

**NORWEGIAN
INSTITUTE FOR
SOCIAL RESEARCH**

Report 2016:21

Hate speech, report 2

Research on hate
and discrimination

Helga Eggebø and Elisabeth Stubberud

Norwegian Institute for Social Research
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Translated to English by Samtext Norway AS

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ISBN (online): 978-82-7763-540-8
ISSN (online): 1891-4314

www.samfunnsforskning.no

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Preface

The Institute for Social Research (ISF) has been commissioned by the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) to prepare three reports on hate speech. ISF has cooperated with KUN¹ and lawyer Jon Wessel-Aas in the preparation of these reports. The background for the project is the strategy to prevent hate speech presented by the Norwegian Government in November 2016. The reports are included as part of the knowledge base for this strategy.

Marjan Nadim from ISF has been Project Manager. The members of the project team have worked together in one group, but divided the work on the reports among themselves. For Report 1, Marjan Nadim and Audun Fladmoe, also from ISF, have reviewed relevant statistics and research on the nature and extent of online hate speech. For Report 2, Helga Eggebø and Elisabeth Stubberud (KUN) have reviewed research that sheds light on the relationship between hate speech and discrimination, bullying and violence. For Report 3, Jon Wessel-Aas has investigated the legal boundary between freedom of speech and protection against hate speech, while Audun Fladmoe and Marjan Nadim have described ongoing discussions about where such boundaries should be drawn.

Simultaneously with this project, ISF and Jon Wessel-Aas have also been working on a project for the Ministry of Justice and Public Security relating to the prevention of online hate speech and hate crime. The projects have several common factors, particularly in relation to parts of the literature review and legal investigations. This has allowed the project group to gain in-depth knowledge of the research literature, but also implies that there is somewhat of an overlap between the reports prepared for the Norwegian Directorate for Children, Youth and Family Affairs and for the Ministry of Justice and Public Security respectively.

¹ KUN is a private foundation located in Steigen in Nordland County, Norway that works with gender equality, diversity and integration. For more detailed information, go to www.kun.no.

Our sincere thanks to Joseph Vasquez, Karen Sofie Pettersen and Cecilie Håkonsen Sandness at the Norwegian Directorate for Children, Youth and Family Affairs and Kari Steen-Johnsen, Arnfinn H. Midtbøen, Marte Winsvold and Bernard Enjolras at the Institute for Social Research for their helpful input on previous drafts of the reports. Jon Haakon Hustad at the library at ISF has provided invaluable help with the literature search.

Oslo and Steigen, 30 September

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Summary

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Title Hate speech, report 2: Research on hate and discrimination

Summary Hate speech has been a punishable offence in Norway since 1970. The prohibition against hate speech was incorporated into Norwegian legislation when Norway ratified the UN's International Convention on the Elimination of All Forms of Racial Discrimination in 1970. In recent years, hate speech has become all the more current as an important issue of democracy on the public and political agenda. This is related to two processes: Firstly, the growth of extremism and radicalisation subsequent to the terror attacks on 11 September 2001; secondly, the developments in digital communications and social media, allowing for freedom of expression and spreading hate in entirely new ways.

The purpose of this report is to collate, summarise and evaluate the research that sheds light on the following subjects: 1) the relationship between hate speech and discrimination, bullying and violence, and 2) research into the consequences for individuals and groups exposed to the above, and society as a whole. The report is based on existing research literature relating to hate speech, hate crime, discrimination, bullying and violence.

Chapter 2 describes research into discrimination, bullying and hate crime. The research into both discrimination and hate crime also covers relevant research into violence. We have systematised the research literature according to the grounds for discrimination: ethnicity and religion etc., gender, sexual orientation and gender identity, and disabilities. We have established that some research into discrimination and bullying also covers discriminatory speech. The research shows that minority groups are more often exposed to negative and offensive speech than the population at large. One limitation in a lot of the quantitative research in this field is that it fails to question the actual contents of such offensive speech. This prevents us from determining whether the offence is discriminatory, an essential premise for classifying offensive speech as hate speech. International research literature on hate crime is also mentioned, as hate crime is commonly defined as including speech. This research demonstrates that hate speech is the most common form of hate crime.

Chapter 3 reviews the research that sheds light on the consequences of hate crime and hate speech, undesired and offensive speech for individuals, groups and for society at large. For individuals, research investigates the direct consequences on the person(s) exposed in the form of mental stress, restricted freedom of movement and freedom of speech, and fear. The consequences for groups may be that they withdraw from the public

domain and that exposed groups could internalise negative stereotypes. On a more general level within society, the consequences could amount to normalisation of discrimination. At the extreme scale of consequences, hate speech may provide the justification for legitimisation of more severe punishable actions and violence. Exposure to violence and discrimination for individuals, and the withdrawal by certain groups from the public domain impair democracy and restrict citizenship rights.

Research into negative speech, including hate speech, plays an important role within research into discrimination, and must be studied within the context of other forms of discrimination (for example hate crime and violence). Existing research documents the negative physical and mental consequences of hate speech, bullying, discrimination and violence on an individual level. However, hate speech, bullying, discrimination and violence also have an impact on those not directly exposed. It will therefore be important to analyse all three levels simultaneously in future research into the consequences of hate speech.

We conclude that there is a genuine need for substantial research into hate speech and hate crime that target minority groups in Norway. Based on the systematic review in this report, in addition to the review in Report 1 (Nadim and Fladmoe 2016), we have identified four primary research needs:

- 1) research into the extent and experiences of hateful discriminatory and offensive speech,
- 2) research into the perpetrators of hate speech,
- 3) textual analysis of hate speech and discriminatory speech in the public domain and
- 4) research into the consequences of hate speech.

Index terms Hate speech, discrimination, bullying, violence, hate crime, consequences

1 Introduction

Hate speech has been a punishable offence in Norway since 1970. The prohibition against hate speech was incorporated into Norwegian legislation when Norway ratified the UN's International Convention on the Elimination of All Forms of Racial Discrimination in 1970. Since the Second World War, the world as a whole has been much more aware of the serious repercussions that hate propaganda may cause in the form of antisemitism and racism. Legal protection against hate speech provided by both international human rights conventions and national legislation has to be perceived in the light of these historical events.

In recent years, hate speech has become all the more current as an important issue of democracy on the public and political agenda. This is related to two processes: Firstly, the growth of extremism and radicalisation subsequent to the terror attacks on 11 September 2001; secondly, the developments in digital communications and social media, allowing for freedom of expression and spreading hate in entirely new ways.

There is broad consensus that hate speech is a genuine problem for society: Hate speech can inhibit others in their freedom of speech in public debate, and as such impair democracy. Moreover, hate speech can keep prejudices alive, deprive people of their dignity and cause fear and alarm in the groups it targets. Recurrent hate speech targeting selected groups can serve to legitimise harassment and discrimination and ultimately violence towards individual members of these groups (Norwegian Equality and Anti-Discrimination Ombudsman 2015; Nilsen 2014). There does appear to be a broad consensus, against this background, that hate speech should in some way be prevented and counteracted.

However, the legal prohibition of hate speech will require measuring up some of the central values of a liberal democracy against each other: On the one hand we have freedom of speech while on the other hand we have the individual right to protection against serious offences and discrimination. The international human rights conventions and national legislation clearly state that freedom of speech is a right and a freedom that must be weighed up against other rights and freedoms. Where to draw the line between these two is however subject to debate

(ref. Wessel-Aas et. al 2016 for a more detailed discussion of how these lines can be drawn).

The purpose of this report is to collate, summarise and evaluate the research that sheds light on the following subjects: 1) the relation between hate speech and discrimination, bullying and violence, and 2) research into the consequences for individuals and groups exposed to the above, and society as a whole.

The first subject can be interpreted in a number of different ways. Firstly, the question of connection between hate speech, and discrimination, bullying and violence can be interpreted as an assessment of whether and to what extent hate speech *results* in discrimination, bullying and violence. Secondly, it can be interpreted as an assessment of whether and to what extent hate speech, discrimination, bullying and violence are *overlapping phenomena*. Thirdly, the concept can be interpreted as requiring a discussion of different *research fields*, respectively hate speech, discrimination, bullying and violence, *in relation* to each other.

We work on the assumption that hate speech, discrimination, bullying and violence are related – and in some instances also overlapping – phenomena. At the same time, we have found that research into hate speech, discrimination, bullying and violence respectively are established as four separate fields of research. It would therefore be appropriate to collate these four fields of research and to evaluate the relationship between the four. Nonetheless, an assessment of possible causal effects between hate speech, discrimination, bullying and violence does not represent the core of this assignment, given that it is empirically very difficult to study such causal effects, and that knowledge of causal effects is consequently very limited. Consequences are rather discussed with a broader perspective in terms of the individual, group and society.

The report is divided into four chapters. The continuation of chapter 1 addresses the concept of hate speech, central fields of research, literature searches and data sources. Chapter 2 reviews research into discrimination, bullying and hate crime, and discusses how and to what extent such research is appropriate in shedding light on the phenomenon of hate speech. Chapter 3 provides a description of the research into the consequences of hate speech, including violence, in terms of the individual, groups and society. Research into violence is included as a part of both discrimination research and research into hate crime, and is therefore mentioned in both chapters 2 and 3. Chapter 4 provides an assessment of research status and research needs.

