

# HATE SPEECH: FROM THE RALLY TO THE SOCIAL MEDIA PLATFORM. AN OVERVIEW OF THE NEW LEGAL AND LINGUISTIC PROBLEMS RAISED BY DIGITAL HATE

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# Table of contents

1 Hate propaganda as a super genre

2 The rally

- Terminiello v. Chicago (1949)

- Brandenburg v. Ohio (1969)

3 Social media platforms

- Proud boys uncensored

- Westboro Baptist Church

4 The new legal and linguistic problems raised by digital hate

5 Conclusions

# HATE PROPAGANDA AS A SUPER GENRE

From a narrow linguistic perspective, hate speech cannot be ascribed to a pure genre identifiable by specific rhetorical conventions or textualized patterns, e.g. it can range from thoughtful comments in a parliamentary speech to improvised sarcastic comments in an online post.

From a wider social perspective, hate speech can be associated with a specific sphere of negative activity that has become characteristic of it, giving rise to what we know as *hate propaganda*.

Hate propaganda might be categorised as a super genre encompassing an entire repertoire of hybrid sub-genres (a genre colony).

Hate propaganda illustrates the phenomena of genre-embedding, genre-bending and genre-hybridisation .

These phenomena would not be possible if it were not for the fact that hate-advocating speakers have the “power of genre” (Bhatia 1993): they must have both text-internal and text-external knowledge to select the most convenient domains, genres and mediums to achieve their malicious communicative purposes.

- Written genres
  - Postcard (Communication)
  - Poster (Publicity)
  - News item (Journalism)
  - Publications (Journalism)
  - Publications (Science, Social Sciences and Humanities)
  - Lyrics (Art)
  - Caricatures (Art)
  - Cartoons (Art)
  - Legal norms, statutes, Acts (Law)
  - [...]
- Oral genres (onsite or broadcast through mass media - TV, radio, and the Internet)
  - Speech at a political rally (Politics)
  - Parliamentary speech (Politics)
  - [...]
- Audiovisual genres
  - Films (Art)
  - Performances (Art)
  - [...]
- Internet genres
  - Text messages
  - Blogs
  - Tweets
  - Websites
  - Conversations in social networks
  - [...]



THE RALLY

# THE RALLY

- A rally is a mass meeting that is held in public to show support for something, e.g. a political party.

# THE RALLY

- Hate-advocating speakers appropriate and exploit this genre because they know it can serve their interests.

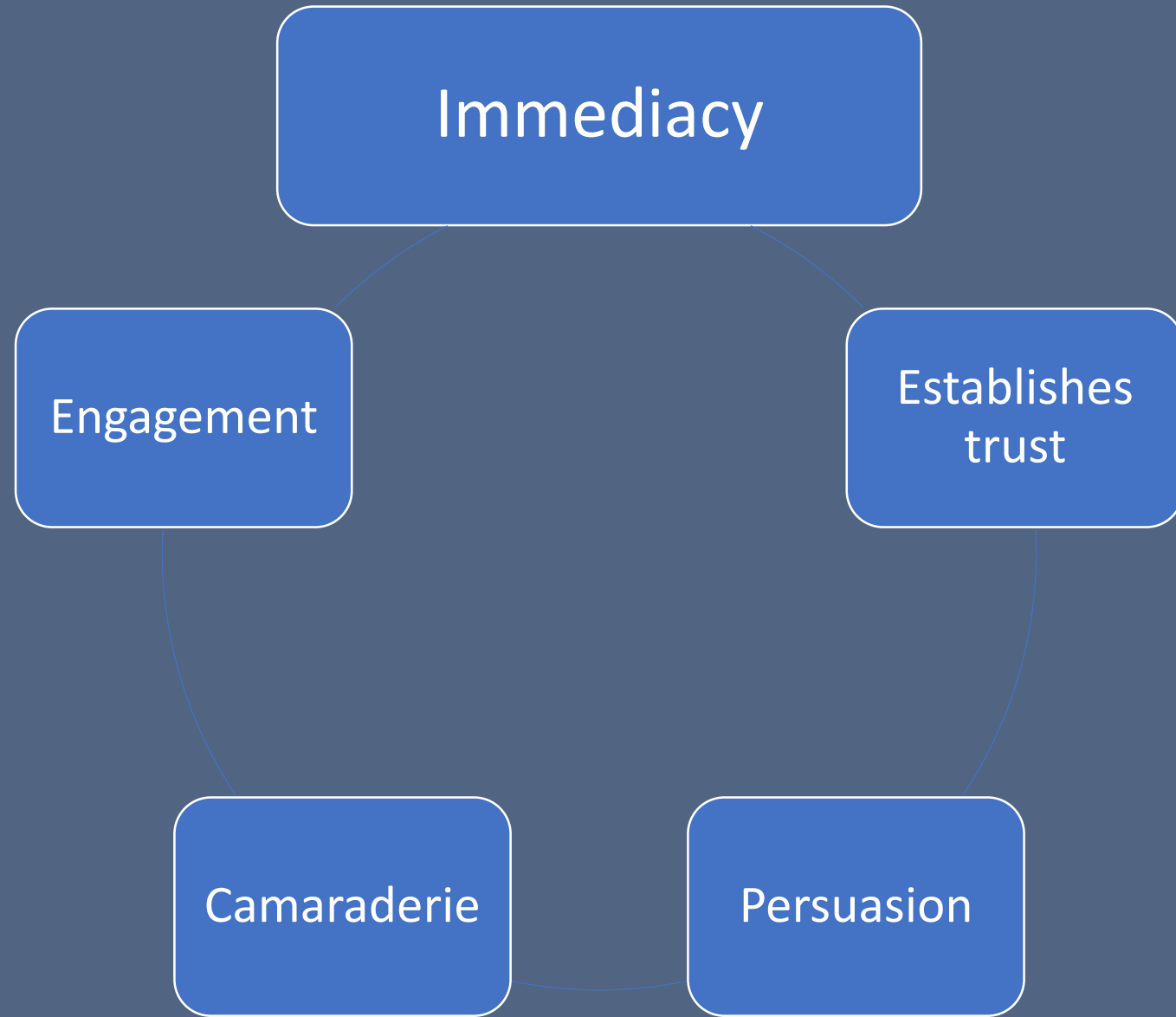
ORAL  
FACE-TO-FACE COMMUNICATION  
In-person communication  
Direct  
Public

