup>43</sup> Couldry, Nick: *Media, Society, World* (2012)

<sup>44</sup> *Networks Without a Cause* (2012)

<sup>45</sup> The United Kingdom Thinktank Demos has just produced two reports on ‘digital populism’, available here: <http://www.demos.co.uk/publications>

happens in a comment thread, and on ‘disorganised’, individual and opportunistic engagements. In many theoretical approaches online comment and speech is approached as action-at-distance, seen to be cost-free for the instigator, and facilitated by the forms of anonymity or shifting identity made possible by virtual environments. However, given that hate speech and racist-baiting still occurs on sites where people are required to use their Facebook or Twitter log-ins, it is not clear that the licence of anonymity is the central issue when it comes to hate speech.<sup>46</sup>

It is also important to consider the nature of online interaction as text-based interaction and dialogue. The common refrain ‘don’t feed the troll’ recognizes that people who engage in hate speech and racist-baiting are looking not only to injure and inflame, but also to get a reaction and to amplify the ‘issue’ they seek to further politically. So, how does a campaign engage in opposing hate speech online without falling into the trap of legitimating and furthering these forms of discourse? This is made more difficult by the capture of certain forms of language by racism online. Racism, as the sociologist Les Back points out, is a ‘scavenger ideology’, borrowing and appropriating ideas, images, themes and arguments to legitimate racist politics as ‘commonsense’, necessary and for the greater good. Very often, racist arguments made in online engagements aim to claim a form of greater legitimacy, and do so through the language of rights and freedom – precisely the language of a human rights education based campaign. In my reading of anti-Muslim racism in newspaper comment threads, I have noted the following legitimization strategies:

- *Righteous resistance to catastrophic change* (‘stranger in own land’ ‘identity under attack’)
- *Denial of our rights* (to purity, to be left alone, implies strong appropriation of a language of rights, duties, liberty, freedom)
- *Resistance to elite imposition and conspiracy*
- *Extreme speech necessary to address extreme conditions*
- *The real facts need to be provided, beyond political correctness, to the public*
- *Reverse racism and racism as a form of political correctness*

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<sup>46</sup> Particularly given the rise of prosecutions for hate speech on social media platforms in Europe, where people have circulated hate speech with readily traceable online identities.

#### **4. Case study: NoRa – No Racism campaign of the *Pelastakaa Lapset ry* (Save the Children Foundation) and *Helsingin kaupungin nuorisoasiainkeskus* (Helsinki City Youth Department)**

*The following case study is primarily based on interviews with Satu Kanninen and Heli Markkula, the project coordinators.*

Finland, and in particular the Youth Department of Helsinki City, has a relatively established practice of online youth work. A key dimension of it has involved mirroring the network of youth houses available to youth organisations around the country in virtual space, with youth workers hosting ‘discussion rooms’ and threads on popular sites. Such sites include *Habbo* (previously *Habbo Hotel*), where participants develop a personalized avatar and move from room to room, joining discussions and groups; IRC-Galleria, where users post profiles and take part in discussion threads and chat; and *Demi.fi*, a social networking site aimed at teenage girls. Since the middle of the last decade, youth trainers involved in online youth work had increasingly noted that youth workers were asking them about how to deal with racism online, for example when racist jokes are made in discussion threads, or offensive generalisations about Finnish Somali, of Finnish Roma youth.

During the *All Different All Equal* campaign of 2007-8, online youth workers facilitated a series of themed discussion groups in these settings, and noticed both an increased tendency for young people to discuss their experience of racism in these spaces, but also an increased tendency to various forms of racist expression, from trolling to ‘flaming’ hate speech to an increasingly sophisticated repertoire of anti-immigrant and anti-Islamic arguments and set-pieces. On the basis of a shared experience of this upsurge, a number of organisations, including Allianssi, the Red Cross, the Mannerheim Children’s Foundation, the Helsinki Youth Department and Save the Children cooperated with the Office of the Ombudsman for Minorities to apply to the Ministry of Education for a project to investigate and develop strategies for countering hate speech online.