This report is part of a series of three reports on hate speech:

Hate speech, report 1. Research on the nature and extent of hate speech

(Nadim and Fladmoe 2016) review the research that sheds light on:

- the extent of online hate speech
- which groups in society are particularly subjected to online hate speech
- who produces hate speech, and what motivates them

Hate speech, report 3. The boundary between freedom of speech and criminal law protection against hate speech (Wessel-Aas et al. 2016) reviews:

- how hate speech is defined and regulated internationally, in national legislation and relevant legal practice
- ongoing discussions of the boundary between freedom of speech and protection against hate speech, based on existing research

1.1 What is hate speech?

No unequivocal definition exists of the term hate speech and its equivalents in other languages. One essential aspect in the different definitions of hate speech is that hate speech affects the individual based on his or her affiliation with a specific group. Moreover, the consequences of hate speech not only affect the individual targeted, but also the group to which the individual is affiliated. Minority groups in particular are regarded as being vulnerable to hate speech.

Section 185 of the Norwegian Penal Code (former section 135a) provides protection against discriminatory or hate speech that is wilfully or in gross negligence conveyed publicly. Section 185 of the Norwegian Penal Code goes on to define hate speech as “threatening or insulting anyone, or inciting hatred or persecution of or contempt for anyone”. Furthermore, the hate speech must target at least one of the following grounds: a) skin colour or national or ethnic origin, b) religion or life stance, c) homosexual orientation or d) disability.

If speech is to be legally defined as “hate speech”, it must therefore target specific groups or group identities. In other words, hate speech that is equally offensive in nature but based on other grounds will not be governed by Section 185 of the Norwegian Penal Code. It is worth noting that the provision provides protection for all grounds comprised by the Norwegian anti-discrimination law, with the exception of gender, gender identity and gender expression. Men,

women and transgender persons as groups are therefore not covered by the legal prohibition against hate speech.²

In public and political debate, the concept of “hate speech” is often used in a broader sense than what ensues from the Norwegian Penal Code. The concept has, for example, been used in reference to speech expressing contempt for humanity, intolerance or aggression, and which includes a wide range of phenomena – from bullying in social media and aggressive and intolerant outbursts in public debate, to racism and criminal threats against individuals (Sunde 2013).

In seeking to understand and study the phenomenon of hate speech, it may be useful to apply a broader definition of the concept than what ensues from Section 185 of the Norwegian Penal Code. Only a limited few have a clear-cut perception of what is legally defined as “hate speech”, and in many instances there will be sliding scale between criminal hate speech and other similar, but non-criminal speech. Speech that is not comprised by the law can still have adverse consequences for individuals and society at large. In order to gain a sense of people’s motivation for hate speech, what it is like to receive hate speech, and what the consequences might be, the legal definition of hate speech is unlikely to be adequate.

An example of an extended definition of hate speech was proposed by the office of the Norwegian Equality and Anti-Discrimination Ombud. One principal argument in this proposal is that in the interests of prevention, it is necessary to include both lawful and unlawful hate speech. The Ombud also points out that hate speech that is not governed by law can have adverse consequences and that the border between lawful and unlawful speech is in any case blurred. On this basis, the Ombud proposes an extended definition of the phenomenon:

Hate speech is degrading, threatening, harassing or stigmatising speech which affects an individual’s or a group’s dignity, reputation and status in society by means of linguistic and visual effects that promote negative feelings, attitudes and perceptions based on characteristics such as ethnicity, religion, gender, disability, sexual orientation, gender expression, gender identity and age (Norwegian Equality and Anti-Discrimination Ombud, 2015: 12).

2 Report 3 (Wessel-Aas et al. 2016), however, demonstrates that statements or displays that might be characterised as hate speech, but which do not target the groups protected by Section 185 of the Norwegian Penal Code, may still be prohibited under other provisions in the Penal Code. Furthermore, the Ministry of Children and Equality has commissioned a study of legal protection against discrimination, including an assessment of the grounds for discrimination that should be incorporated in the different criminal law provisions, and whether the relationship between the provisions of the Norwegian Penal Code and anti-discrimination legislation is sufficient. Kjetil Mujezinovic Larsen of the Norwegian Centre for Human Rights at the University of Oslo has completed this study and handed it over to the Ministry on 13 September 2016.

This definition takes account of both the *intention* behind the hate speech and the *effect* it may have on the person(s) it targets. Unlike the Norwegian Penal Code, there is no condition that it must constitute wilful or gross negligence or that the speech must be communicated in the presence of others. Furthermore, the definition encompasses more grounds for discrimination than the Norwegian Penal Code: Gender, gender expression, gender identity and age are also specifically mentioned.

Hate speech, including that classed as non-criminal, tends to be founded on negative stereotypes, prejudices and stigma. The object is to demonstrate differences between groups. Hate speech is not necessarily motivated by a strong sense of hatred (Ask, et al. 2016; Erjavec & Kovačič 2015), but tends to embody an exclusion rhetoric, and plays on notions of inherent hierarchies, irrational fear and contempt of individuals and groups who are regarded as different (Norwegian Equality and Anti-Discrimination Ombud 2015; Nilsen 2014; Perry 2015b).

The present report discusses research that concerns both criminal and non-criminal hate speech, as well as other offensive or discriminatory statements. We will be reserving use of the term “hate speech” for offensive or degrading statements linked to one of the grounds for discrimination in line with the Ombud’s expanded definition, and otherwise use terms from the cited research literature (for example “negative comments” and “harassment”).

1.2 Existing research

Research into hate speech forms the very core of this report. Research literature on hate speech has mainly focused on normative issues related to the tension between freedom of speech and protection from hate speech. This literature is philosophical, normative or legal in its approaches, and there is considerably less empirical research into hate speech as a phenomenon, its extent and its nature. Research into hate speech touches upon several other fields of research, for example research into discrimination, bullying harassment, radicalisation and violence, and hate crime. It is our assessment that the research literature on hate crime, discrimination and bullying is the most relevant for the issues discussed in this report. Research into both discrimination and hate crime also covers research into violence. For the purposes of this report, we will therefore discuss relevant research into violence in both chapters 2 and 3, but not as a separate paragraph.

Research into hate crime

Social science literature defines hate crime as encompassing hate speech. Barbara Perry, who has set the tone for how hate crime is understood within this field of research, defines hate crime as follows:

It involves acts of violence and intimidation, usually directed toward already stigmatized and marginalized groups. As such, it is a mechanism of power, intended to reaffirm the precarious hierarchies that characterize a given social order. It attempts to recreate simultaneously the threatened (real or imagined) hegemony of the perpetrator's group and the "appropriate" subordinate identity of the victim's group (Perry 2001 quoted in Perry 2015b).

As this definition indicates, hate crime encompasses both acts of violence and other frightening actions. This implies that speech is also covered by the definition. Research literature in English covering hate crime is relatively comprehensive. Major parts of this research relate to the USA, but there is also a volume of British research and some contributions from other parts of Europe and other parts of the world (for example Hall et al. 2015). Due to the scope and limitations of this report, we have not carried out a complete review of the research into hate crime, but a significant number of contributions from research literature have been included in the systematic review.

Research into discrimination

Discrimination is unfair treatment on the grounds of a) gender, b) ethnicity, national origin, descent, skin colour, language, religion and beliefs, c) gender identity, gender expression and sexual orientation or d) disabilities (hereinafter referred to as "the grounds for discrimination".) Such discrimination is prohibited by the Act relating to gender equality (Gender Equality Act), the Act on prohibition of discrimination based on ethnicity, religion, etc. (Anti-discrimination Act), the Act relating to a prohibition against discrimination on the basis of disability (Anti-discrimination and Accessibility Act) and the Act relating to a prohibition against discrimination on the basis of sexual orientation, gender identity and gender expression (Sexual Orientation Anti-Discrimination Act).³

3 The Working Environment Act also includes a prohibition against discrimination on grounds of age (section 13-1). The Norwegian Equality and Anti-Discrimination Ombud's definition of hate speech also includes hate speech based on age (Norwegian Equality and Anti-Discrimination Ombudsman 2015: 12). For the purpose of this report, we have decided to limit ourselves to a discussion of the grounds for discrimination stated in the four anti-discrimination acts mentioned above. This decision was made according to the scope of the commission, and because research into hate speech based on age appears practically non-existent (with the exception of a few studies on hate crime, for example Crown Prosecution Service 2014).

Research into discrimination is comprehensive. Firstly, it encompasses living-condition research that documents systematic differences in living conditions between groups, for example between immigrants and the majority population, between lesbian, gay, bisexual and transgender persons (LGBT persons)⁴ and the rest of the population, between men and women or between persons with and without disabilities. Discrimination research covers research into who is subjected to violence, discrimination at work, on the housing market, at school and within education, as well as discrimination in relation to public services. Discrimination research also covers studies documenting bullying, harassment, derogatory comments, stereotyping and negative attitudes towards individuals or groups based on the grounds for discrimination.

The research into discrimination in the form of *discriminatory speech* is central in this context. Moreover, research into violence is relevant to the extent that it is studied in relation to discriminatory speech. The prevalence of discriminatory speech can be studied 1) by questioning relevant individuals (including both qualitative and quantitative studies) or groups or 2) by observing specific written (or oral) expressions of hate (for example on web pages, in printed publications or by means of participatory observation). For the purpose of questionnaires, you could choose to address a) persons exposed to such speech, b) persons who make such speech or c) persons who have observed a third person being exposed.

