

Hate speech: an attempt to disperse terminological ambiguities*

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1. Introduction

According to Bulandra-Kościółek-Zimnoch (2015: 11-12), who delve into the topic of hate speech in the Polish context, it is quite easy to define this phenomenon in general terms, but considerably more difficult to define it in a precise way. In our conviction, the former is equally difficult to do, especially when different definitions present hate speech by means of reference to different victim groups. Hence, they exhibit inaccuracies when juxtaposed with each other, not only in the cross-linguistic but the intra-lingual perspective as well. Partly, this comes from the fact that hate speech is a topic present and rooted in political, media or sociological discourse, which makes staking out clear categories more challenging. For example, Bilewicz-Marchlewska-Soral-Winiewski (2014: 9) consider a hate speech victim group can be not only ethnic or national minorities, migrants and people of migrant origin, as emphasized in the widely-quoted definition given by the Council of Europe, but also homosexual people. Łodziński (2003: 5 in Dębska 2013) goes even further and adds to the potential group of hate speech victims not only representatives of other sexes, other sexual preferences but also representatives of some occupations, users of a particular language or disabled people. There are also those who believe people can become the targets of hate speech due to their age or views, e.g. feminists.

On the account of the above arguments, i.e. that terminological disputes, including those concerning hate speech, are very often tainted by the perspective

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from which they are conducted, we believe that there are still lacking clear criteria for:

- who exactly should be defined as the addressee of hate speech?
- and what exactly constitutes a verbal or nonverbal act of hate speech in its linguistic essence?

Additional questions which need to be answered are:

- whether, for an act of communication to be classified as hate speech, it has to be underpinned by hate itself, or whether it can be driven by other emotions, feelings or attitudes as well, e.g. unwillingness?
- is it correct to use the term verbal aggression synonymously to hate speech, as is done by Liberek (2015)?
- what criteria are decisive for classifying a particular act of communication as hate speech? Are the subjective feelings of those who experience hate speech enough to define them as such, as assumed in the research conducted by Bilewicz-Marchlewska-Soral-Winiewski (2014). These researchers compiled a list of hate speech statements on the basis of a subjective evaluation of the degree of a statement's offensiveness made by potential victims of hate discourse.

These, and many other questions which arise within the scope of linguistics regarding the term hate speech, pose a challenge for academic studies and require systematization in cross-linguistic and intra-lingual research. That is why this paper aims at presenting and contrasting the definitions of hate speech that can be found in selected European Union documents, Polish laws and academic reports, as well as mass media texts, in order to systematize the way it is understood and used across various contexts. On this basis, towards the end of this piece, we propose a working definition of the term.

2. Definition of *hate speech* in European Union documents

The most important document that protects human rights with reference to hate crimes, and which is binding in the European Union, is Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law¹. The Framework Decision provides for the approximation of the laws and regulations of EU countries on offenses involving certain manifestations of racism and xenophobia. According to these regulations, "certain serious manifestations of racism and xenophobia must constitute an offense in all EU countries and be pun-

¹ The information included in this paragraph comes from the official webpage of the European Union and can be accessed online in English at <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l33178&from=PL>, February 12.

ishable by effective, proportionate and dissuasive penalties". What is more, the Framework Decision emphasizes, regarding hate crime, that "in all cases, racist or xenophobic motivation shall be considered to be an aggravating circumstance or, alternatively, the courts must be empowered to take such motivation into consideration when determining the penalties to be applied." Its Article 1 defines a range of acts which should be forbidden by the regulations of EU member states. These are as follows:

- public incitement to violence or hatred directed against a group of persons or a member of such a group defined on the basis of race, color, descent, religion or belief, or national or ethnic origin;
- the above-mentioned offense when carried out by the public dissemination or distribution of tracts, pictures or other material;
- publicly condoning, denying or grossly trivializing crimes of genocide, crimes against humanity and war crimes as defined in the Statute of the International Criminal Court (Articles 6, 7 and 8) and crimes defined in Article 6 of the Charter of the International Military Tribunal, when the conduct is carried out in a manner likely to incite violence or hatred against such a group or a member of such a group.

Whereas a decade older resolution of the Council of Europe defines hate speech "as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hate based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin" (Recommendation of Council of Europe Committee of Ministers No. R (97) 20: 107).