Racism does not materialize suddenly, however 2007-8 is regarded in Finland as a year in which racism, and the prevalence of online racism, began to command

concerted attention in the public sphere. In the political arena, the True Finns party (Perussuomalaiset), and particularly the branch of the party which is heavily associated with the far-right organization *Suomen Sisu*, attracted attention for translating the established strategies of anti-Muslim racism into political life in Finland (resulting ultimately in two of their Members of Parliament having been convicted of varieties of hate speech), and intensifying an anti-immigrant politics that many of the centrist parties attempted to coopt or benefit from. The desire to be seen to compete with the True Finns on the ‘immigration question’ during the long build-up to the February 2011 general election prompted Finland’s deputy prosecutor-general, Jorma Kaske, to criticize politicians in Finland for ‘using racist hate speech to appeal to voters’.<sup>47</sup> The ‘immigration sceptic’ website Homma Forum, positioning itself in the familiar, strategic role of honest talkers oppressed by a politically-correct, multiculturalist consensus, received consistent and arguably disproportionate media coverage.

The development of popular online news sites, and the general tendency of online newspapers and sites to run immigration stories, online polls and discussion threads to encourage high hit-rates provided a fertile online environment for Homma-style arguments and activists to disseminate their ideas. Even the largest and most respected newspaper in the country, Helsingin Sanomat, is not immune from this kind of opportunism, having twice in the last year conducted opinion polls asking ‘Helsinki parents’ if they were in favour of ‘quotas of migrant children in schools’, despite recognizing the clear illegality of any such quota system under Finnish law.<sup>48</sup> Further, Facebook has been used to host a broad variety of hate groups, a tendency that received national attention when a group was set up to make death threats against the former Minister for Migration and European Affairs, Astrid Thors, in 2009-10 (Thors closed her own personal website in 2007, after death threats against her family were made there).<sup>49</sup>

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<sup>47</sup> <http://helsinkitimes.org/htimes/domestic-news/politics/16210-finlands-kalske-criticises-politicians-for-hate-speech-.html>

<sup>48</sup> Sanomat poll link

<sup>49</sup> <http://www.hs.fi/english/article/Police+investigate+Facebook+group+about+Finnish+minister+as+unlawful+intimidation/1135253347995>

It was in this context of both concerted online racist activity, and concerted public attention, that Satu and Heli commenced their project. They did so by spending six months engaging in regular online discussions, getting to know the basics of online youth work, but also reflecting on random discussions of racism online, and the interactions they experienced in planned discussions (which were advertised a week in advance). The planned discussion groups, they noted, were very popular, and the popularity brings with it one very obvious problem for youth workers who are engaging as youth workers, but also moderating discussions as they progress – how do you do justice to both roles in a fast-moving thread? Further, they quickly encountered a problem that many youth workers had been drawing attention to: given the amount of issues in the media, and the tendency for these to turn up in online discussions as reference points, online youth workers were potentially being asked to intervene in a vast range of topics, issues and stories.

At the same time, they began to discern some patterns and dimensions in the racist activity and utterances encountered in the chat sites they visited. In the IRC Galleria, for example, it was clear from user names – and IP addresses behind shifting user names – that a relatively small network of users were involved in injecting racial content into discussions. A far wider cohort repeated what they had heard, or tested certain attitudes out, or adopted symbols and insignias to their profiles, or joined racist groups, mainly to test the waters, or show off, or without really understanding what they meant. At the same time, they noticed that anti-Islam and anti-Muslim prejudice was both highly prevalent, and also closely related to the kinds of rhetorical moves and circulated ideas that characterize the wider networks of anti-Muslim racists and political speech.

In summary, the main forms of racism they encountered – which mapped onto the experiences of online youth workers who approached them to start conducting training as quickly as possible, such was the perceived need – involved the use of the term *Ryssä* (a pejorative term for Russians); pejorative and racially-loaded terms for black people; anti-Islamism through then lens of *Eurabian* ideas of Islamic take-over and the horrors this will involve for women's rights and Finnish/European culture; and a general anti-immigration, anti-immigrant sentiment through the lens of the need to protect the welfare state from foreign free-loaders, Finnish women from immigrant

rapists, and so forth. As the project extended over time, and as more and more youth workers imparted their experiences, it also became clear that political debates and developments in the wider society have a discernable influence not only on what is discussed online, but the manner of the discussion. For example, the anti-immigration bidding war that was conducted before the Finnish General Election of 2011 saw a clear intensification in racist sentiment, but also, it is important to note, young people reacting strongly against it in their online interactions. In an analogous way, the weeks after the murders in Norway on July 22<sup>nd</sup> 2011 saw an ‘antiracism peak’ in online activity in the various fora trailed by the project.

