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Over the last few decades the issue of hate speech has been widely debated by scholars in multiple fields of knowledge. The subject of hate speech was developed through the collective efforts of linguists and sociologists, philosophers and historians, psychologists, anthropologists, lawyers and political scientists, communication and media experts and even computer scientists.

Obviously, each of the above mentioned disciplines has its specific area of attention within the interdisciplinary domain of hate speech. This field report is made as an attempt at giving a brief overview of the key approaches to the study of hate speech in the US.

A comprehensive summary of a social and political history of the hate speech controversy in the United States from the 1920s to the end of the 20th century is presented by Samuel Walker (1995), a professor of criminal justice at the University of Nebraska, Omaha, and an expert on the history of free speech and hate speech. The author focuses primarily on the social context of intergroup relations, on prejudice and discrimination as a political issue, and on the various proposals that have arisen over the years in the efforts to control hate speech through law.

Beginning with the analysis of terminology, such as “race hate”, “group libel”, or “racist speech”, the author dwells on the current definitions of hate speech as any form of expression regarded as offensive to racial, ethnic, and religious groups and other discreet minorities, and to women. However, there are a few important issues here that need elaboration.

The first point is what we mean by “speech”. According to Samuel Walker, the word “speech” is generally used as convenient shorthand for all forms of communication, verbal and non-verbal. In addition to purely oral statements, the term commonly includes written or visual forms of expression that are specifically covered by the freedom of the press clause of the First Amendment, along with non-verbal forms of communicating such as parades, insignia, armbands, and picket lines.

The second question involves the targeted groups against which hate speech is directed and which are covered by any hate speech law. Historically, group libel laws were limited to race, religion, and ethnicity. In the 1980s the list of protected groups expanded to cover many more historically victimized groups, including women, lesbian and gay people, and the physically handicapped (some campus speech codes broadened it to include age, marital status, or Vietnam-veteran status). Here we can also look at the history of discrimination (see, for example, John Hope Franklin, *From Slavery to Freedom*, 2000), as well as ethnicity theory and group history.

Another line of reasoning distinguishes between the so called “pure” speech and “situation-altering utterances” (the term coined by a law professor Kent Greenawalt, 1989). According to Robin Lakoff (2000), a crucial concept is that of “fighting words”, as addressed in the 1942 US Supreme Court decision *Chaplinsky v. New Hampshire*, which established the category of “fighting words” as unprotected action-equivalents.

The idea that some categories of speech should be treated differently since they don't qualify for First Amendment protection takes us back to the speech act theory as the most significant contribution into the field made by linguistics and the philosophy of language.

The assertion that “words are deeds” made by Ludwig Wittgenstein was followed by an outpouring of literature identifying, describing, and classifying the many different ways in which words are said to be deeds. J. L. Austin (1975) and John R. Searle (1970) pioneered leading books and essays on speech act theory. Whether labeling them “performative utterances” or “illocutionary acts”, they distinguish these uses of language from “locutions” - statements that only assert facts or values – on the ground that their mere utterance brings about some new state of affairs.

The Austinian doctrine brought to life the argument on the true relationship between words and action. Up to the present moment there is no direct answer to one of the key questions in the study of hate speech: where is the line between speech (“expression”) and conduct?

The discourse that followed includes Derrida's critique of Austin's inattentiveness to temporal dimension of the performative (Derrida, 1988); Bourdieu's critique of Austin for not considering institutions as entities that enable felicity of a given performance (Bourdieu, 1992); as well as Althusser's concept of 'interpellation' as one example of a performative (Althusser, 1971); Foucault's (1975, 1978, 2003) critique of Althusser (and concomitant distinction between subjectivation and interpellation) and Bourdieu (and a concomitant move from institution to discourse); Butler's (1997) response - via Foucault and Althusser - to Austin and Derrida; specifically her conceptualization of interpellation as a temporally continuous process as well as a corporeal phenomenon (which wounds); and her movement from thinking about structure / agency towards thinking about power / subject which is concomitant to her argument against censorship of hate-speech and her conceptualization of 'excitable' speech; and, most recently, Warner's (2002) further emphasis - positioned as a critique of Althusser - on the public nature of the performative.

Judith Butler (1997) maintained that to be injured through language is to “suffer a loss of context, that is, not to know where you are” (p. 4). The loss of context or “disorientation” she claimed might result from hate speech not only points to hate speech as context-specific but also to its status as a *performance*, that might transform or even produce a speaker's social location. In this view, the very words used to “put someone in their place” may also enable such people to speak up from a position on the margins of power. Building on Louis Althusser's notion of interpellation, Butler

explained that “if hate speech acts in an illocutionary way, injuring in and through the moment of speech, and constituting the subject through that injury, then hate speech exercises an interpellative function” (p. 24). In other words, Butler suggested to understand hate speech as performative is to attribute both an illocutionary force (Austin, 1975) and an interpellative function (Althusser, 1971) to hate speech, thus implying that hate speech is speech that *acts* and, more precisely, that hate speech is speech that performs acts of ideological recruitment. However, in contrast to those feminist and anti-racist legal scholars who believe such linguistic injuries simply fix the subject into place, rendering it impossible for marginalized subjects to speak and be heard, Butler argued that the interpellation of the subject might open up new possibilities for resistance. Thus, to be interpellated, even in an ill-fitting manner, might enable subjects to contest the grounds upon which they have been called into being, and potentially to reclaim the labels that have historically worked to entrench their subordinate status. The reclamation of *queer* in the context of some lesbian and gay communities stands as one example of how a derogatory label has been invested with a new meaning.