These definitions seem complex enough regarding the causes which lie at the heart of hate speech. Nevertheless, they are still too general in order to help, for example, court personnel differentiate an act of verbal abuse or impoliteness towards national or ethnic minorities, migrants or people of migrant origin, from an instance of hate speech. These definitions do not explain either what exactly should be understood by the term "hate" in its linguistic essence. Although in a commentary to the Framework Decision we can find an attempt to define the notion of hate, it is not clear-cut: "(9) The term 'hate' should be understood as referring to 'hate', that is shown regarding race, skin color, religion, origin, national or ethnic affiliation"².

At this point it also needs to be mentioned that hate speech may assume a form different from explicit hatred, prejudice and disdain, as it may reveal itself as an apparently benevolent recognition of differences that presupposes

² In Polish: (9) Termin "nienawiść" należy rozumieć jako odnoszący się do nienawiści okazywanej ze względu na rasę, kolor skóry, religię, pochodzenie lub przynależność narodową lub etniczną. Source: http://publications.europa.eu/resource/cellar/f015ed06-b071-41e1-84f1-622ad4ec1d70.0017.02/DOC_1, viewed April 19 2016.

the stereotyping of an individual's cultural and social identity. According to Leets (2003: 146), nowadays, on account of widespread social disapproval of the phenomenon of hate speech, hate motivated communication may assume more subtle forms of expression. In this case, "what may seem like a respectful recognition of differences masks underlying stereotypes and prejudices that ultimately become labels and stigmas for the individuals" (RADAR Flyer). An example of such a communication practice is false pretenses. These are cases, for example, when a Pole continues using impolite or offensive language to name foreigners, and justifies this usage saying that this is the practice followed by the foreigners themselves. However, as in the majority of cases those foreigners are non-native speakers of Polish, they cannot be considered a source of linguistic norms, because most probably they do not realize that a particular label is offensive to them. In other words, they imitate the language that they hear, and as such cannot be considered a pattern to follow or a source of a norm (Adamczak-Krysztofowicz and Szczepaniak-Kozak in press). In a similar vein, Meibauer (2013: 2) calls this a non-evident type of hate speech *verdeckte Hassrede* (Eng. hidden hate speech) and gives the example of a discussion on a TV-show about unwillingness towards the integration of migrants which includes hate speech expressions. The above arguments show that there is an urgent need to define the term hate speech more precisely from the linguistic standpoint in order to recognize its different forms and *ipso facto* differentiate it from other forms of verbal aggression, e.g. verbal abuse or impoliteness. Finally, a pending issue is how to strike the balance between freedom of speech and protection of the dignity of those affected by acts of hate speech (cf. Pałka and Kučka 2010: 42).

3. Advances on defining hate speech following the RADAR project findings

The overall aim of the RADAR project³, financed by the European Commission, is to conduct research on hate speech directed towards migrants in Europe, in order to provide law enforcement officials, legal professionals, social care agents and any other interested groups with the necessary tools to identify, prevent and penalize hate speech by means of online training modules. The project's beneficiaries are also migrant communities in Europe. In particular, it

³ RADAR (Regulating Anti-Discrimination and Anti-Racism; JUST/2013/FRC/AG/6271) is a project financed by the European Commission within the program "Fundamental Rights and Citizenship" (FRC) which is devoted, among other things, to combating different forms and manifestations of racism and xenophobia (RaX, 2.2.3.). The progress of the project activities and its deliverables can be accessed online at the project's webpage and its e-learning platform (lnx.radar.communicationproject.eu).

is supposed to provide knowledge of what means they have at their disposal when they fall victim to hate speech, as well as to aid professionals in their dealings with migrants. In order to design and conduct training, throughout 2015 and 2016 interpretative work was carried out. That means, in particular, that the RADAR team was involved in conducting interviews with hate crime victims, as well as in collecting examples of online and printed communication practices promulgating and motivated by hate in six different partner countries, i.e. newspaper articles, blogs, and other social media. A review of the relevant national laws regulating migration and of court sentences was also conducted. The end product of the project will be not only the actual trainings, but also guidelines for the target groups (both the professionals in contact with migrants, and migrants themselves) including, for example, a list of critical vocabulary which bears the features of hate speech. All these materials will be published in the languages of the partner countries: Dutch, English, Finnish, Greek, Italian and Polish.