The project made a clear decision to speak of racism and advocate antiracism, and to provide training in those terms. As Satu and Heli point out, they were compelled to start offering training before their initial data-gathering phase had been completed, as they were in many ways the only project working in this field, and thus much in demand for advice and consultation. Inevitably, this meant that the project was also discussed in Homma Forum and other analogous sites, questioning and ridiculing the idea that criticism of immigration could be ‘dismissed’ as racism, and thus the ‘political correct’ waste of money involved of antiracism. In many ways, some of the youth workers who attended the trainings were also skeptical of discussing racism and antiracism, but for different reasons. In terms that reflect the decision to re-brand the 2007-8 All Different All Equal campaign as a ‘positive’ campaign for diversity and participation, as opposed to a ‘negative’ campaign against racism, many youth workers wanted to find more ‘positive’ terms, such as calling for more tolerance. There were of course many reasons for this, from the general acceptance of the ‘pastness’ of racism, to a fear that it would block dialogue with young people online, to a lack of political agreement with terming the encounters as ‘racist’.

In this context, the project’s training emphasized the enduring task of youth worker training, that is, providing a chance for people to reflect in-depth about their own attitudes, and what this kind of interaction demanded of them. It also involved re-casting established youth work practices in a new light – for example, if racist abuse online is bullying, then why not deal with it as one would bullying? It also required breaking new ground by challenging youth workers to recognize the ways in which ‘cultural racism’ worked more through arguments based on incompatibility, the

problem of inevitable conflict, the need to truthfully and openly identify and discuss problems in their culture, regardless of ‘political correctness’, and so forth. Moreover, one of the key challenges faced by youth workers was the consistent challenge of being asked to replay to ‘facts’. Youth work often emphasizes the communication of ‘values’, however one of the defining dimensions of the anti-Muslim and anti-immigration blogosphere is a self-image as an alternative public sphere, circulating the uncomfortable truths suppressed by the ‘liberal mainstream media’, documenting the economic, social and cultural costs of immigration; interpreting the Koran to provide incontrovertible evidence of Muslim behavior and Islamic designs, and so forth. The ready availability of sites laden with links and information, and Youtube videos from Islamophobic channels meant that some youth workers felt inadequate when confronting a ‘factual’ argument, or resisted intervening too much as it would inflame certain discussions and facilitate the spread of material.

In this context, the project has not spent much time defining or working on hate speech, but rather on supporting youth workers in developing antiracist strategies, and strategies increasingly organized to take account of increasingly younger online participants – as young as 12-13 – getting involved in racist name-calling. An important aspect of the project’s work is that it engages only in the Finnish sites mentioned, where the project has developed good contacts with the hosting companies, who themselves provide real-time moderation. As this is not possible on Facebook, the project has restricted its use of Facebook to promoting the campaign through various competitions, including encouraging young people to set up their own antiracist pages and to accumulate as many ‘likes as possible.

The online chat situation, and the demands it makes on youth workers, has been carefully considered in the project’s trainings. Online, it is not clear who is ‘in the room’ in terms of backgrounds. Therefore the first duty of a youth worker moderating a discussion is not to stay silent when racist ideas are introduced, as to stay silent would be to signal to somebody aggrieved by that racism that the hosts in some way accepted it, or treated it as marginally important. At the same time, youth workers are online to engage with young people, to allow them to ask questions and test out ideas and opinions, and so immediately censorious approaches or condemnation are counter-productive. Every youth worker has to practice to find their boundaries, when

to challenge, when to advise, when to silence someone for a certain period of time to ‘cool off’, or when to exclude them for obvious trolling and flaming with out any evidence that they really want to engage with those involved in the discussion. Youth workers need to try to connect with young people expressing openly racist attitudes, but they also need to display openly that confronting racism is a collective responsibility, not something to be left to minority young people to deal with.