The majority of studies on bullying or discriminatory, offensive or derogatory speech primarily focus on whether the respondent him or herself has been exposed. Other studies question whether persons have made such speech or observed others being exposed. Other questionnaires have asked the majority population whether they have carried out negative actions or speech targeting minority groups. Some questionnaires also question whether the respondents have experienced others conveying negative group characteristics or insults targeting a group of people. Both prevalence studies of self-reported experience of discrimination and attitude surveys are therefore of relevance and are mentioned in this report. Many of these studies are however limited in that they fail to mention the specific content of offences. As hate speech by definition must target specific grounds for discrimination, it is therefore impossible to establish whether an offence that affects a specific group of individuals qualifies as hate speech.

4 In line with Andersen et al. (2016) and Andersen and Malterud (2013), the term LGBT person in this report is used as a collective term for lesbian, gay, bisexual, transgender persons and others who do not identify themselves as heterosexual and/or cisgender persons. Ref. Andersen et al. (2016: 11–16) for a discussion of the use of concepts.

Research into bullying

The majority of research into bullying relates to bullying among children and young people at school, but there is also some research into bullying at work (for example Einarsen 2007; Glasø et al. 2007). A common definition of bullying is “physical or social negative actions repeated over time by one person or several as a group, and which target a person who is not able to defend him/herself in the prevailing situation” (Norwegian Official Report 2015: 2 page 32). Based on this definition, bullying and hate speech are relatively different phenomena. While bullying includes negative actions, including verbal, non-verbal and physical actions, hate speech is limited to verbal actions. Furthermore, the definition of bullying relates to individuals, while the definition of hate speech relates to certain group affiliations: Hate speech is defined as seeming threatening and offensive to the victim or group, while the definition of bullying is based on whether the victim is able to defend him/herself.

However, Ann Birgitta Nilsen (2014: 30-1) argues in her book *Hatprat* that bullying and hate rhetoric are relatively similar genres with a high number of similar linguistic instruments: Both bullying and hate rhetoric involve recurrent offensive actions in an asymmetrical relationship. Furthermore, both bullying and hate rhetoric may attempt to address a wider audience. Another common feature of bullying and hate rhetoric is that they create insecurity, anxiety and fear in the victim. The most important difference between bullying and hate rhetoric is the fact that the victim of bullying is an individual, while hate rhetoric victimises a group of people. Hate rhetoric is based on stereotypes and thus creates social divides between “us” and “them”. This may also be true of bullying, but does not have to be the case for an action or statement to be classified as bullying (Nilsen 2014: 28–39).

One limitation in the existing research into bullying is that there has been little focus on how bullying can be related to ethnicity, religion, gender, sexual orientation and disability (Norwegian Official Report 2015: 2 chapter 7).⁵ Neither are bullying studies questioning the extent to which minority groups are exposed, adequate for shedding light on the phenomenon of hate speech: Such studies frequently fail to specify the content of the offences, i.e. whether the speech targets one or more grounds for discrimination, or if the content is entirely different. We have also looked for research into bullying in an attempt to find studies where bullying is explicitly related to or discussed in the context

5 The Norwegian Directorate for Education and Training has recently focused on this type of bullying, using the term “identity-based bullying”. Ref. <http://www.udir.no/laring-og-trivsel/laringsmiljo/mobbing-og-andre-krenkelseser/identitetsbasert-mobbing/> However, this term is not used in the official report into bullying: *A høre til (Belonging)*, Norwegian Official Report 2015: 2.

of the concept of hate speech, but have not been able to find such studies. The terminology used in literature on bullying – in addition to the term “bullying” – rather includes “offences”, “harassment” and “discrimination” (Norwegian Official Report 2015: 2 paragraph 1.8.3.).

1.3 Literature search and data sources

This systematic review is based on existing research literature on hate speech. We conducted systematic literature searches in internationally oriented reference databases under Web of Science and ProQuest, which include Social Sciences Citation Index, Sociological Abstracts and several others. Searches were made in the Danish and Swedish union catalogues (DANBIB and LIBRIS) and in the Norwegian article index NORART in addition to Oria (BIBSYS interface). These databases comprise the principal journals for international social science publications in addition to books and chapters in books. The primary publications in Norwegian, Danish and Swedish were also identified by searching the national union catalogues. The systematic searches include research literature published between 2011 and 2016, in accordance with the client’s commission.

The search terms were “hatefulle ytringer”, “hatprat”, “hatytringer” (in Norwegian) and “hate speech”. When this yielded only very limited results, the decision was made to include the search words “hate crime”, “online hate” and “online extremism”. As this report studies the relationship between hate speech and discrimination, we also attempted to search for references to specific grounds for discrimination (for example “hatytring + homofil” og “hate speech + disability”). These more compound searches generated a lot of disruption and irrelevant literature. We chose therefore to concentrate on our original searches, limited to hate speech and associated phenomena. However, a manual review of these search results revealed that these held a great deal of literature of no direct relevance to the present report. We solved the challenges encountered with our systematic searches by supplementing the systematic searches with manual searches. We have, for example, searched in the reference lists from relevant publications (so-called snowball method), run keyword searches in Google and Google Scholar and sent specific requests for information to Nordic peers in the field of research concerned.

We have also broadened the scope of the literature beyond that dealing specifically with hate speech. Firstly, we included a proportion of the relatively comprehensive literature on hate crime. Secondly, we included central contributions within research into bullying and discrimination. Research into violence

also forms a part of the research into hate crime and discrimination, and as such is mentioned in the report where relevant. In terms of the extremely comprehensive literature on bullying, discrimination, hate crime and violence respectively, we did not carry out systematic searches of literature. We restricted ourselves rather to the existing systematic reviews, other key contributions, and applied the snowball method. This decision was made as a complete review of literature in these areas falls outside the remit for the scope and purpose of the present report.

2 Discrimination, bullying and hate

In the previous chapter, we initiated a discussion of how and to what extent research into discrimination and bullying respectively can shed light on the phenomenon of hate speech. This chapter provides a more detailed explanation of this link. We have chosen to structure the chapter according to the different grounds for discrimination, given that the majority of research into discrimination, bullying and hate speech respectively discuss the individual grounds for discrimination. Chapter 4 – Research status and needs – will however present some research contributions that question the approach whereby the grounds for discrimination are discussed individually.

2.1 Ethnicity, religion, skin colour etc.

In 2015, the Institute for Social Research reviewed research into discrimination against the Sami people, national minorities and immigrants in Norway. The report comprises research into discrimination, including negative comments, threats and violence in a number of areas of society, such as work, the housing market, in schools and education, in relation to the public services and in the public domain. Some of the literature reviewed in the report involves discriminatory or hostile speech, and may therefore help shed light over the phenomenon of hate speech. Two principal conclusions in the report are of particular interest in this context: Firstly, it is established that considerable research effort is required to look into hate speech and hate crime targeting minority groups (Midtbøen and Lidén 2015). Secondly, there is currently very little research documenting current discrimination against the Sami people and national minorities in Norway, as the majority of existing research studies historic incidents involving injustice. Here, we aim to carry out a principal discussion of how and to what extent existing studies of discrimination and bullying of ethnic minorities may be of relevance for understanding the phenomenon of hate speech.

There is only limited research to document discrimination in general and discriminatory speech and bullying in particular targeting the **Sami population**. The most relevant study is a doctoral thesis on the relationship between mental health on the one hand and ethnic discrimination and bullying on the other

(Hansen 2011). The respondents to this study were asked to reply to a) whether they have experienced discrimination on the basis of ethnic background, and b) whether they have experienced bullying. The questions relating to discrimination do not contain information on whether they involve discriminatory actions, omissions or speech, and the question relating to bullying did not contain information on whether bullying is related to ethnicity or other individual characteristics. The study documents that the Sami population is more exposed to discrimination and bullying than the population at large. This is indicative that bullying and discrimination are related to ethnic background, without establishing that the content of bullying necessarily relates to ethnicity.

According to the systematic review entitled *Diskriminering av samer, nasjonale minoriteter og innvandrere i Norge (Discrimination of Sami people, national minorities and immigrants in Norway)* (Midtbøen and Lidén 2015), there is virtually no current research that sheds light on discrimination of **Kven people**, **Forest Finns** or **Tater/Travelling/Romani people** in Norway. As a result, there is practically no existing research that can tell us anything about the prevalence of discriminatory or hostile speech. The only information found is Hansen's (2011) study of bullying and discrimination of Sami people, which also includes Kven people. This demonstrates that the Kven people report a higher prevalence of bullying than the population at large.

There are no studies of bullying, harassment or hate targeting the **Romani people in Norway** (Midtbøen and Lidén 2015: 49–59). New research is therefore required to study the prevalence or character of hate speech targeting these ethnic minority groups. However, there are studies documenting offences, harassment and discrimination targeting **travelling Romani people** (for example Djuve et al. 2015). The Holocaust Centre's report on antisemitism in Norway also contains data regarding attitudes relating to other minority groups, and documents that the majority population has a high level of negative attitudes towards the Romani people (Hoffman et al. 2012). Additionally, there are some research contributions discussing hate crime, including hate speech and violence, against Romani people and travelling people in Europe (James 2015).

In relation to **Jews** in Norway, a study has been conducted of antisemitic attitudes among the population (Hoffmann et al. 2012), and a qualitative study of modern day experiences of antisemitism among Jews (Døving et al. 2014). In addition, the Education Agency in Oslo has carried out a study of racism and

antisemitism among lower secondary school pupils (Perduco 2011).⁶ Half of the respondents to the Holocaust Centre's study of attitudes state that they have experienced the word "Jew" being used as a term of abuse. When religious affinities are used as a term of abuse, it is appropriate to categorise this as a form of hate speech or hate rhetoric.