The RADAR partners' explanation of the term hate speech, or rather its working definition, is: "a kind of symbolic (verbal and nonverbal violence) discriminatory communication the aim of which is to humiliate" a person of an ethnic or national minority other than our own. It expresses disdain, hatred and prejudice (RADAR Flyer 2015: 1)⁴. Despite the undeniable merits of the above definition, it is our conviction that it still does not capture, similarly to the definitions found in the documents of the European Union, the linguistic essence of the phenomenon. It does not inform, for example, how to differentiate an act of verbal abuse or impoliteness towards a representative of other than our own ethnic or national minority from an instance of hate speech. An unresolved issue is also how to differentiate between aggressive messages, impolite speech acts and hate speech. In certain areas the terms overlap, but because they are underpinned by different emotions, feelings and motivations, the differences between them should be more clearly set out. Adamczak-Krysztofowicz and Szczepaniak-Kozak (in press) constitute a preliminary attempt to differentiate between impoliteness and hate speech on the basis of newspaper articles collected and analyzed within the RADAR project.

4. Definition of hate speech in Polish law

Due to the complexity of the topic at hand, especially regarding the problems of compiling an exhaustive legal definition of this term, the boundary between permissible and prohibited statements is difficult to set. Although there is rich

⁴ The information included in this paragraph comes from the RADAR flyer in English <http://win.radar.communicationproject.eu/web/wp-content/uploads/2015/04/Depliant-EN.pdf>, March 8.

literature available on penalizing hate speech, e.g. Bodnar-Gliszczyńska-Grabias-Wieruszewski-Wyrzykowski (2010), Brink (2001), Cohen-Almagor (2009), Cortese (2006), Ghanea (2010) and Hare and Weinstein (2009), the issue of punishing for word use belongs to the most controversial and difficult areas to regulate (Gliszczyńska-Grabias 2013: 45).

In Polish law there is no statutory definition of hate speech. However, there exist regulations, *inter alia* in the Polish Penal Code, that are designed to assure legal protection against this phenomenon. Scheffler (2016: na) emphasizes that Polish law prefers an inclusive interpretation of the term hate speech, i.e. instead of staking out the term, it provides synonyms. For example, in the official comments to the above quoted articles, we find expressions like: sowing hate, strong dislike, anger or hostility. In Scheffler's view, under criminal law there is no place for synonyms.

Entries regulating and penalizing verbal acts of discrimination or racism can be found in the Polish Criminal Code. In Article 119 we find regulations concentrating on physical violence and unlawful threats addressed at a person on the grounds of his or her ethnic, national or racial descent. Specifically, a threat is not only a statement/warning of an attack against a person (or a group of persons) or their immediate relatives, but also intimidation by threatening legal prosecution, defamation of a person (or a group of persons) and their immediate relatives. Additionally, Article 212 penalizes slander. However, of the utmost significance are Articles 256 and 257, which penalize promoting fascist or totalitarian ideologies and insulting a person in public respectively (Szczepaniak-Kozak 2015). These are quoted verbatim below:

Art. 256 Whoever publicly promotes a fascist or other totalitarian system of state or incites hatred based on national, ethnic, race or religious differences or for reason of lack of any religious denomination shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for a term of up to 2 years.

Art. 257 Whoever publicly insults a group of people or an individual person due to their national, ethnic, racial or religious identity or due to their lack of religious beliefs, or who violates the inviolability of such person(s), shall be subject to imprisonment of up to 3 years⁵.

It needs to be added that the legal interpretation of, and comment on the offense presented in the official database to this Code, and the above mentioned articles, specifies that an insult or sign of disrespect of a potentially offensive nature can take the form of verbal, written, printed, graphic, or gestural behavior which is commonly interpreted as offensive. It also highlights that there is no

⁵ From the Act of 6 June 1997 – Criminal Code J.L. No. 88, item 553. Authors' Polish translation.

straightforward relation between a word or phrase that is considered offensive and an actual offense against the law, and each case should be considered individually and subjectively.