The social psychological perspective of hate speech issue poses such questions as: How does hate speech construct the “other”? How can we explain the proliferation of hate speech at certain times and places? Why do people feel the urge to speak and behave this way? Sociology and Psychology study: (i) the producing environments within which hate speech occurs; and (ii) effects that follow from hate speech both at the individual and group levels.

Being one of our basic emotions, hate belongs to the deep human passions that give rise to important social practices – in institutional form. The typology of hate suggested by Jeffrie Murphy and Jean Hampton (1988), includes simple hatred, moral hatred (can be defended), malicious-spiteful hatred, and, finally, the combination of the last two types – retributive hatred. As it was noted by the authors, punishment may in part be regarded as the institutionalization of resentment and indignation. Murphy and Hampton argue that the examination of those emotions which are reflected in our social and legal practices should be a part of the body of social, political, and legal philosophy. It must be regarded as a relevant project to examine the passions or emotions in order at least to attempt to deal with the question of the degree to which, if at all, these passions or emotions should be reinforced, channeled in certain directions, or even eliminated where this is possible. Considering this viewpoint, there is a danger to categorize hate speech as the crime of passion.

David Goldberg (*Hate, or Power? in Hate Speech*, 1995) believes that the concepts of “hate speech” or “hate crimes” make racist expression turn on a psychological disposition, an emotive affect(ation), on a dis-order – and so as abnormal and unusual. Consequently, we tend, if not quite to emphasize with the agent of a crime of passion, to discount the crime in the calculus of wrongs, to downplay its wrongfulness. The reasoning that follows involves the attitude to expressions of

hate as abnormal and irrational, not the sort of undertaking ordinary people usually engage in, and their dismissal on the basis of not being serious (or at least no reason to be taken seriously).

The scholar argues that:

1. In fact, racist expressions are various – in characteristic kind, in underlying disposition, in emotive effect, in intention, and in outcome;
2. Moreover, racisms are not unusual or abnormal;
3. Racism is not – or more exactly is not simply or only – about hate;
4. What these expressions are all about, whether or not in a particular instance they involve hate, is power – understanding racisms as relations of power.

While they maintain the relations of power, racist expressions remind those they are directed at (objects) who it is that occupies the *position* of power, and involve the assertion of selves over others constituted as Other in a space of diminished or threatened or otherwise absent control or self-assertion.

The groups who perceive their power as potentially threatened (because of immigrants coming to take their jobs, feeling of insecurity, transition periods, destabilization of economy, identity crises, etc.), resort to asserting themselves over those who are – who are created as – more powerless than themselves. In this way racist expressions may serve ideologically to rationalize relations of domination. Although racist expressions are predominantly used by those who wield power, it is both conceptually possible and empirically evident that members of generally dominated groups can promote racial exclusions of nonmembers.

Another important issue to consider in relation to power is how hate expressions can be managed, or manipulated, in order to achieve political and social goals. Rita Kirk Whillock (1995) explores the use of hate appeals as intentional persuasion when public prejudices and stereotypes become motives to action. Using political campaigns as context, Whillock argues that hate appeals are used consciously to inflame the emotions of followers, denigrate the out-class, inflict permanent and irreparable harm on the opposition, and, ultimately, to conquer.

Returning to the definition of hate speech as any form of communication, including visual forms of expression, it is essential to mention symbolic representation of hate through visual discourse.

(see Bonnell, 1997; David E. Whillock, 1995; Bakewell, 1998)

Liza Bakewell (1998) extends the work of Austin by making an observation about images similar to that made for speech. Images, rather than re-presenting reality and therefore being largely descriptive, are more accurately categorized as acting. The scholar understands images to mean human-made images, and uses the term without prejudice: from body gestures to "great works of art" and everything in between. In her view, a theory of speech, together with a theory of images, must also compose a significant part of a theory of human communication: communication as

action. Finally, if we use the phrase *speech acts* for referring to the activities of speech utterances, it would be useful to coin a phrase that might do the same for the activities of image instances: *image acts*.

David E. Whillock argues that the repression of hate speech has led to the development of more sophisticated readings of signs and symbols: tools that are more difficult to censor. Using the appropriation and development of Nazi symbols as examples, Whillock demonstrates how symbolic codes are culturally and historically imbued with meaning. (wearing Doc Marten boots, a portrait of Stalin, swastikas, etc.). Finally, he argues that hate can be both symbolically expressed and experienced, and that developing the ability to read visual cues is critical to an understanding of text.

The establishment and reinforcement of language and symbols in the construction of hate is dependent upon what Louis Althusser (1971) calls Ideological State Apparatuses. Institutions such as religion, marriage, family, and education fall within the definition of ideological state apparatuses that have more of an impact on the everyday on each separate member of a culture. The ideological state apparatus operates by ideology (belief system) and serves the private domain. The impact of these apparatuses is due to their direct intervention in the thought and action processes of every citizen.

A concept central to most of the theoretical approaches to prejudice and racism is categorization. In his recent book “Categorically Unequal” (2007), Douglas S. Massey examines the basic mechanisms of social stratification emphasizing conscious and unconscious components of our prejudicial orientation for or against some social group. The stereotype content model discussed by the author describes the positioning of certain groups within the social space defined by warmth and competence and, consequently, labeling them as inferior/superior, people like us/ the others, etc. The groups defined as “out-groups” may become targets of communal hatred and violence because they are not liked and are not perceived as people “like us”. The most significant effect of social stratification is dehumanization of the despised out-groups at the neural level. Massey admits that “those who harbor these feelings thus have a license, in their own minds, to treat members of these out-groups as if they are animals or objects”. Thus, race-based, class-based, and gender-based mechanisms of stratification provide the psychological foundations for hate speech.

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