Research into ethnic discrimination within different areas of society and relating to **immigrants** in Norway is much more comprehensive (Midtbøen and Lidén 2015). However, there appears to be relatively little research providing information on bullying, harassment and offensive or hate speech as such. The contributions mentioned in the systematic review (Midtbøen and Lidén 2015), and that address this issue in particular, are:

- *Ung i Oslo (Youth in Oslo)*. This study documents that pupils with an immigrant background experience a lack of acceptance as well as threats/attacks due to their immigrant background (Øia and Vestel 2007). Data from a more recent *Ung i Oslo* study (Andersen and Bakken 2015) demonstrates, however, that there are no clear differences between pupils with and without immigrant backgrounds when questioned whether they have experienced bullying, threats and violence.
- A comparative Nordic study shows that more than 30 per cent of parents with immigrant backgrounds state that their children have been bullied. The corresponding figure for majority population parents is 17 per cent. However, the study contains no information on the grounds for bullying (Bjereld et al. 2015).
- Statistics from Oslo Police District show that in 2012, 22 reports of hate crime involved ethnicity, and six involved religion. Half of the crimes motivated by hate involved violence (Oslo Police District 2013). However, it is important to be aware that statistics of reported crimes provide insubstantial data on which to determine the prevalence of this phenomenon (Midtbøen and Lidén 2015: 78). Crime-reporting statistics are discussed in detail in Report 1 (Nadim and Fladmoe 2016).
- Several studies in schools have demonstrated the failure of schools and teachers to act in relation to racism (Harlap and Riese 2014; Svendsen 2014).

6 The Holocaust Centre's report on antisemitic attitudes makes reference to a number of European studies examining antisemitic attitudes, speech or antisemitic manifestations in the form of demonstrations or violence. The majority of these studies are not within the remit of this report as they were published prior to 2011.

- The *Status for yringsfriheten* project (*Status of Freedom of Speech in Norway*) comprised a questionnaire of persons with an immigrant background from East Europe, Asia and Africa. The questionnaire showed that these people had experienced a higher rate of online negative comments than the majority population targeting their nationality, religion, ethnicity and skin colour (Staksrud et al. 2014). For supplementary discussions of the prevalence of online hate speech, we refer to Report 1 (Nadim and Fladmoe 2016).

Research into the prevalence of offences against and bullying of children and young people with an immigrant background is being reviewed in Norwegian Official Report 2015: 2 *Å høre til (Belonging)* (paragraph 7.4.3). Research status has also been compiled regarding ethnic discrimination among children and young people (Seeberg 2011). A high number of the studies reviewed by Seeberg contain information of verbal offences, terms of abuse and bullying. The quantitative studies tend to ask general questions, where respondents have to state whether they have experienced discrimination. The qualitative studies request information on the type of verbal abuse involved, the content of the bullying and how this makes the people exposed feel (Seeberg 2011).

In Denmark, hate crime has been charted, and the process comprised both violence and verbal insults covering all grounds for discrimination. The Danish report showed that approximately twice as many respondents with immigrant background reported hate crime when compared with the majority population. The most common form of hate crime is verbal insults (COWI 2015). A Swedish report compiled on commission for the Equality Ombudsman (Diskrimineringsombudsmannen) reviewed research into Islamophobia and discrimination of Muslims in Sweden, including prejudice and hate crime. The report establishes that little research has been carried out into Islamophobia in Sweden, but that existing research shows for example the following: There is a distinct dislike of Muslims among the Swedish population, and Muslims as a group suffer most from structural discrimination (Oxford Research 2013).

There is comprehensive literature in English on hate crime attributed to ethnicity, religion and, not least, race. The International Network for Hate Studies has chosen to systematise existing literature according to the following categories: “racist hate crime”, “Islamophobic hate crime”, “hate crime and refugees”, “Gypsies/Roma/Travellers and hate crime”, “antisemitic hate crime” and “anti-religious hate crime”.⁷ There is also a volume of literature on bullying and online bullying attributed to ethnicity, religion and race. This literature

⁷ Ref. <http://www.internationalhatestudies.com/topic/anti-religious-hate-crime/>

demonstrates that persons with an ethnic minority background are more exposed. However, few of the studies specify whether the negative comments relate directly to ethnicity.

2.2 Gender

As mentioned in the introduction, gender is not covered by the provisions of the Norwegian Penal Code on hate speech. In other words, women and men (and transgender persons who will be discussed in the following paragraph) as a group have no legal protection against hate speech in Norwegian courts.⁸ The issue of whether gender should be included or not is much discussed in the English-language research into hate crime (Mason 2015: 63–5). In this paragraph, we study the relationship between equality and discrimination research on the one hand and research into hate speech on the other.

Research into equality in Norway has traditionally focused on participation and conditions for women within education, work, politics, business and management. Moreover, domestic violence as an issue of gender equality has received significant attention (Norwegian Official Report 2012: 15). Gender discrimination in the form of sexist, misogynistic, prejudicial and gender stereotypical language has not played a central role in equality research and politics. Analyses of gender and language are however central aspects of the humanistic research into gender. The works of Judith Butler (1993, 1997, 2006, 2011) provide key references for a large volume of Norwegian and international research into the linguistic construction of gender and gender stereotypes.

In Norway, only a few prevalence studies have been conducted on gender-based harassment (Helseth 2007; Norwegian Official Report 2012: 15; Norwegian Official Report 2015: 2). Existing prevalence studies tend to relate to sexual harassment (Bendixen and Kennair 2008, 2014; Fasting 2011; Statistics Norway 2010) – which can take the form of verbal, non-verbal and physical types of harassment, or which involve more general bullying (Statistics Norway 2010; Wendelborg et al. 2014). Consequently, it is difficult to reach any conclusion on the prevalence of hostile, derogatory or threatening language targeting individuals because of their gender, on the basis of existing studies.

Research into gender-based violence and violence against women – representing an important part of research into equality and discrimination – has had very

⁸ Other countries include gender in their statutory prohibitions against *hate crime*, for example Canada and some of the states in the USA.

few links to the debate on hate crime. Research has been conducted of the violence to which girls and women are exposed – principally by men and frequently by men with whom the girls or women have close relationships. Concepts used in such research include “men’s violence against women”, “gender-based violence”, “sexualised violence”, “violence in close relationships” and “partner violence” (Eggebo 2007; Haaland et al. 2005; Norwegian Official Report 2003:31; Norwegian Official Report 2012: 15; Pape and Stefansen 2006; Thoresen and Hjemdal 2014).

In more recent years, there has been a focus on the extent to which women are exposed to online gender-based threats, hate and harassment, and the consequences this has on freedom of speech. Terminology used in this context includes online hate, hate, misogyny and hate against women (Eggebo et al. 2016). Research in this field remains relatively limited, although some contributions do shed light on how women – in addition to other groups – are exposed to digital offences due to their affiliation with a group (Als Research 2015; Ask and Svendsen 2014; Ask et al. 2016; Eggebo et al. 2016; Enjolras et al. 2014; Espeli 2014; Hagen 2015; Staksrud et al. 2014). A Danish study of hate crime – including all grounds for discrimination – documents that hate speech based on gender is clearly the most common form (COWI 2015).

English language research contributions can also be found, primarily from the USA, involving hate crime based on gender (Anitha 2011; Campo-Engelstein 2016; Gill and Mason-Bish 2013; Maher et al. 2015; Mason-Bish 2014; McPhail and DiNitto 2005; Pendo 1994).⁹ The principal argument made is that the types of violence and hate that target women due to gender are designed to create fear among and promote hate of not just the victim but women as a group. Given that this represents central elements in the definitions of hate crime, several researchers argue that gender-based violence and hate should be recognised specifically as a form of hate crime (Campo-Engelstein 2016; Jenness 2003; Maher et al. 2015; McPhail 2002). The reason why gender, in many contexts, is not incorporated in legislation against hate crime appears to be that women statistically do not represent a minority, and can therefore not be categorised as a particularly vulnerable minority group.

9 For an overview of publications relating to “gender-based hate crime”, go to <http://www.international-hatestudies.com/topic/gender-based-hate-crime/>

2.3 Sexual orientation, gender identity and gender expression

The legal protection against hate speech also covers “homosexual orientation”. This term is regarded as encompassing bisexual orientation, but does not cover gender identity, gender expression and other sexual orientation (ref. Report 3, Wessel-Aas et al. 2016). Lesbian, gay and bisexual persons therefore have legal protection against hate speech, but there is no corresponding protection for transgender persons. Existing legislative history provides no specific grounds as to why gender expression and gender identity are not included in section 185 of the Norwegian Penal Code (ref. Report 3, Wessel-Aas et al. 2016).

As with other research into discrimination, Norwegian research relating to LGBT persons principally deals with living conditions, quality of life and equal opportunities to take part in society. There are no Norwegian studies to specifically investigate hate crime in general or hate speech that directly targets LGBT persons. There are however studies that investigate the extent to which LGBT persons are exposed to discrimination, bullying, harassment and violence, and the attitude among the population towards persons in this group (ref. for example Andersen et al. 2016; Andersen and Malterud 2013; Roland and Auestad 2009; Slåtten et al. 2015; Slåtten 2016).