5. Definition of hate speech according to research reports

So far there have been several studies on hate speech carried out in Poland, and involving the Polish language. However, their focus was mainly on analyzing the attitudes and beliefs of potential victims, e.g. Bilewicz-Marchlewska-Soral-Winiewski (2014), CBOS (2007). Some reports concentrate on hate speech on the Internet, e.g. Lipowska-Teutsch (2007); *Raport mniejszości* (2012); Włodarczyk (2014), or on hate speech in journalism, with reference to specific criteria, e.g. Bulandra-Kościółek-Zimnoch (2015); Kowalski and Tulli (2003). There also exist studies that document specific forms of discrimination addressed toward homosexual people, i.e. *Raport o homofobicznej mowie nienawiści w Polsce* (2009), and to national, ethnic and racial minorities, e.g. Mikulska (2010), Centrum Badań nad Uprzedzeniami UW (2009), *Brunatne Księgi Stowarzyszenia Nigdy Więcej* (Kornak and Tatar 2013).

In what follows, we juxtapose the available definitions of hate speech in Polish academic discussion, as well as in Polish publications on the subject (e.g., Bodnar-Gliszczyńska-Grabias-Wieruszewski-Wyrzykowski 2010; Bychawska-Siniarska and Głowacka 2013; Nijakowski 2008; Wysocka-Pleczyk and Świeży 2013) in order to show where they overlap and diverge conceptually. It is important to emphasize that in the case of the term hate speech, definitional ambiguities should not exist, especially in professional discourse, because such ambiguities may lead to problems with penalizing it further.

The definitions of hate speech that are present in the legal publications referred to above are fairly consistent in their conceptual reference. According to them, hate speech should be regarded as hate discourse only against minorities, migrants and people of migrant origin, and according to the Polish Penal Code hate speech can also be targeted at individuals of a religious denomination or of an atheist stance. However, it is not possible to provide a uniform definition of hate speech on the basis of the available academic reports, as the positions they take differ considerably. In order to outline their common and different features, in the table below they are juxtaposed with special reference to the following aspects:

- the addressee of hate speech,
- whether an individual or a group are considered recipients of hate speech,
- the form the hate speech takes,
- features of hate discourse.

Below only three definitions are given: the ones proposed by Kowalski and Tulli (2003: 21), Łodziński (2003: 5) and Nijakowski (2008: 113-133). They were

selected on the basis of their popularity in academic discourse and/or public opinion about migration and hate speech.

According to Kowalski and Tulli (2003: 21), hate speech is “any statement reviling, deriding and humiliating an individual or a group, that fulfills the following criteria⁶:

- it is addressed to a group by means of attributing the individual who is the immediate target of the aggressive behavior with one of the discriminatory features and ridding him or her of individualism,
- it is addressed to groups of a particular type, distinguished by means of a feature over which one does not have an influence or which is relevant to one’s identity,
- it is addressed to individuals or groups that are identified by the above indicated discriminatory conditions or that are identified by these features through the authors of aggressive statements regardless of the true matter of state.”

Kowalski (2009: 25) emphasizes that “all those who are perceived as different or worse than the norm can become victims of hate speech. These can be racial, national and ethnic minorities, women, dissenters, older people, disabled, stutterers, red-haired, people of low height, overweight people, poor, representatives of specific professions, inhabitants of specific regions, homosexual people of both sexes or bi- and transsexual people.” Whereas Łodziński (2003: 5 in Dębska 2013: 9) conceptualizes hate speech as:

spoken and written statements or iconic images which revile, accuse, degrade and ridicule groups and individuals for reasons partly independent of them, such as belonging to racial, ethnic, religious and gender groups and gender identity, sexual preference, disability or any other natural social group as inhabitants of specific region, representatives of specific professions, people speaking specific language. It is a form of public verbal violence, an expression of collective hatred that is addressed to naturally constituted groups that are typified by race, nationality, sex and denomination, to which one is not affiliated on freely chosen grounds⁷.

⁶ Authors’ Polish translation. Features of hate speech by Kowalski and Tulli (2003: 21) in Polish: Mowa nienawiści powinna spełniać następujące kryteria:

– “Być adresowana do zbiorowości poprzez redukcję podmiotu będącego celem agresji do jednej z cech dyskryminacyjnych i odarcie go z indywidualizmu, pozbawienie jednostkowości,
– Być adresowana do zbiorowości szczególnego rodzaju, tj. wyróżnionej przez cechę, na którą dana osoba nie ma wpływu, lub która jest istotna dla jej tożsamości,
– Być adresowana do osób lub grup, które rzeczywiście są wyróżnialne przez wyżej wskazane przesłanki dyskryminacyjne, lub którym autorzy agresywnych wypowiedzi takie cechy przypisują, niezależnie od rzeczywistości.”