SPEAKER  
Authoritative  
discourse

MASS AUDIENCE

Immediacy

PHYSICAL SETTING



Immediacy

Engagement

Establishes  
trust

Camaraderie

Persuasion

# ADVANTAGES OF THE MEDIUM

- The hate-advocating speaker can instantly reach a mass audience.
- The hateful messages can be publicly disseminated, advocated, and promoted.
- It has the power of persuasion.
- It enables the hate-advocating speaker to incite discrimination, hatred, hostility, or violence towards the target groups.

Example 1

# TERMINIELLO V. CHICAGO (1949)

- Terminiello v. Chicago (1949) is a landmark case in US jurisprudence in which the United States Supreme Court held that a breach of the peace ordinance of the city of Chicago was unconstitutional under the First Amendment, and overturned Terminiello's conviction.





The case grew out of a speech by Terminiello, a Catholic priest under suspension and anti-Semite, who railed against Jews and communists in an auditorium in Chicago under the auspices of the Christian Veterans of America.

# TERMINIELLO V. CHICAGO (1949)

It is the same kind of tolerance if we said there was a bedbug in bed, “We don’t care for you” or if we looked under the bed and found a snake and said, “I am going to be tolerant and leave the snake there.” We will not be tolerant of that mob out there. We are not going to be tolerant any longer.

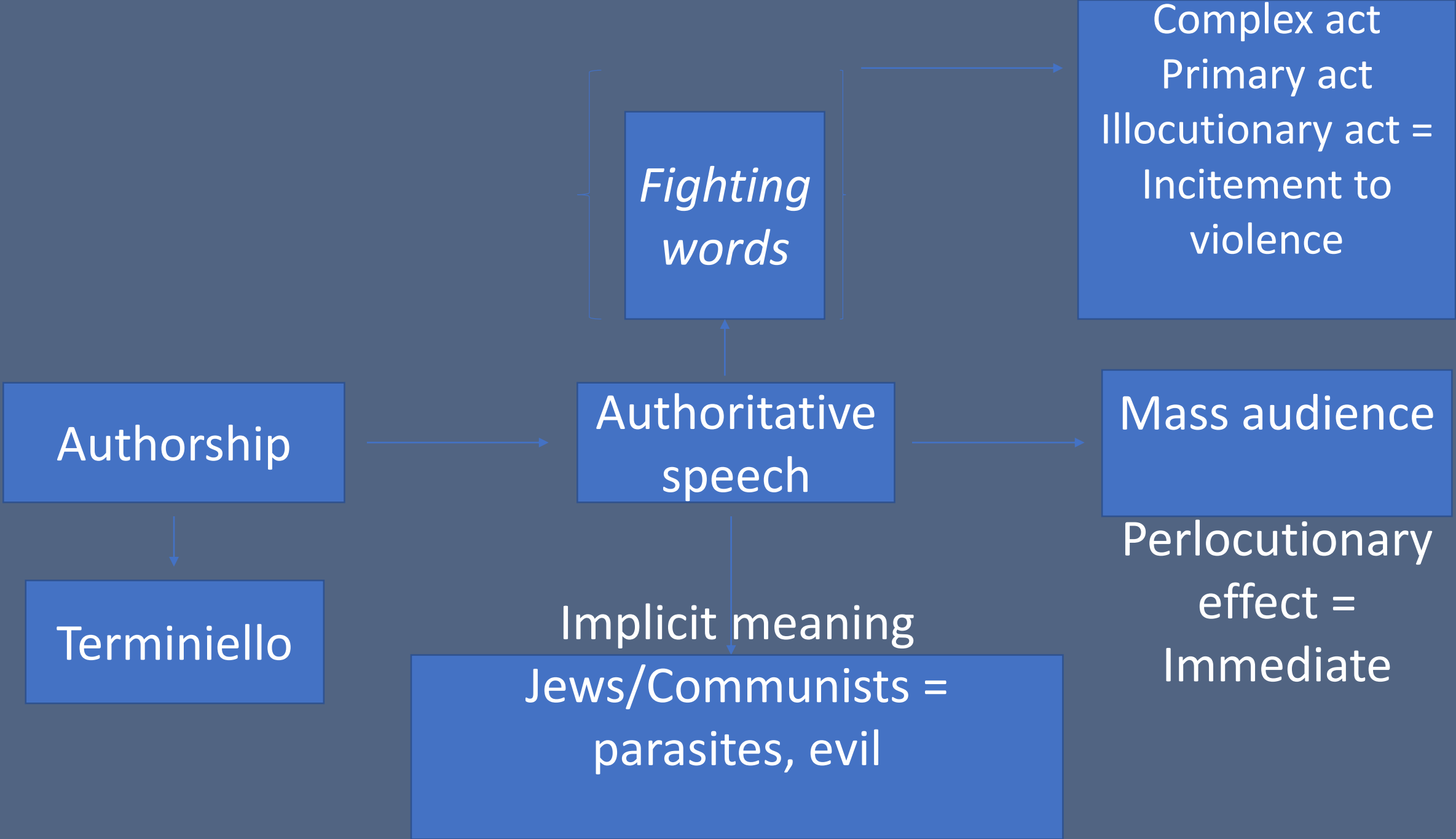
## TERMINIELLO V. CHICAGO (1949)