The report entitled *Seksuell orientering og levekår (Sexual orientation and living conditions)* (Andersen and Malterud 2013) is a representative study comprising a wide range of issues designed to shed light on experiences of harassment, discrimination, negative comments and attitudes, and violence (Andersen and Malterud 2013). This report shows that between 15 per cent (bisexual women) and 36 per cent (homosexual men) of the respondents have experienced negative comments or negative conduct at work due to their sexual orientation (lesbian, gay or bisexual) (Andersen and Malterud 2013: 92–96). The attitude survey demonstrates that almost half of the men in the survey confirm that they have told jokes about homosexual men (Andersen and Malterud 2013: 140). In terms of experienced violence, the survey shows that there are no significant differences between heterosexual and homosexual men and women respectively, but that a significant number of the homosexual and bisexual men exposed to violence believed that the violence was related to their sexual orientation (Andersen and Malterud 2013: 100–103). Transgender persons are not included in this survey of living conditions, but the report entitled *Alskens folk (All kinds of people)* (Ros et al. 2013) demonstrates that transgender persons have a high level of exposure to violence, harassment and discrimination due to their gender identity.

Both Norwegian and international research indicates that homosexual, lesbian and bisexual pupils experience more bullying than heterosexual pupils (Lillejord et al. 2014: 6–7). The report entitled *Seksuell orientering og mobbing (Sexual orientation and bullying)* (Roland and Auestad 2009) shows that non-heterosexual youth report more bullying than heterosexual youth. Homosexual boys are particularly vulnerable. The report also includes an investigation into the extent of bullying that specifically involves sexual orientation, and shows that few girls but a very high number of bisexual persons of both genders (24 per cent) and homosexual boys (42 per cent) experience this type of bullying (Roland and Auestad 2009: 38). Hilde Slåtten et al. (2015) also finds that homosexual boys experience homosexual related terms of abuse on a larger scale than lesbian girls (Slåtten et al. 2015).

These studies show that research into living conditions in addition to research into bullying can help shed light on the prevalence of derogatory, threatening, hostile or stigmatising speech targeting LGBT persons. However, it is worth noting that hate speech does not appear to be a term used in this research. Terminology such as harassment, bullying, negative comments and violence are more popularly used. Harassment, bullying and negative comments could comprise severely offensive speech, but as shown by Slåtten et al. (2015), could also include comments that are negative to homosexuals and language that is not necessarily perceived as hurtful or offensive.

As previously mentioned, there are few Norwegian studies involving specific research into hate speech and hate crime. It is worth mentioning that the project *Status of Freedom of Speech in Norway* shows that 3–4 per cent of those who have been exposed to offensive or derogatory comments after expressing themselves in public suffered these comments as a result of their sexual orientation (Staksrud et al. 2014). A Danish study of hate crime – including both verbal abuse and violence – shows that four per cent of those who report exposure to hate crime claim that it is related to their sexual orientation. Four per cent claim that it is related to their gender identity (COWI 2015).

There is a good amount of English language research into hate crime targeting LGBT persons (for example Bell and Perry 2015; Browne et al. 2011; Hatzenbuehler et al. 2015; Hein and Scharer 2013; Mason-Bish 2014; Meyer 2014; Moran 2015; Nadal et al. 2011; Stakić and The Arctic University of Norway 2011; Woods and Herman 2015; Zingo 1998).¹⁰ Some of the studies specifically included hate crime in their definition and empirical data, while

¹⁰ For an overview of English language literature on hate crime targeting LGBT persons, go to <http://www.internationalhatestudies.com/topic/anti-lgbt-hate-crime/>

other studies are less clear on whether hate crime exclusively involves violence or also includes verbal hate crime. The main conclusion that can be taken from this research is that LGBT persons are exposed to a substantial level of hate crime (Moran 2015: 272–275).

2.4 Disability

Research into hate crime targeting people with disabilities is an emergent field of research with relatively scant existing research (Emerson 2014). There are at present no Norwegian studies concerning hate crime or hate speech targeting this group. The Norwegian Directorate for Children, Youth and Family Affairs has, however, commissioned a study of hate speech targeting people with disabilities. The commission has been carried out by the Nordland Research Institute and NTNU Samfunnsforskning, and the report is scheduled for publication in the autumn of 2016 (Olsen et al. 2016). A Master's thesis on the barriers obstructing registration of hate crime against persons with disabilities has also recently been published (Digranes 2016).

A number of Norwegian studies document the living conditions for persons with disabilities (Finnvold 2013; Grøvdal 2013; Hansen and Hauland 2012; Hauland 2011; Molden et al. 2009; Ramm and Otnes 2013; Svalund and Hansen 2013), but this research appears to mention experiences of harassment, bullying and hate crime to a very limited extent. The report entitled *Personer med nedsatt funksjonsevne. Indikatorer for levkår og likestilling (Persons with disabilities. Indicators of living conditions and equality)* shows that 10 per cent of persons with a disability have been exposed to violence and threats, compared with five per cent of the majority population (Ramm and Otnes 2013: 17). However, the report does not say whether these persons had been exposed to violence because of their disability. Furthermore, eight per cent of the respondents state that they have been exposed to discrimination due to a disability (Ramm and Otnes 2013: 17). The report entitled *Langt igjen? Levkår og sosial inkludering hos menneske med fysiske funksjonsnedsetjingar (Far to go? Living conditions and social inclusion for persons with physical disabilities)* (Finnvold 2013) demonstrates that almost every third parent has experienced that their child has been bullied due to a disability.

The English language research into hate crime against persons with disabilities tends to include both hate speech and hate violence (for example Emerson 2014; Emerson and Roulstone 2014; Hamilton and Trickett 2015; Sin 2015; Vincent et al. 2009). The challenge in this context is that the specific questions asked

during the studies do not always distinguish between hate crime in the form of verbal abuse and hate crime in the form of physical violence. A British study of hate crime targeting persons with disabilities documents that persons with disabilities are significantly more exposed to violent crime and hate crime than the majority population (Emerson and Roulstone 2014).

2.5 In summary

In this chapter, we have discussed research into discrimination¹¹, bullying and hate crime, and questioned in which way and to which extent this research can help shed light on the nature and extent of hate crime. Research into violence is also included as a part of both discrimination research and research into hate crime, and is therefore mentioned in this chapter. We have established that some research into discrimination and bullying also covers discriminatory speech targeting minority groups. The research shows that minority groups are more often exposed to negative and offensive speech than the population at large. One limitation in a lot of the quantitative research in this field is that it fails to question the actual contents of such offensive speech. This prevents us from determining whether the offence is related to grounds for discrimination, an essential premise for classifying offences as hate speech.

The international research literature on hate crime is also of relevance to shed light on the nature and extent of hate speech. This is due to the fact that hate crime tends to be defined as including speech. One limitation with a good deal of this literature however is that there is no distinction between speech on the one hand and violent crime on the other hand when presenting and discussing the specific results.

Another limitation in the literature reviewed is that it mainly deals with the grounds for discrimination individually. Discrimination research is also principally dispersed among different fields of research, according to the grounds for discrimination being studied. The amount of research into certain grounds for discrimination (for example immigrant populations and equality between men and women) is much greater than research into other grounds (for example disability). The same applies to research into hate crime. We will re-address this issue in our evaluation of the research status in this field.

11 When gender is discussed, the tendency is to describe this as research into equality. If a study rather relates to LGBT persons and persons with disabilities, it is more common to use the term "research into living conditions". Discrimination research is most commonly used as a concept in research into immigrant populations and persons with an ethnic minority background.

3 Consequences of hate speech

In this chapter we discuss research into the consequences of hate speech. Although hate speech is the central issue here, we also draw upon studies regarding hate crime in general, and research into the consequences of bullying, discrimination and violence. This is due to the fact that hate speech is most frequently dealt with in combination with other types of hate crime in the literature reviewed. Hate speech is often included more or less explicitly as a part of hate crime, either as something that occurs in direct relationship with for example hate-motivated violence or as speech.

We have decided to categorise our discussion of consequences by individual, group and society. We will limit our discussion to the consequences hate speech has for individuals and groups who are exposed to hate speech; we refrain from a discussion of the legal consequences hate speech has for the perpetrators. In terms of the social consequences related to the borders drawn between freedom of speech on the one hand and protection against hate speech on the other, we refer to Report 3 (Wessel-Aas et al. 2016).

3.1 Consequences for individuals

Exposure to hate crime, including hate speech, and bullying, discrimination and violence, can potentially have severe consequences for the victims (ref. for example Eggebø et al. 2016; Hagen 2015; Hall et al. 2015; Hamilton and Trickett 2015; Norwegian Equality and Anti-Discrimination Ombudsman 2015; Moran 2015). Hate speech – or in other words a statement based on a prejudice related to a group (Walters 2010: 315) – can have a much more severe impact than speech that is not based on hate (Iganski and Lagou 2015). Hate speech can be perceived as an existential attack on an individual's dignity, and can potentially cause long-term psychological consequences for the victim (Bell and Perry 2015; Browne et al. 2011; Clements et al. 2006; Herek et al. 1997; Szymanski 2005). Barbara Perry, who draws upon major empirical studies from the USA, shows that the systematic exposure to offensive or derogatory comments or hate speech can cause self-contempt in the victim (Perry 2015b: 52).