⁷ Authors’ Polish translation. Definition of hate speech according to Łodziński (2003: 5) in

Finally, according to Nijakowski (2008: 113), “hate speech consists in attributing particularly negative characteristics to, or inciting to discriminatory behaviors targeted against a particular social category, in particular against such a category, to which affiliation is regarded as ‘natural’ (attributable) and not chosen.” Additionally, Nijakowski distinguishes six markers of hate speech⁸:

1. excessive generalization of negative feature – negative stereotypes of foreign groups,
2. attributing particularly negative characteristics or deeds to individuals or groups,
3. disparaging lexis, dehumanization – analogies, metaphors,
4. disregard for and/or undermining respectful rituals – patronizing treatment, showing one’s superiority, not allowing to speak,
5. catalogues and comparisons – catalogues exposing Jews,
6. subject matter of hate speech – hate speech can be distinguished on the basis the topic of hate statements/criticism, or rather it understood addressee; it is a social group to which affiliation is attributable (sex, skin color, sexual orientation, nationality, ethnicity, disability, native language etc.)

Polish: Mowa nienawiści to „wypowiedzi ustne i pisemne oraz przedstawienia ikoniczne łączące, oskarżające, wyszydzające i poniżające grupy i jednostki z powodów po części od nich niezależnych – takich jak przynależność rasowa, etniczna i religijna, a także płeć, preferencje seksualne, kalectwo, czy przynależność do naturalnej grupy społecznej, jak mieszkańcy pewnego terytorium, reprezentanci określonego zawodu, mówiący określonym językiem. Jest to upubliczniona przemoc werbalna, wyraz nienawiści kolektywnej, adresowanej do zbiorowości naturalnych, wyznaczonych przez rasę, narodowość, płeć i wyznanie, do których nie przynależy się z racji swobodnie wybieranych przekonań”. Online: http://biurosej.gov.pl/teksty_pdf_03/r-219.pdf, viewed April 19 2016.

⁸ Authors’ Polish translation. Definition of hate speech according Nijakowski (2008: 113) in Polish: “mowa nienawiści polega na przypisywaniu szczególnie negatywnych cech lub wzywaniu do dyskryminujących działań wymierzonych w pewną kategorię społeczną, przede wszystkim taką, do której przynależność jest postrzegana jako ‘naturalna’ (przypisana), a nie z wyboru”. Nijakowski (2008: 114) wyróżnia też sześć wyznaczników mowy nienawiści:

1. nadmierne uogólnianie negatywnej cechy – negatywne stereotypy grup obcych; 2. przypisywanie szczególnie negatywnych cech – przypisywanie osobom lub grupom szczególnie negatywnych cech lub uczynków; 3. uwłaczająca leksyka, dehumanizacja – analogie, metafory; 4. lekceważenie, podważanie rytuałów poważania – protekcyjnalne traktowanie, okazywanie wyższości, niedopuszczanie do głosu; 5. katalogi i zestawienia – katalogi demaskujące “Żydów”; 6. przedmiot nienawiści – mowę nienawiści wyróżnia przedmiot krytyki, zbiorowości, do których przynależność ma charakter przypisany (płeć, kolor skóry, orientacja seksualna, narodowość, etniczność, kalectwo, język ojczysty itd.).