So, my friends, since **we** spent much time tonight trying to quiet the **howling mob**, I am going to bring my thoughts to a conclusion, and the conclusion is this. **We** must all be like the Apostles before the coming of the Holy Ghost. **We** must not lock ourselves in an upper room for fear of **the Jews**. I speak of the **Communistic Zionistic Jew**, and **those** are not American Jews. We don't want them here; **we want them to go back where they came from.**

(Terminiello v. Chicago, 337 US 1 (1949), p. 337 U.S. 21)

## TERMINIELLO V. CHICAGO (1949)

- Terminiello's speech inflamed the crowd, and fights broke between the audience members and the protesters outside.
- The police arrested Terminiello for riotous speech.



# TERMINIELLO V. CHICAGO (1949)

- Terminiello was judged under Chicago's *breach of the peace ordinance* and found guilty.
- Terminiello appealed the court's decision claiming that the ordinance violated his right to freedom of expression under the First Amendment. His conviction was upheld by the Illinois Appellate Court and by the Illinois Supreme Court.

Legal problem: Did Terminiello have the right to freedom of expression by uttering *fighting words*?

# TERMINIELLO V. CHICAGO (1949)

At the heart of the legal discussion were two critical issues for the Supreme Court to deliberate.



# TERMINIELLO V. CHICAGO (1949)

- The first issue was whether Chicago's **breach of the peace ordinance** was unconstitutional.
- The second issue was whether Terminiello's right to freedom of expression had been violated in the case or, on the contrary, he had abused his right to freedom of expression by uttering *fighting words*.

# TERMINIELLO V. CHICAGO (1949)

- The majority opinion explained that the function of free speech is to invite dispute, even when it induces a condition of unrest or even stirs people to anger.

# TERMINIELLO V. CHICAGO (1949)

- The majority opinion further argued that the right to speak freely and to promote diversity of ideas is one of the chief distinctions that differentiate democratic societies from totalitarian regimes.

# TERMINIELLO V. CHICAGO (1949)

- For the dissenting opinion,
  - Terminiello's speech contained *fighting words* and was made of utterances that are no essential part of any exposition of ideas.

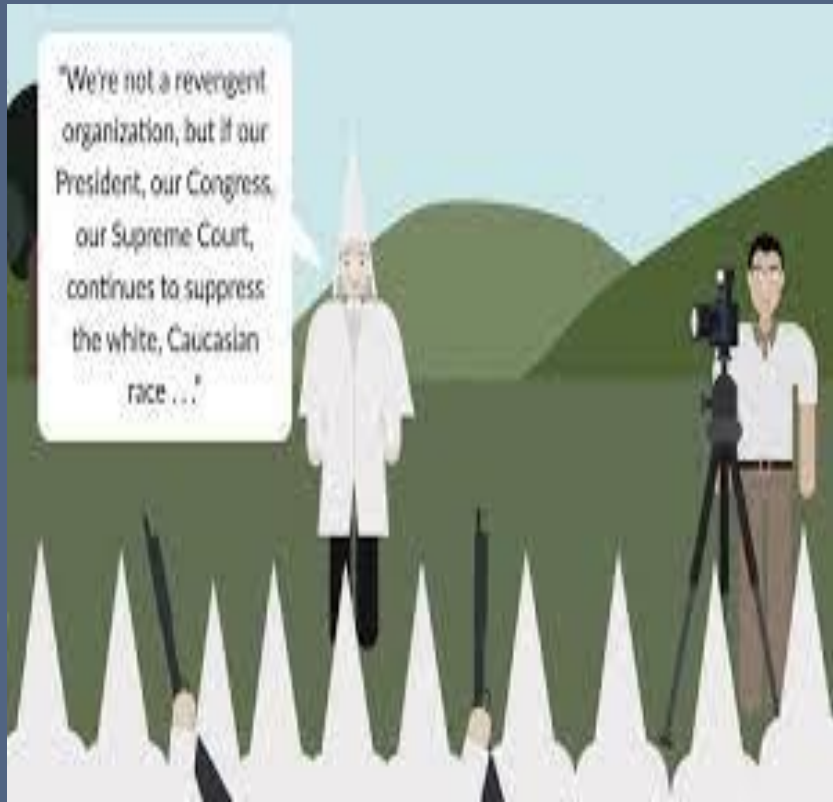
# TERMINIELLO V. CHICAGO (1949)

- For the dissenting opinion,
  - Reversing Terminiello's conviction implied a dogma of absolute freedom for irresponsible and provocative utterances, which even challenged the power of local authorities to keep social order and peace.

# Example 2

# BRANDENBURG V. OHIO (1969)

- Brandenburg v. Ohio (1969) is another landmark case in US jurisprudence.



The case grew out of a speech given by Clarence Brandenburg at a Klan rally in the summer of 1964. Portions of the rally were filmed and broadcast on TV.