Among the psychological long-term effects of hate crime are depression, anxiety, lack of self-assurance, low self-confidence, anger, sleeping problems, poor concentration and a general feeling of insecurity (Funnell 2015; Iganski and Lagou 2015: 1698–1699; Perry 2015b: 52; Perry and Alvi 2012). This concurs with research into the consequences of bullying and violence, which has documented that the victims may suffer physical and mental health issues (ref. for example Feinstein et al. 2014; Haaland et al. 2005; Hopkins et al. 2013; Johnson 1995; Johnson and Leone 2005; Norwegian Official Report 2015: 2; Patton et al. 2014; Perry 2015b; Sjørso et al. 2015; Thoresen and Hjemdal 2014).

Exposure to offensive or derogatory comments, threats and violence after having expressed oneself in public may cause the victim to withdraw from public debate, according to *Status of Freedom of Speech in Norway* (Enjolras et al. 2014). The study shows that minority ethnic persons and ethnic Norwegians experience negative comments equally often. At the same time however, the comments were more frequently related to identity markers such as religion and ethnic background for the persons of ethnic minority (Enjolras et al. 2014; Midtbøen and Steen-Johnsen 2016; Nadim and Fladmoe 2016). Those who reported having experienced offensive or derogatory comments were asked whether they would be more cautious in stating their opinions in public in the future. Among the majority population, around one in five respondents stated that their experience of offensive or derogatory comments will make them more cautious, while more than one third of the persons with ethnic minority gave the same response (Staksrud et al. 2014: 44).

Negative experiences appear therefore to silence the minorities to a much greater degree. Staksrud et al. (2014) relates this to the fact that minorities experience much more frequent negative comments related to irrelevant or unjust aspects such as religious and ethnic background. Although ethnic minority persons do not experience more negative comments than the majority population, the negative comments they do experience are of a different nature. Other research also demonstrates that hate speech has a greater impact than other types of derogatory comments (Iganski and Lagou 2015). In addition, discrimination may cause its victims to feel they do not belong, and thereby lose the motivation to take part in a community or society in which they feel discriminated (Bangstad 2013; Perry 2015b). For the victims, condescending, derogatory or hateful comments may have a cumulative effect that results in the victim refraining from taking part in public debate.

It is not necessarily hate speech and hate-motivated violence alone that constitute a problem for individuals. Other speech that cannot be defined as hate speech, but that is part of a long-term experience of bullying or discrimination, can cause significant problems for individuals (Bell and Perry 2015; Eggebø et al. 2016). The type of mental stress that is commonly described as minority stress can be caused by daily incidents that, when seen individually, constitute minor, more or less systematic examples of discrimination and affiliation with a group often exposed to discrimination (Nadal et al. 2011). Minority stress implies “the additional burden that individuals from stigmatised social categories is exposed to, due to their position as a social minority” (Björkman 2012: 10).

In addition, clear forms of hate speech, for example in the form of Islamophobic speech, may have a much wider ranging impact than merely the person(s) directly targeted. International research shows that Islamophobia has a negative impact on the health of Muslims, including the health of persons who have not directly experienced discrimination (Kunst et al. 2012). The consequences of hate speech should therefore be studied in relation to the impact of minority stress on individuals.

It is often claimed that hate crime, including both hate-motivated violence and hate speech, has a higher potential to cause harm to individuals than similar crime that is not motivated by hate (Iganski and Lagou 2015). Persons who experience hate speech as a part of several forms of hate crime may be more exposed to negative long-term effects than victims of crime that is not related to hate. A British study shows that the victims of crime motivated by racism (including hate speech) were more likely to suffer emotional consequences afterwards than victims of similar crime that is not motivated by hate. Moreover, it was shown that the respondents were twice as likely to state that they were “strongly affected” by the incident (Iganski and Lagou 2015: 1704).

The perpetrators of hate speech, and the situation in which hate speech occurs, also have an impact on the consequences of hate speech. Less severe remarks from random passers-by may in certain circumstances be perceived as being part of belonging to a minority, for example being an LGBT person (Browne et al. 2011). Gay-related name-calling and abuse may have a larger effect when uttered by a person the victim does not know, than if the same term is uttered by a friend (Slåtten et al. 2015). A British ethnographic study of the victims of racist hate crime, including hate speech, shows that exposure to hate crime from a person in the victim’s community could have major personal consequences for the victims. Many ended up isolating themselves from the local community or, as an extreme consequence, moving away from the community (Funnell 2015,

ref. also Perry 2015). The effect of offensive speech and hate speech therefore seems to depend on both the degree of severity and on the context and life situation of the victim.

Some research contributions indicate that victims of hate crime who choose to report the crime may experience the process of dealing with the legal system as stressful. One example is how victims who have suffered hate speech due to for example sexual orientation and skin colour may feel forced to classify the hate speech in accordance with the grounds for discrimination in a way which is perceived as reductionist, as they are obliged to “choose” among the grounds for discrimination (Mason-Bish 2014). As a result, the feeling of being offended can be reproduced in dealings with the legal system.

3.2 Consequences for groups

Hate speech may directly target individuals, but can also affect groups, both directly and indirectly. Hate speech can be directed at one person with the specific goal of sending a message to a larger group of persons (Bell and Perry 2015; Kunst et al. 2012; Perry 2015b). This factor alone lays the foundations for distinguishing between hate speech and other types of negative speech. The premise for definition as hate speech is therefore that it has a wider ranging impact than merely the person targeted. The consequences of hate speech and other hate crime can be physically felt by other group members.

For an exposed group, there does not necessarily have to be a clear line drawn between the consequences of hate speech experienced directly and the knowledge of other group members’ experiences of hate speech (Bell and Perry 2015; Gelber and McNamara 2016: 327; Perry and Alvi 2012). Members of a group may have knowledge of such offences and the potential for offences, and thereby live in fear of experiencing them directly (Perry 2015b). Hate speech at group level can take the form of symbolic violence, indirectly affecting a wider group of persons than those directly targeted, for example when a group is aware of specific hate speech or violence targeting a representative of that group.

On the one hand, affiliation with a group may increase a person’s exposure to discrimination, violence and hate speech. On the other hand, fellowship in a group can also provide shared strategies for coping with hate speech (Bals et al. 2010; Perry 2015; Perry and Alvi 2012). Bals, Turi, Skre and Kvernmo demonstrate how Sami youth who speak Sami and who had a strong sense of their

Sami identity, suffered less symptoms of minority stress than Sami youth without knowledge of the Sami language (Bals et al. 2010). Minority stress can therefore be easier to bear for a group or community with a clearly articulated identity. This identity may for example be expressed through knowledge of language, and group affiliation may as such have a positive effect on the individual's ability to cope with hate speech.

Different persons in one group may be affected very differently by the same type of hate speech, just as different groups may also be affected differently. It may therefore be just as important to investigate *the effects* of hate speech as *the essence* of hate speech (Browne et al. 2011). Groups are able to collectively create a room for knowledge about – and strategies to deal with – hate speech and other forms of hate crime, but may also develop strategies to help them ignore less severe incidents, in order to retain their self esteem. If a group collectively chooses to tolerate for example hate speech, then there is the risk that hate speech will become normalised as something individual groups must merely accept (Browne et al. 2011).

3.3 Consequences for society

Hate speech also has consequences for society as a whole. One important consequence for society caused by hateful and undesired speech and hate crime is that they are instrumental in the polarisation between different groups of society (Perry 2015: 53). A discussion of the consequences of hate speech for society necessarily implies a discussion of what can be said and what cannot be said. In the Norwegian research contributions relating to hate speech, freedom of speech plays a central role. This is a complex issue with a number of conflicting factors. The claim that “as many voices as possible should be allowed freely to contend with each other” is directly opposed to “the loss of the voices and opinions of one or more groups because they are scared away from the public domain” (Steen-Johnsen et al. 2016: 9).

One underlying factor in this debate in Norway is the “pressure cooker theory”. This is a theory whereby hate speech is perceived as a manner in which to air extreme beliefs, which will help minimise the risk of violence. Alternatively, if extreme beliefs *cannot* be aired by means of expressions of opinion, the hate will accumulate (like in a pressure cooker) and may have more extreme and violent outcomes (ref. Report 3 Wessel-Aas et al. 2016 for a more detailed explanation of this theory). In the Norwegian Official Report *Ytringsfrihed bør finde sted (Freedom of speech must be allowed)* (Norwegian Official Report

1999: 27) the widest possible freedom of speech is regarded as the best form of protection against discrimination, as offensive speech may be counteracted if expressed in public. This concept is described as “the cleansing function of public debate”, a perspective of particular relevance in the media debates subsequent to 22 July 2011 in Norway (ref. for example Bergh 2011; Eisenträger et al. 2013; Salimi 2011; Tollersrud et al. 2016).

Despite the fact that the pressure cooker theory has played an important role in public debate, it is barely present in research. Bjørge and Gjelsvik mention the pressure cooker theory in their report on the prevention of radicalisation and violent extremism. They indicate that less extreme hate speech may be thought to reduce the risk of more extreme forms of hate crime, in that these groups form a barrier between the public and more extreme groups by expressing their issues more moderately (ref. Bjørge and Gjelsvik 2015: 249–250). They also specify however that there is no empirical data to substantiate such a hypothesis. Neither were we able during our literature review to find empirical research supporting the pressure cooker theory. On the contrary, it does appear that beliefs and opinions that are allowed room in the public debate become more widespread.