Definition by	Addressee of hate speech	Individual or group as a recipient of hate speech	The form the hate speech takes	Features of discourse
Kowalski-Tulli (2003)	racial, national and ethnic minorities, women, dissenters, older people, the disabled, stutterers, the red-haired, people of low height, the overweight, the poor, representatives of some professions, inhabitants of some regions, homosexual people of both sexes and bi- and transsexual	an individual or a group	any statement	reviling, deriding and humiliating (see also criteria, mentioned by the same authors)
Łodziński (2003)	racial, ethnic, religious and gender identity groups, people of a given sexual preference, disability or any other natural social group as inhabitants of a particular region, representatives of particular professions, people speaking a particular language	groups and individuals	spoken and written statements or iconic images	reviling, accusing, public degrading and/or ridiculing, expression of collective hatred that is addressed to naturally constituted groups
Nijkowski (2008)	groups to which affiliation is regarded 'natural' (attributable) and not chosen, such as sex, skin colour, sexual orientation group, nationality, ethnicity, disability, native language etc.	individuals or groups	attributing a particularly negative feature or inciting discriminatory behavior	excessive generalization of a feature, attributing particularly negative characteristics, disparaging lexis, dehumanization – analogies, metaphors, disregard, undermining respectful rituals – patronizing treatment, showing one's superiority, not allowing to speak, catalogues and comparisons

Table 1. Definitions of hate speech by Kowalski and Tulli (2003), Łodziński (2003) and Nijkowski (2008).

The definitions of hate speech which have been presented throughout this paper so far seem to narrow the group of its potential addressees/ victims. Hence, according to Biedroń (2009: 16) - a well-known politician and activist for the

equal treatment of underprivileged groups, “they are no longer sufficient because of new experiences and changes in the sensitivity to hate speech which necessitates the extension of the catalogue of groups that should be protected against such acts.” What is more, it is worth noting that the above definitions converge in one aspect; namely, they assume hate speech is targeted only at naturally composed groups, i.e. so-called primary groups, to which affiliation is not chosen, but determined biologically, e.g. skin colour, sex, sexual preference, ethnicity or disability, or sociologically, e.g. language, religion, nationality or place of residence. That is why women are considered the addressees of hate speech but not feminists, because the latter constitute a secondary social group. Another point in case, in the presented definitions, the target of hate speech is either a group or an individual. However, we fully agree with Biedroń (2009: 16) that even if hate speech “seemingly affects one particular person, it does so to reduce this person to a typical representative of the group, to which all the alleged motives and characteristic features are attributed.”

In the table above we also juxtapose the definitions taking into account the form hate speech assumes. According to Kowalski and Tulli (2003: 21), hate speech is any statement, that is reviling, deriding or humiliating towards natural social group, whereas Łodziński (2003: 5) specifies hate speech are spoken/written statements or iconic images. Nijakowski (2008: 113) is vague in this respect because he mentions statements that “attribute particularly negative characteristics” to certain individuals or those which incite others to discriminatory behavior. In our view, however, hate speech is conveyed by means of communication practices which can be multimodal and should be investigated in terms of the words used, their paraverbal elements (e.g. the speaker’s voice), non-verbal message (e.g. the speaker’s gestures and facial expressions), and the images/graphics that accompany them (cf. RADAR Flyer 2015: 2, Różyło 2011: 201). Finally, we need to ponder whether hate is the only feeling that motivates hate speech, or whether there are other feelings, emotions or attitudes that drive it. Bulandra-Kościółek-Zimnoch (2015: 50)⁹ underline that discriminatory behavior of this type is not always propelled by hate. Other feelings are possible too, e.g. dislike, malice, envy or disgust. Partly, this may be the reason why hate speech in mass media resources is often substituted with, or mistaken for, verbal aggression, which in our conviction, is a wider phenomenon than hate speech. Insults that are targeted at people on grounds of their political views, e.g. at politicians or feminists, cannot be classified as hate speech.

⁹ The same authors (2015: 50) propose the term “mowa niechęci” (Eng.: expression of dislike) instead of “hate speech.”

6. A working definition of hate speech

The aim of the present paper was to identify the characteristic features of hate speech on the basis of documents of the European Union, Polish law and academic reports, as well as Polish mass media resources, in order to work out a new definition of the term that would more aptly capture its linguistic essence and, thus, serve better the needs of those who are targets of hate speech and those who are involved in penalizing it.