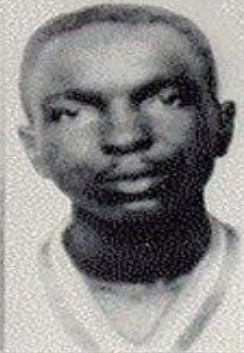

# Church bombed in Birmingham, Alabama (1963)




# FBI poster of missing civil rights workers (1964)

**MISSING CALL FBI**

THE FBI IS SEEKING INFORMATION CONCERNING THE DISAPPEARANCE AT PHILADELPHIA, MISSISSIPPI OF THESE THREE INDIVIDUALS ON JUNE 21, 1964. EXTENSIVE INVESTIGATION IS BEING CONDUCTED TO LOCATE GOODMAN, CHANEY, AND SCHWERNER, WHO ARE DESCRIBED AS FOLLOWS:

ANDREW GOODMAN	JAMES EARL CHANEY	MICHAEL HENRY SCHWERNER
		
<b>RACE:</b> White	<b>RACE:</b> Negro	<b>RACE:</b> White
<b>SEX:</b> Male	<b>SEX:</b> Male	<b>SEX:</b> Male
<b>DOB:</b> November 23, 1942	<b>DOB:</b> May 30, 1941	<b>DOB:</b> November 6, 1939
<b>POB:</b> New York City	<b>POB:</b> Meridian, Mississippi	<b>POB:</b> New York City
<b>AGE:</b> 21 years	<b>AGE:</b> 21 years	<b>AGE:</b> 24 years
<b>HEIGHT:</b> 5'10"	<b>HEIGHT:</b> 5'7"	<b>HEIGHT:</b> 5'8" to 5'10"
<b>WEIGHT:</b> 150 pounds	<b>WEIGHT:</b> 175 to 180 pounds	<b>WEIGHT:</b> 170 to 180 pounds
<b>HAIR:</b> Dark brown, wavy	<b>HAIR:</b> Black	<b>HAIR:</b> Brown
<b>EYES:</b> Brown	<b>EYES:</b> Brown	<b>EYES:</b> Light blue
<b>SCARS AND MARKS:</b>	<b>SCARS AND MARKS:</b> Small, none visible. 1 inch cut scar 2 inches above left ear.	<b>SCARS AND MARKS:</b> Faint mark center of forehead, slight scar on bridge of nose, unobscured scar, broken fingernail.

SHOULD YOU HAVE OR IN THE FUTURE RECEIVE ANY INFORMATION CONCERNING THE WHEREABOUTS OF THESE INDIVIDUALS, YOU ARE REQUESTED TO NOTIFY ME OR THE NEAREST OFFICE OF THE FBI. TELEPHONE NUMBER IS LISTED BELOW.

  
DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE  
WASHINGTON, D. C. 20535  
TELEPHONE: NATIONAL 8-7117

June 29, 1964

# Brandenburg v. Ohio (1969)

How far is the **nigger** going to - yeah.

This is what we are going to do to the **niggers**.

A **dirty nigger**.

**Send the Jews** back to Israel.

**Let's give** them back to the **dark garden**.

Save America.

Let's go back to constitutional betterment.

**Bury the niggers**.

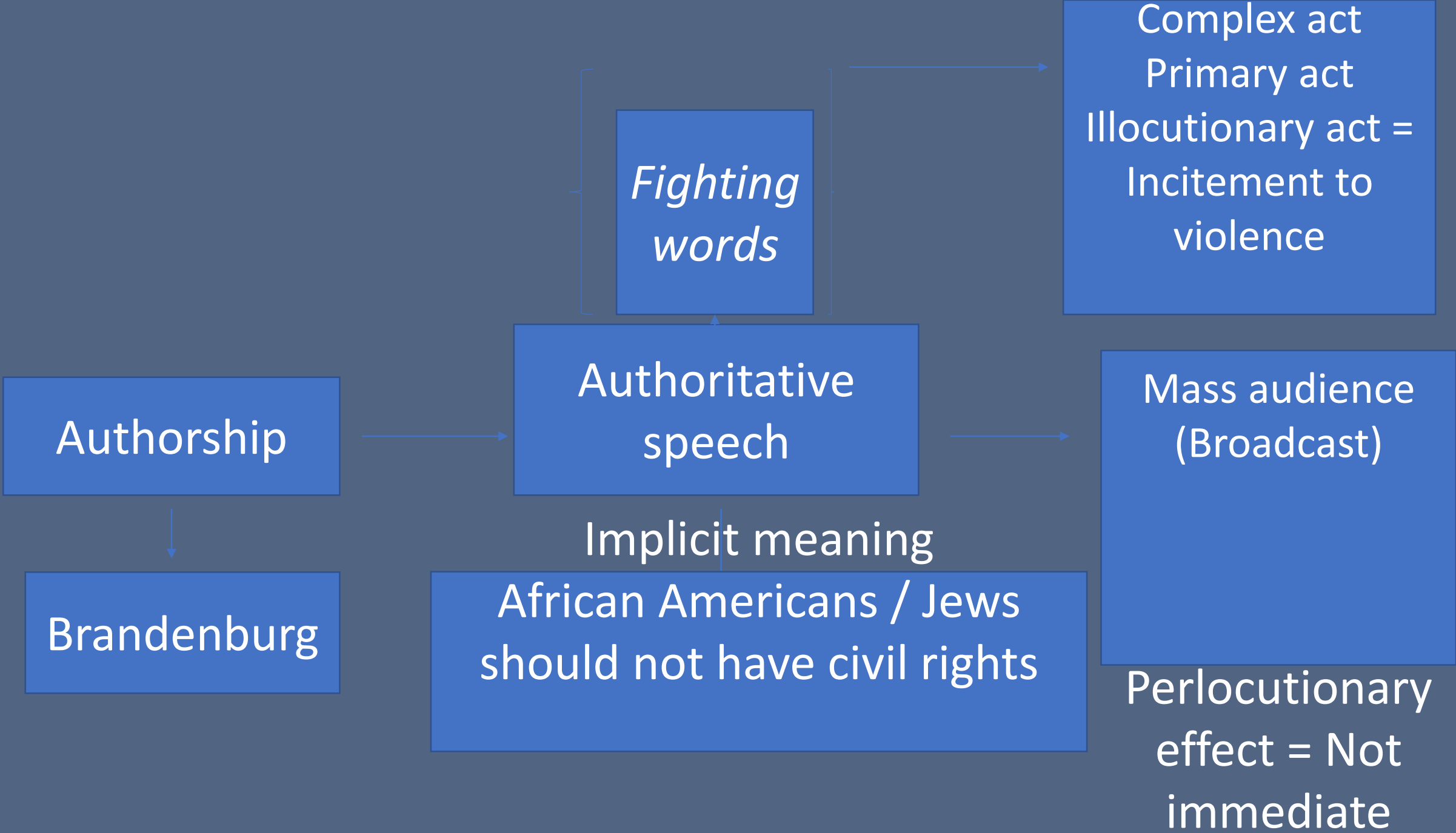
We intend to do our part.