Hate speech can be viewed as structural rather than individual responses to differences (Perry 2015: 48). It is not necessarily a good strategy to argue against extreme beliefs. Firstly, this will at times involve arguing against more than the individual stating his or her beliefs. Secondly, there is a general trend tendency that people are more aware of proof, facts and arguments that confirm their established worldview (Auestad 2015; Enjolras et al. 2013; Sunstein 2009). The circulation of populist and right-wing extremist beliefs in society as a whole in Norway appears to have acted as a reinforcement for extreme beliefs rather than as a safety valve whereby public debate rectifies extreme beliefs (Jupskås 2012: 214).

The consequences of hate speech for society are linked to the consequences for groups and individuals, but can in general involve inhabitants having unequal opportunities to take part in society due to a feeling of insecurity – collectively or individually. One possible consequence of this for society is the impairment of democracy and the restriction of citizenship rights (Browne et al. 2011; Enjolras et al. 2014; Moran et al. 2004; Perry 2015). Hate speech can have a direct or indirect impact via affiliation with a group, and we know that groups that may be affected in Norway may react by becoming more cautious in their participation in public debate (Staksrud et al. 2014). When individual groups

are affected by hate speech, there is a risk of systematic under-representation of these groups in public debate, and this may result in a democratic problem.

The boundaries for what can legitimately be said are constantly being shifted. This is true for society as a whole, but particularly for what can be said online. (For a detailed review of online hate speech, ref. Report 1, Nadim and Fladmoe 2016). Certain online debate forums discuss statements and expressions that would otherwise be marginalised, and these are normalised by an online community that acts as a so-called “echo-chamber” (Strømmen 2011: 67, ref. also Auestad 2014). Online, information, ideas and beliefs can be shared on closed sites with like-minded individuals who, rather than challenging such beliefs, corroborate them. Socio-psychological research shows that persons who only enter into discussions with like-minded individuals develop more extreme beliefs (Keating et al. 2016; Sunstein 2009). Persons with extreme beliefs can have their opinions echoed on web sites and discussion forums, and this may result in legitimisation of radical beliefs and statements. Moreover, these online societies help articulate and pinpoint the beliefs of individuals and bring them to life (Foxman and Wolf 2013).

Some have claimed that there is a relationship between hate speech circulated on the Internet and speech that can be found in society as a whole. Peder Nøstvold Jensen, also known as the right-wing extremist blogger Fjordman, received funding from the Fritt Ord foundation in 2013 to work on a manuscript for a book. Fjordman is one of the bloggers who inspired and had discussions with Anders Behring Breivik during the years prior to the massacre on 22 July 2011, and who has supported the physical removal of Muslims from Europe. Bangstad (2014) claims that this bears witness to a social cleansing and legitimisation of certain forms of extreme right-wing, Islamophobic hate speech.

The consequences of hate speech for society as a whole may also be linked to the risk of an increasing level of violence. As opposed to speech that in practice has the most immediate consequences for individuals and groups, and which results in a low level of police reports (Bangstad 2014), violence requires a more active response from several groups in society. The literature reviewed for this report tends to mention speech and violence in the same context (ref. for example Gelber and McNamara 2016; Perry 2015; Wigerfelt et al. 2015). Research supports the claim that there is a connection between speech that is circulated, the general level of antipathy in society towards a certain group, and violence suffered by this group. Perry provides a particularly clear demonstration of this in her discussion of violence against Muslim women in the USA after 11 September 2001 (Perry 2014).

The circulation of extreme beliefs may help legitimise and reinforce hate speech (Allport 1979; Auestad 2015; Bangstad 2014; Jupskås 2012). Moreover, groups that promote hate speech may act as a recruitment base for hate rhetoric (Nilsen 2014: 5). At the extreme scale of consequences, hate speech may encourage more severe punishable actions and violence (ref. for example Hawdon 2012; Nassauer 2011; Perry 2014). It is however worth mentioning that hate crime and hate speech do not necessarily have to involve physical violence to be harmful (Gelber and McNamara 2016: 337; Perry 2015), as demonstrated by the review of the consequences of hate speech for individuals and groups. Rather there is a need to analyse several types of hate crime and speech in relationship with each other as a broader expression of discrimination, which has consequences for society in general.

3.4 In summary

Hate crime and hateful, undesired and offensive speech may have consequences at different levels. For individuals, the direct consequences on the person(s) exposed may be mental stress, restricted freedom of movement and freedom of speech, and fear. For groups and society, the consequences may be more indirect in the form of upholding power hierarchies and the withdrawal of individual groups from public debate. Other consequences may involve both victims and supporters starting to believe and repeat negative stereotypes, and the normalisation of discrimination in that hate speech is repeated both face to face and as attitudes that circulate throughout society (Gelber and McNamara 2016).

Hate crime and hate speech thus have consequences for individuals and society as a whole, both immediately and in the long term. Gelber and McNamara advise against distinguishing between these two forms of harm, as this could imply a risk of incorrectly representing the experiences of the victims of hate speech (Gelber and McNamara 2016: 337). The consequences of hate speech for individuals, groups and society must in other words be analysed within the same context. The individual physical and mental consequences that are manifestly documented in research into hate speech, bullying, discrimination and violence should not be separated from the democratic problems they represent for society. Moreover, research into this field also displays the clear consequences for groups, in that those who are not directly targeted are nonetheless affected by hate speech, bullying, discrimination and violence. It is therefore important to analyse all three levels simultaneously in future research into the consequences of hate speech.

4 Research status and needs

4.1 Research status

At the time of writing, there are no in-depth Norwegian studies of the experience of hate speech related to all the grounds for discrimination. Research contributions that specifically involve hate speech are mainly limited to legal and social discussions regarding freedom of speech and the limits of freedom of speech. There are however a few exceptions. As part of the research projects led by the Institute for Social Research – *Status of Freedom of Speech in Norway* and *Social Media in the Public Sphere* (SMIPS), questionnaires have been carried out in recent years to attempt to chart the scale of hate speech in Norway. These surveys are described in more detail in Report 1 (Nadim and Fladmoe 2016). Moreover, the Nordland Research Institute has conducted a comprehensive study of hate speech targeting persons with disabilities – a study scheduled for publication around the same time as this report (Olsen et al. 2016). The *Status of Freedom of Speech in Norway* project and SMIPS study provide a principal illustration of scale, irrespective of grounds for discrimination, but fail to present in-depth data on experiences, arenas, relationships and consequences. The study conducted by the Nordland Research Institute on hate speech targeting persons with disabilities is an in-depth charting of experiences, but is limited to only one of the grounds for discrimination. Within a Norwegian context, research into hate crime is also very limited. Whatever research can be found is limited to a review of reported hate crime.

This report discusses the main trends in Norwegian research into discrimination, harassment and bullying. As the report demonstrates, research into violence is an integral part of research into discrimination and hate crime. This literature is relevant to the topic of hate speech because discrimination, harassment and bullying in verbal forms – that in many cases are connected to one or more grounds for discrimination – overlap with hate speech. It is also possible that the consequences of hate speech coincide with the consequences of discrimination, bullying and violence. The actual term “hate speech” is however not used within research into discrimination, harassment and bullying. The debate on hate speech appears to be relatively new in Norway.

Although research into discrimination, bullying and violence can be seen as relevant for research into and the understanding of hate speech, this research does have some limitations that make it less fitting to shed light on the actual concept of hate speech. Firstly, there is a tendency not to distinguish clearly between verbal and other forms of discrimination, including violence. Secondly, no detailed questions are asked about whether harassment or bullying occurs because of grounds for discrimination. If research into discrimination and bullying are to shed light on hate speech specifically, the questions asked must allow for a distinction to be drawn between discriminatory and offensive speech, and other forms of discrimination. Moreover, the content of the verbal offences made must be specified, i.e. whether they are related specifically to one of the grounds for discrimination.

Existing research makes use of several different definitions for related phenomena: “Negative comments”, “hate rhetoric”, “hate speech”, “offences”, “bullying”, “harassment”, “stigmatisation”, etc. are all linked to one or more grounds for discrimination and all respectively constitute similar forms of discrimination. The different terms are not synonymous, but do overlap to varying degrees. The term “hate speech” is commonly associated with very severe offences, while other terms such as “negative comments” bring to mind less severe utterances. The literature on hate crime shows that those exposed to the phenomena above tend themselves to use terminology such as discrimination and offences rather than hate speech and hate crime. As such, hate crime may be a disconcerting term that acts as a barrier to reports of such crime. Another problem in the debate on hate crime is that it does not always capture the comprehensive and ongoing “low level” experiences of harassment and discrimination (Clement et al. 2011). This term has a similar definition to that of “minority stress”, and refers to the less severe but more frequent forms of harassment and discrimination experienced on a daily basis. Hate speech indirectly targeting a group, contributing to minority stress, can also be analysed within this context. A critical debate of the terminology used does appear to be extremely important for the development of research and politics in this field.

One principle facet of the English-language literature on hate crime is that relevant studies focus on hate crime targeting a specific group, for example LGBT persons, women or persons with disabilities. Nonetheless, we have found an increasing number of research contributions that question this categorisation according to individual grounds. Firstly, the literature shows how the historical development of hate crime legislation has been built brick by brick, wherein grounds for discrimination are incorporated one by one (first race, then sexual orientation followed by disability), and where competition emerges as to which

grounds for discrimination merit protection and which do not. Secondly, the literature indicates that all individuals have multiple identities (for example, ethnic minority and woman), and that it is therefore difficult to narrow down discrimination to individual grounds (Chakraborti and Garland 2012; Mason-Bish 2014; Meyer 2014). This criticism is mirrored in similar discussions found in research into equality and discrimination (Norwegian Official Report 2012: 15).