As shown above, there are serious difficulties in providing a uniform definition of hate speech. Terminological ambiguities and misunderstandings abound not only in Polish public and academic discourse, but also in Polish legal discourse. The problem is particularly acute in Polish. With reference to Polish legal documents, the issue of penalizing individuals who incite and promulgate hate towards representatives of any of the naturally composed groups mentioned above belongs nowadays to the most controversial and difficult issues to regulate, because it is difficult to identify the boundary between permissible and prohibited statements. This is aptly portrayed in the report on relevant Polish judgments compiled by Szejbal and Putyra (2015). The biggest inaccuracy concerning definitions of hate speech, when juxtaposed with each other, not only in a cross-linguistic but an intra-lingual perspective as well, is the understanding of the target of hate discourse and the forms hate speech may assume. We also realize that yet another unresolved question is the thin line between freedom of speech and communication practices that would maintain social order.

On the basis of linguistic analyses of interviews with hate crime victims, critical analysis of mass media content (e.g. posts, articles, talk shows) conducted within the RADAR project (cf. Szczepaniak-Kozak 2015, Szczepaniak-Kozak-Jaszczyk-Szejbal-Putyra 2015a, 2015b, Jaszczyk and Szczepaniak-Kozak 2016a, 2016b), we propose (cfr. Adamczak-Krysztofowicz and Szczepaniak-Kozak in press) that hate speech is motivated, inherent and strategic linguistic impoliteness that deliberately, in an unmitigated manner, conveys aggression, disdain or hatred towards representatives of cultures, religions or nationalities different from that of the speaker. Hate speech often has a strategic aim, e.g. to pool people of the same extremist views together, to establish a hierarchy of difference among minorities, or a relation between majority and minority groups based on features that these people inherited and thus cannot change. This is why hate speech is always discriminatory in character. What hate speech shares with discriminatory language and impoliteness is that it may be performed not only in direct face-to-face communication through public and private conversations, but can also take place online, in political discussions, in the mass media, as well as in other institutional contexts.

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Abstract

Europe's current geopolitical situation, which has changed with the surge in immigration, poses challenges not only in fields such as politics and social care, but linguistics as well. That is to say that some definitions of basic terms related to discriminatory discourse, for example hate speech, exhibit inaccuracies when juxtaposed with each other not only in a cross-linguistic but an intralingual perspective as well. The outcome of this situation is a growing number of terminological ambiguities/misunderstandings and difficulties using them, especially in professional discourse. Undoubtedly, clarifying terminological inaccuracies could help, for example, those involved in law legislation and execution, in particular police investigations and criminal proceedings. Additionally, although there exists a plethora of discussions concerning hate speech, a uniform definition of this term is lacking, for example in Polish legal language register or Polish academic and public discourse. Hence, this paper constitutes an attempt to investigate and compare definitions of hate speech and portray its characteristic features, mainly on the basis of documents of the European Union, Polish law and academic reports, as well as mass media resources, in order to systematise possible elaborations and ways of using this term.

L'attuale situazione geopolitica dell'Europa, che è cambiata in seguito all'ondata migratoria, pone sfide non solo in campi quali la politica e l'assistenza sociale ma anche nella linguistica. Con questo intendiamo che alcune definizioni dei termini di base riguardanti i discorsi discriminatori, ad esempio il discorso dell'odio, mostrano inesattezze quando sovrapposte l'una all'altra non solo in una prospettiva interlinguistica ma anche intralinguistica. Il risultato di questa situazione è un crescente numero di ambiguità terminologiche e la difficoltà nell'usarle, soprattutto nei discorsi politici. Indubbiamente, chiarire le imprecisioni terminologiche potrebbe aiutare, per esempio, chi si occupa della promulgazione delle leggi e chi deve far rispettare le leggi, in modo particolare le indagini della polizia e i procedimenti penali. Inoltre, nonostante ci siano numerose discussioni inerenti al discorso dell'odio, manca una definizione uniforme di tale termine, per esempio nel registro del linguaggio giuridico polacco o nei discorsi pubblici o accademici polacchi. Pertanto questo lavoro costituisce un tentativo di investigare e confrontare le definizioni delle dichiarazioni di odio e di tracciare le sue caratteristiche, soprattutto sulla base di documenti dell'Unione Europea, della giurisprudenza polacca e dei rapporti accademici così come delle risorse dei mezzi di comunicazione di massa al fine di sistemizzare le possibili elaborazioni e i modi in cui esse vengono usate.

Key words: Hate speech, Hate crime, Discriminatory discourse, Polish language.

Parole chiave: Discorso dell'odio, Delitto dell'odio, Discorso della discriminazione, Lingua polacca.