Give us our state rights.

Freedom for the whites.

**Nigger** will have to fight for every inch he gets from now on.

(Brandenburg v. Ohio, 395 US 444 (1969), p. 395 U.S. 449)



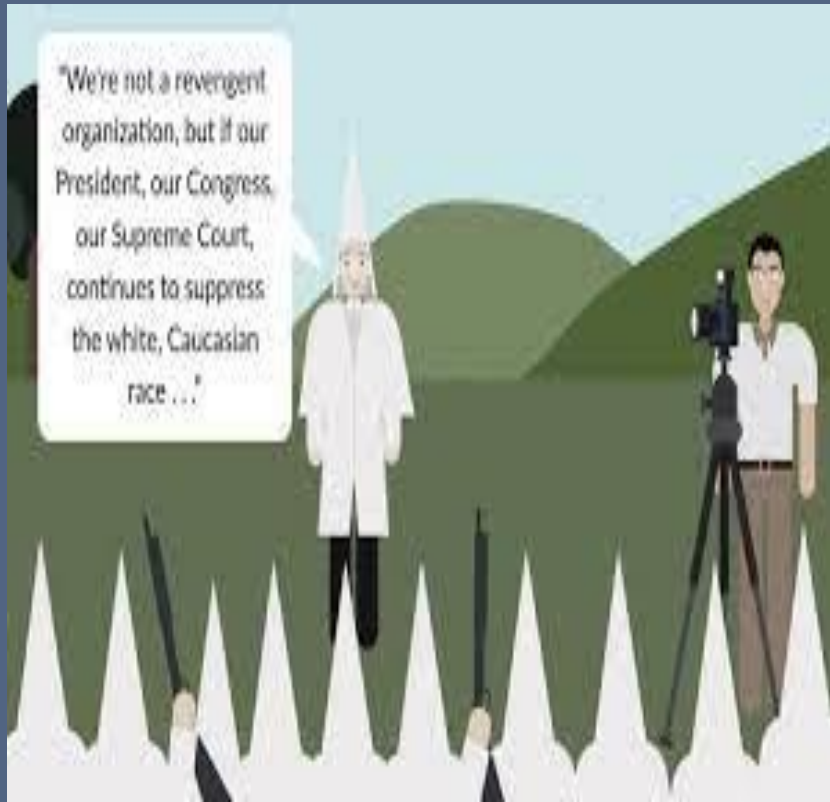
This is an organisers' meeting. We have had quite a few members here today which are - we have **hundreds, hundreds of members throughout the State of Ohio**. I can quote from a newspaper clipping from the Columbus, Ohio, Dispatch, five weeks ago Sunday morning. **The Klan has more members in the State of Ohio than does any other organisation. We're not a revengent [sic] organisation, but if our President, our Congress, our Supreme Court, continues to suppress the white, Caucasian race, it's possible that there might have to be some revengeance taken.**

(Brandenburg v. Ohio, 395 US 444 (1969), p. U.S. 446)



The police arrested Brandenburg in violation of the Ohio Criminal Syndicalism Act that prohibited “assembling to advocate crime, violence, or unlawful terrorism as a means of accomplishing political reform”.