When it comes to the consequences of hate speech, literature makes very little distinction between the consequences of hate speech on the one hand and the consequences of other forms of crime, including violence, on the other hand. What does emerge from this literature review is the overlap between the consequences of undesired and offensive speech, discrimination, bullying, hate speech and violence respectively. The literature also shows that there is a substantial amount of knowledge and documentation of the consequences of hate speech and hate crime for individuals. Moreover, it provides documentation that hate speech, by means of the harm it causes in different ways to individuals, is instrumental in compounding group segregation and power hierarchies, and in spreading fear among groups. There is very little empirical research that takes a wider perspective and discusses the consequences for groups and society or that discusses all three levels simultaneously.

4.1 Research needs

Several actors have indicated a need for substantial research on hate speech and hate crime targeting minority groups in Norway. Among these are the authors of a systematic review of research on discrimination against Sami people, national minorities and immigrants in Norway (Midtbøen & Lidén 2015). Similarly, a systematic review of research on radicalisation and violent extremism concludes that there is an obvious need for more research on online hate rhetoric and threats, and on hate crime in general (Bjørge & Gjelsvik 2015: 252; see also LDO (Norwegian Equality and Anti-Discrimination Ombud) 2015).

Based on the systematic review in this report, in addition to the review in Report 2 (Eggebo & Stubberud 2016), we have identified four primary research needs: 1) research on the extent and experiences of hate speech, including discriminatory and offensive statements; 2) research on the perpetrators of hate speech;

3) textual analysis of hate speech and discriminatory statements in the public sphere and 4) research on the consequences of hate speech.¹²

1. The extent and experiences of hate speech, and discriminatory and offensive statements

There is a need for more empirical research on the extent of different forms of hate speech and discriminatory statements, and on the experiences of being targeted by such speech and statements among potentially vulnerable groups. Such research studies should cover the following issues:

- *Varying degrees of “hate”*: There is little consonance in terms of terminology in research on hate speech. One essential research need is therefore to produce a more detailed overview of different forms of “hate”. “Hate speech” as a concept is difficult to measure accurately, and research is required to study the experiences of different forms of hate speech, discriminatory and other offensive statements, within a consistent survey design. Research on hate speech and hate crime should be analysed within the context of general research on discrimination. New studies should be designed so that they are able to chart a wide range of different experiences of discrimination, including hate speech and hate crime (see for example the set of indicators applied by Andersen, Buer, Olaniyan & Malterud 2016).
- *Protected grounds*: Hate speech targets different minority groups in society. Existing survey research is mainly based on representative samples of the general population, in which minority groups naturally make up a small proportion. In Norway, specific surveys have been conducted among persons with disabilities (Olsen et al. 2016) and individuals of immigrant descent from Eastern Europe, Asia and Africa (Midtbøen & Steen-Johnsen 2016; Staksrud et al. 2014). The latter survey had few respondents and a low response rate. There is therefore a need for better-designed, more comprehensive and more representative surveys among individuals of immigrant descent. Furthermore, there is a need to study other minority groups. There is very little research to shed light on hate speech – or discrimination in general – targeting Norway’s indigenous people (Sami) and national minorities (Kven people, Forest Finns, indigenous travellers/Romani people, the Roma people in Norway and Norwegian Jews). There is a large body of research on LGBT persons (lesbian, gay, bisexual and transgender), but no Norwegian

¹² The description of these research needs is the same for Report 1 and Report 2.

studies specifically investigating hate crime or hate speech targeting this group.

- *Other at-risk groups*: As discussed at various points in this systematic review, in many cases it is relevant to operate with a broader definition of hate speech than that described in the Norwegian Penal Code (see also LDO (Norwegian Equality and Anti-discrimination Ombud) 2015). There is hence a need to extend research to experiences of hate speech and other discriminatory and offensive statements targeting other grounds than those afforded legal protection, such as gender, gender expression, gender identity and age. There is also a need to study hate speech within the context of the labour market. To date, the only studies carried out of the labour market have concerned journalists (Hagen 2015), but it will be of relevance to study other professions that are potentially at risk, such as teachers, street-level bureaucrats in the public sector and politicians.
- *Interaction between different group identities*: Research to date has largely described experiences of hate speech or other offensive statements one group at a time. Research on sexual harassment, however, shows that there may be an interaction between different group identities that increase an individual's vulnerability. Sexual harassment, for example, is closely linked to harassment on grounds of both gender and sexual orientation, racist harassment and harassment of people with disabilities (Ask et al. 2016; Buchanan & Fitzgerald 2008; Shaw, Chan & McMahon 2012). Studies of experiences of hate speech should therefore not focus on a single group identity at a time, but rather investigate the interaction between different group identities.
- *Differentiation of arenas*: Research on hate speech should not be restricted to the internet as arena. Empirical studies of the phenomenon should allow for differentiation between different arenas, for example the public sphere, schools, social media, at work etc. The different arenas in which hate speech is perpetrated may have different consequences for the individual or group targeted.
- *Differentiation of victims*: Existing research has mainly focused on the experiences reported by single individuals of being the target of hate speech and other offensive statements. As discussed in Report 3 (Wessel-Aas et al. 2016), one key provision in Section 185 of the Norwegian Penal Code is that hate speech does not necessarily have to directly target one person, but that hate speech conveyed publicly and more generally ("in the presence of others") is also a criminal offence. Future research should therefore also

study the experiences of individuals who are victims of hate speech, and their experience of witnessing hate speech conveyed publicly.

2. Perpetrators of hate speech

- *Who are the perpetrators?* Little research has been done on who the perpetrators of hate speech are. Research on perpetrators is important, as it provides both a better understanding of hate speech as a phenomenon and a better understanding of the factors underlying hate speech. Such research will be of particular value for targeted measures to prevent hate speech. Producing more research on perpetrators poses methodological challenges, such as the fact that many perpetrators are unwilling to admit or acknowledge that they are conveying hate speech. Methods have been developed to study such sensitive issues when using questionnaires, for example, using “List Experiments”. This is a method developed to measure controversial conduct and controversial attitudes without the respondents having to admit to such conduct and attitudes directly (see for example Mutz 2011: chapter 2).
- *What motivates the perpetrators?* In the interests of prevention, it is essential to gain a better understanding of the motivation for hate speech. Why do they say what they do, and how do they perceive their own statements? (see also Gagliardone et al. 2015: 57). Does hate speech correlate with negative attitudes and prejudices towards specific groups in the population? Have the perpetrators experienced bullying, either as bullies themselves or victims of bullying? Are the perpetrators of hate speech more likely than others to commit other more serious forms of hate crime? And in extension of this; is there a link between hate speech and other forms of hate crime?

3. Textual analyses

- *The contents of hate speech:* Research on hate speech is predominately questionnaire-based. Only very few studies have actually examined the opinions expressed in hate speech. An analysis of such online content will allow us to study actual hate speech – in order to gain knowledge of its content and perpetrators, estimate the extent of hate speech and analyse changes over time. An approach of this type can also advance our understanding of the relationship between public discourse and hate rhetoric. Do hate speech and other offensive statements in the public domain limit or increase the extent of such expressions in social and conventional media?
- *Speech culture:* One related field is the study of what has been termed “speech culture” within different (sub)public spheres. How does hate rhetoric

vary according to different arenas, such as closed groups and open debate fora – in public discourse? Furthermore: How do people perceive the boundaries between different (sub)public spheres? Is there a higher tolerance of hate speech and other offensive statements on certain arenas? What is the mutual impact of debate culture vis-à-vis different arenas?

4. Consequences of hate speech

Differentiated consequences: Norwegian studies to date have in practice exclusively addressed a single type of consequence of experiencing hate speech or offensive statements, i.e. the likelihood that persons subjected to such statements will withdraw from public debate. In other words, the studies have focused on whether experiencing hate speech and other offensive statements have impacted the willingness to exercise freedom of speech. Hate speech can, as illustrated in Report 2 (Eggebø & Stubberud 2016), have a number of other consequences for individuals, groups and society at large, and there is a need for more research into the consequences at all three levels.

A changing public sphere: The debate on freedom of speech comprises varying opinions on what constitutes the best protection against hate speech. On the one hand is the contention that the best protection against hate speech and other offensive statements is to allow them space in public discourse so that they can be criticised and countered (“the concept of the cleansing function of public debate”). On the other hand it is claimed that hate speech can have the effect of shifting the boundaries for what is perceived as legitimate expression in public. We have, however, little empirical evidence of how such mechanisms would work in practice. Would the population become “hardened” by increased exposure to hate speech and other offensive statements, or would exposure serve to mobilise counterforces?

Prevention: A systematic review of relevant literature should be conducted, to shed light on the breadth and impact of various preventive measures implemented in Norway and comparable countries. A review of prevention should include literature, methodological handbooks and project reports. The review should be comprehensive and not restricted to measures in the form of legislation. The systematic review should equally not be limited to hate speech, but examine measures against related phenomena such as discrimination and bullying. Examples of measures to be studied should include attitudinal campaigns, measures offered to help victims, measures targeting perpetrators and efforts aimed at specific local communities.

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ISBN (online): 978-82-7763-540-8
ISSN (online): 1891-4314

Partner