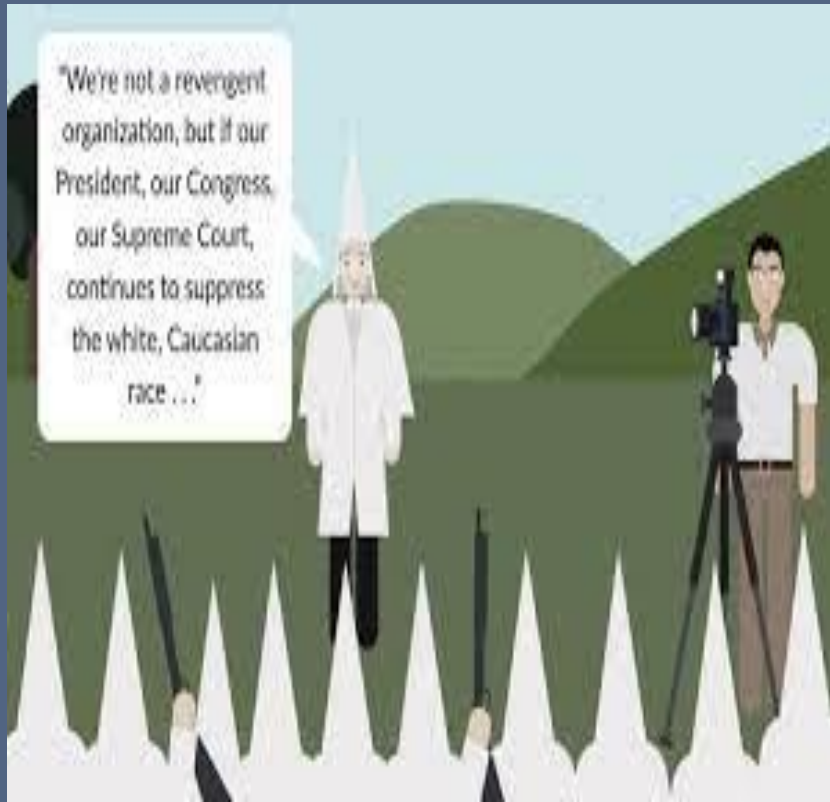


Brandenburg appealed his conviction, claiming that his First amendment rights had been violated and the Ohio law was unconstitutional.



The Supreme Court overturned Brandenburg's conviction on the grounds that the local government could not constitutionally punish **abstract advocacy of force or law violation** unless directed to incite or produce imminent lawless action and such advocacy is likely to produce or incite such action.

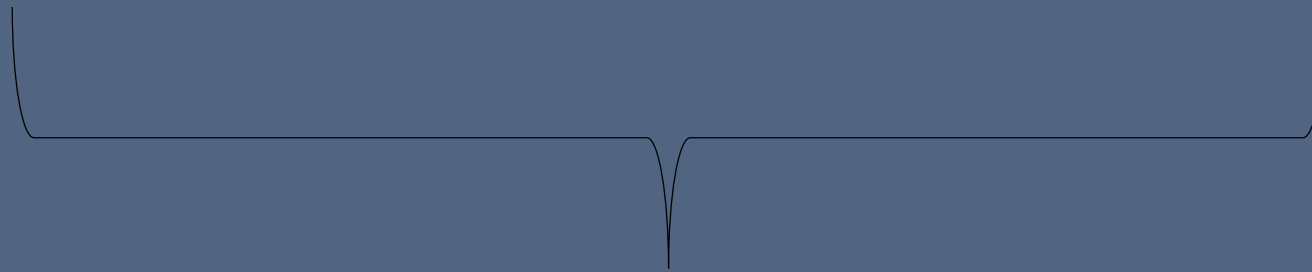




The “clear and present danger” standard (Schenck v. US, 1919) was replaced with the “Imminence standard”, also known as “The Brandenburg test”)

# Threat

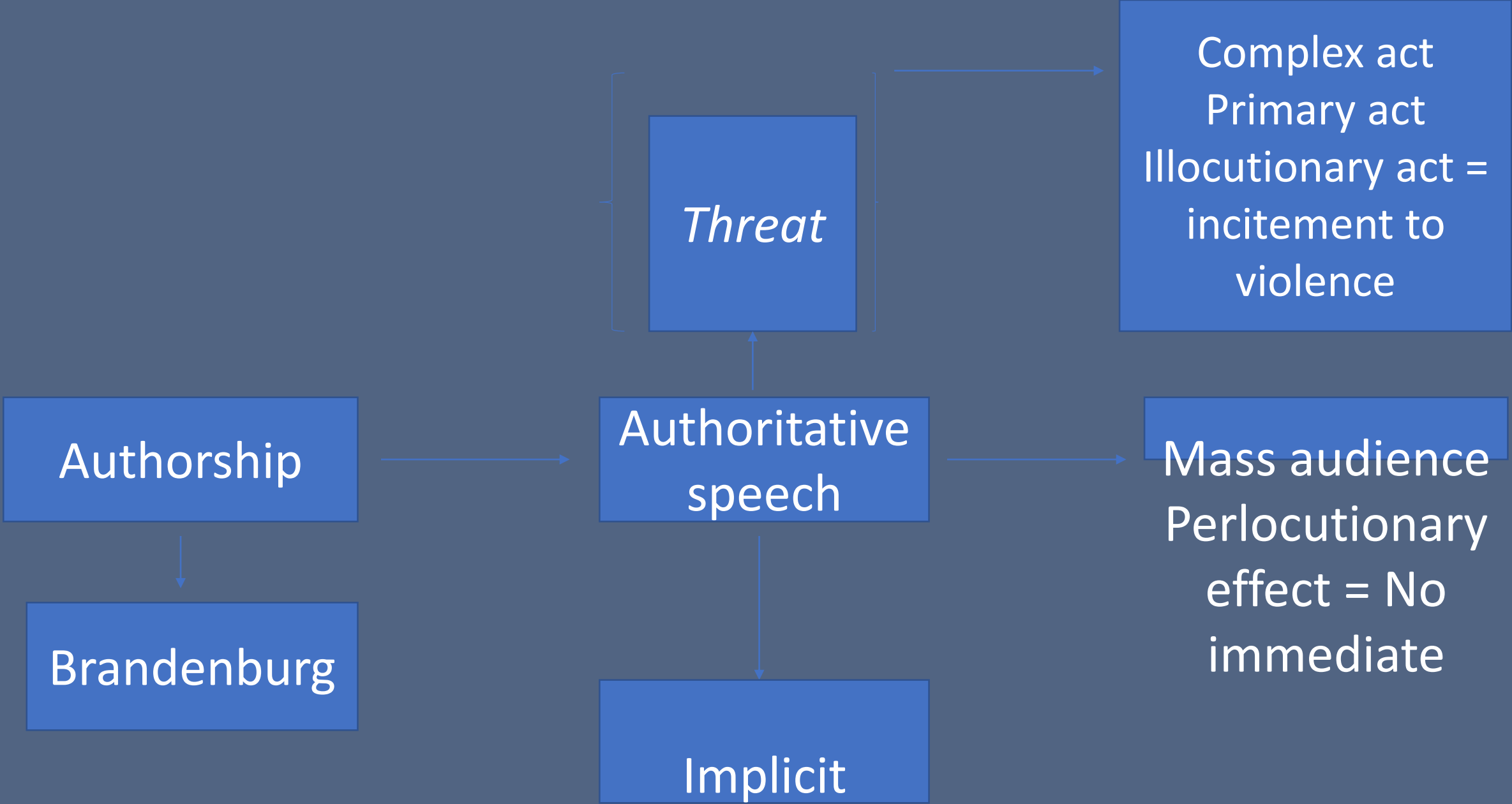
- ...if our President, our Congress, our Supreme Court, **continues to suppress the white, Caucasian race [condition]**, it's possible that **there might have to be some revengeance taken [consequence]**.



Mixed conditional

The consequence is strategically designed to hide the speech act's illocutionary force

if our President, our Congress, our Supreme Court, **continues to suppress the white, Caucasian race** [present tense], **it's possible that** [impersonal structure -It's + modal adjective + that clause (focus)] **there** [ impersonal structure] **might** [ hedge ] **have to be some revengeance taken** [passive voice].



# THE SOCIAL MEDIA PLATFORM

In “Bridge to genre: Spanning technological change” (2017), Giltrow (2017), taking a rhetorical view of genre as “social activity” (Miller 1984), explores how the emergence of new media provide the opportunity for new genres to emerge.

But Giltrow (2017) also points to the fact that “the name for a novel communicative phenomenon is not in fact the name of a genre but a name for the use of the technology” (p. 58).

Social media platforms use electronic communication as a medium of expression.

Websites

Social  
networking

Blogs



Black parasite brutally punches white woman. This is what happens when our women are propagandised to hate our men. They end up getting abused and beaten by alien invaders

(Hate remark posted on 10 May 2021 on *Proud Boys Uncensored*).

Sodomites are wicked and sinners before the Lord exceedingly (Gen. 13:13), they are violent, and they doom nations (Gen. 19:1-25; Jgs. 19), they are nasty and abominable (i.e., exceedingly filthy) in the sight of God, whom Himself says that they are worthy of death for their vile sex practices (Lev. 20:13; Rom. 1: 32).

(Website of the Westboro Baptist Church (WBC))

THE NEW LEGAL AND LINGUISTIC  
PROBLEMS RAISED BY DIGITAL  
HATE

# THE TRANSNATIONAL REACH OF ONLINE HATE SPEECH

# The transnational reach



Because of the cross-jurisdictional discrepancies in the prohibition of incitement to discrimination, hatred and violence, there is an urgent need for international cooperation relating to legal mechanisms for combating online hate speech.

AUTHORSHIP

# Anonymity Multiple authorship

Hate-advocating speakers feel freer to speak hate in anonymous or pseudo-anonymous speech because they know they can elude indictment or prosecution.



# Forensic authorship identification

Verification

Attribution

Identification

Imitation

Obfuscation



AUDIENCE



Worldwide  
Audience



- After hate-advocating speakers have delivered hateful statements over the Internet, it is difficult to say when readers will receive them, who will read them and what the effects will be.
- The audience's reactions to online hate speech are highly unpredictable.

## Deception

## Anonymity



The Internet provides an inexpensive way for hate-advocating groups to spread their messages using whatever methods of deception to lure Internet users to their websites, e.g. advertisements, email, instant messaging and chat rooms.

DISCONTINUITY



- Hate-advocating messages are discontinuous in space and time.

PERMANENCE

# Anonymity



# Permanence

- Hate speech can be online for a long period in different formats and across multiple platforms, linked repeatedly.
- The longer the hateful messages stay available, the more damage they can inflict on the victims and hence, empower the hate-advocating speakers.



ITINERANCY

# Anonymity

# Itinerancy



- Even if a service provider finds misuse and cancels a user's account, which is, in practice, a difficult task considering the vast contents of the Internet, hate speech may find expression elsewhere, possibly on the same platform under a different name or on different online spaces.

REGISTER

- In analysing racial epithets, Technau claims that “[...] hate speech can be identified as the most central, albeit not the most frequent, mode of use.” (Technau 2018: 25).

- Technau (2018) explains that other non-referential and non-pejorative uses of racial epithets may be more pervasive in other contexts that are free of hate speech.

- Mobbing and insulting.
- Appropriation in counter-speech.
- Rap, in which racial slurs, such as *nigga* are applied to the members of a target group by a member of the same target group.
- Mock impoliteness in youth language and banter - racial or homophobic terms are applied to non-members (non-referential uses) or to people for whom the speaker has an affection (non-pejorative uses).
- Neutral mentioning in academic discourse.
- Unaware uses.

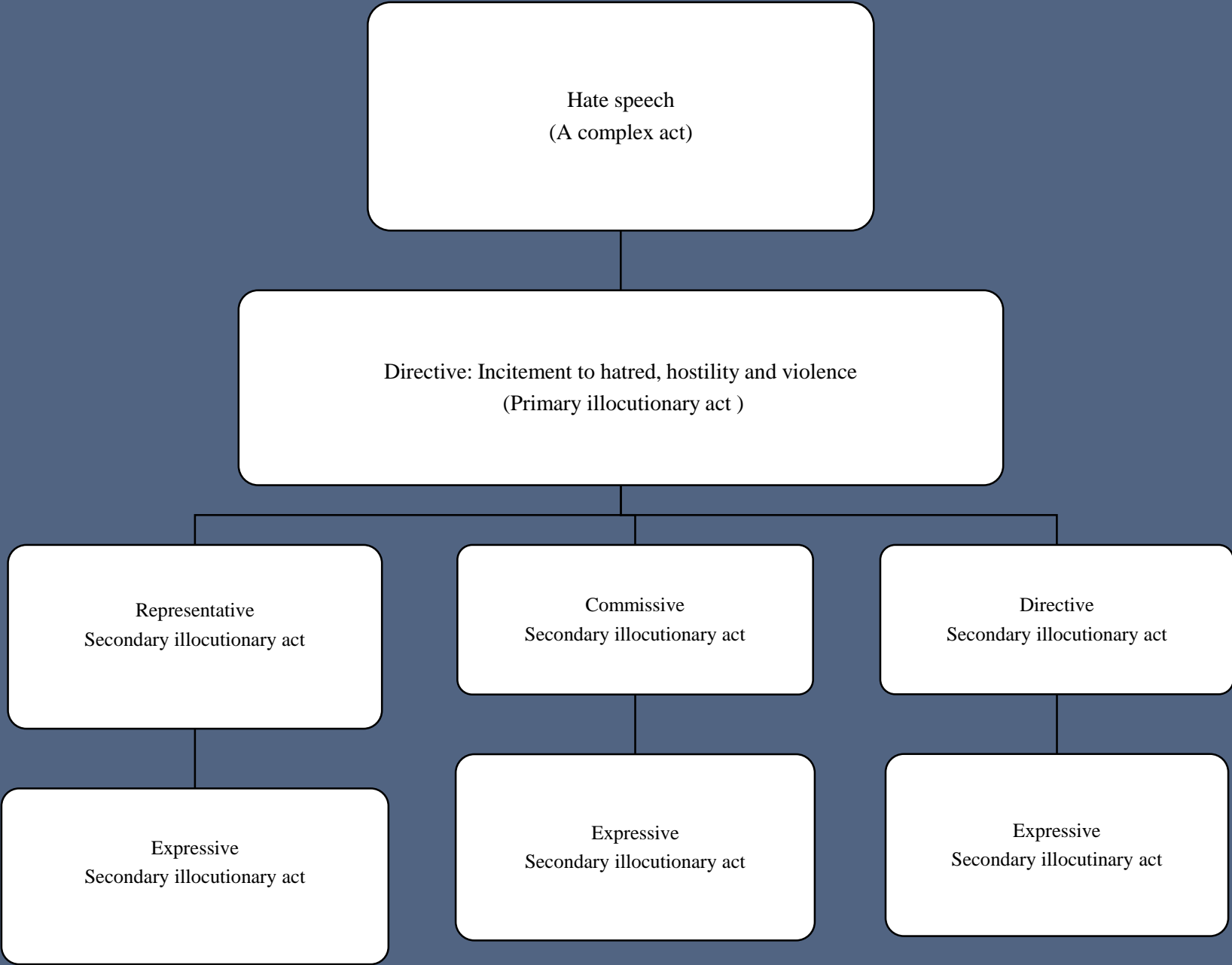
- Apart from searching the pervasive linguistic features in a text (Biber & Conrad 2009), linguists should also look for **prominent** features that have *collective salience* for the ingroup.

- Whereas *pervasiveness* is based on *statistical significance*, collective salience grounds in *prominence*. Prominence does not come from the language itself. On the contrary, it is external to it because it is the result of prior experience and conventionalisation shared with the other members of the speech community.



COVERT HATE SPEECH

- Hate speech can be described as a complex act because it involves:
  - a) What speakers commit themselves to.
  - b) What speakers call on the hearer to perform.



IMPLICITNESS

- A violent mode of expression provides a useful clue to the evil nature of a message. However, it is unreliable to consider such mode as the only clue.

- Hateful messages may be conveyed implicitly, leaving almost no trace for a computer programme to find at the surface level.

ILLOCUTIONARY-  
PERLOCUTIONARY LINK

- The likely mismatch between an utterance's illocutionary force, which reflects the speaker's communicative intent, and its perlocutionary effect.
- The unpredictability of such a mismatch gives arguments favouring the hate-advocating speaker's civil liability when publicly communicating *fighting words*.



CONCLUSIONS

Authorship



Legal and  
linguistic  
challenges

Deception

Discontinuity

Permanence

Itinerancy

Transnational reach

Worldwide  
Audience



Authorship  
Anonymous



Legal and  
linguistic  
challenges

Genre

Register

Complex speech  
act

Indirectness

Implicitness

Illocutionary-  
perlocutionary link

Unpredictable  
effects on the  
audience



- Linguists can provide professional linguistic service to social media platforms interested in an early detection and prevention of hateful messages, to organisations working on countering hate speech, or to the courts of justice when it is too late to prevent the crime.

Thank you!

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