

# Contents

## Acknowledgements — VII

## Preface — IX

- 1 Approaches to the meaning of hate speech — 1**
  - 1 Introduction — 1
  - 2 Wittgenstein's concept of *family resemblance* applied to the definition of hate speech — 1
  - 3 Ordinary language analysis: An approach to understanding the meaning of hate speech in everyday language — 2
  - 4 Legal scholarly attempts to defining the concept of hate speech — 3
    - 4.1 Content-based hate speech — 4
    - 4.2 Intent-based hate speech — 7
    - 4.3 Harms-based hate speech — 8
  - 5 Approaches to a technical legal definition of hate speech — 8
    - 5.1 International law — 9
    - 5.2 Common law — 10
      - 5.2.1 Hate crime legislation in the United States — 10
      - 5.2.2 Hate speech legislation in Canada — 11
      - 5.2.3 Hate speech legislation in the United Kingdom — 12
      - 5.2.4 Hate speech legislation in Australia — 13
    - 5.3 Civil law — 14
      - 5.3.1 Hate speech in European Union law — 14
      - 5.3.2 Member State law — 16
  - 6 Conclusions — 20
  
- 2 Hate Speech as a legal problem — 22**
  - 1 Introduction — 22
  - 2 The uneasy balance between freedom of expression and the prohibition of incitement to hatred — 23
    - 2.1 International law — 23
    - 2.2 The United States constitutional law — 24
    - 2.3 European Union law — 25
  - 3 The lack of an agreed-upon technical legal definition of hate speech — 26
    - 3.1 International law — 27
    - 3.2 Common law — 28

3.3	Civil law —	30
4	The task of determining which speech acts can be defined as incitement to hatred —	32
5	The legal challenges raised by online hate speech —	33
6	Conclusions —	36
<b>3</b>	<b>The legal reasoning in hate speech court proceedings —</b>	<b>37</b>
1	Introduction —	37
2	The United States Supreme Court —	38
2.1	The case of Terminiello v. Chicago (1949) —	38
2.2	The case of Brandenburg v. Ohio (1969) —	40
2.3	The case of National Socialist Party v. Skokie (1977) —	42
2.4	The case of Virginia v. Black (2003) —	43
3	The United States Court of Appeals for the Armed forces —	45
3.1	The case of United States v. Wilcox (2008) —	45
4	The European Court of Human Rights —	48
4.1	The case of Jersild v. Denmark (1994) —	48
4.2	The case of ES v. Austria (2019) —	50
4.3	The case of Fáber v. Hungary (2012) —	52
4.4	The case of A. v. The United Kingdom (2003) —	54
5	Conclusions —	57
<b>4</b>	<b>Critical discourse analysis —</b>	<b>59</b>
1	Introduction —	59
2	Central theories in CDA —	61
2.1	The theory of social representations —	61
2.2	The theory of ideology —	62
2.3	The theory of power as control —	63
3	Case study: Brandenburg v. Ohio (1969) —	63
4	The case of Brandenburg v. Ohio (1969) under a CDA approach —	65
4.1	The macro level: Racism —	65
4.1.1	The Ku Klux Klan: Historical background —	67
4.2	The meso level: The Ku Klux Klan's racist discourse —	71
4.2.1	A Klan rally —	71
4.2.2	Brandenburg v. Ohio (1969): A landmark case in US jurisprudence —	73
4.3	The micro-level: Brandenburg's protest speech —	77

- 4.3.1 Surface language structures enacting racism at the lexicosemantic level — 79
- 4.3.2 Surface language structures enacting racism at the syntactic level — 81
- 5 Conclusions — 82
  
- 5 Register and genre perspectives on hate speech — 85**
  - 1 Introduction — 85
  - 2 Discourse, texts and genres — 85
  - 3 A register perspective on hateful texts — 86
  - 3.1 The context of situation describing a hate register — 87
  - 3.2 The set of communicative purposes describing the register of hateful texts — 87
  - 3.3 The linguistic features describing the register of hateful texts — 88
  - 4 A genre perspective on hateful texts — 91
  - 4.1 Genre as typified rhetorical action — 92
  - 4.2 Genre as typified social action — 94
  - 5 Hate propaganda — 95
  - 5.1 Genre-bending — 99
  - 5.2 System of genre, textual chain, intertextuality and interdiscursivity — 101
  - 5.3 Hate propaganda as super genre — 103
  - 5.4 The genre integrity of hate propaganda — 105
  - 5.5 The power of hate propaganda — 105
  - 6 Conclusions — 107
  
- 6 Speech act theory — 109**
  - 1 Introduction — 109
  - 2 Hate speech: A sequence of speech acts — 109
  - 3 Hate speech: A taxonomy of illocutionary acts — 111
  - 3.1 Hate speech: An expressive? — 112
  - 3.2 Hate speech: A directive? — 114
  - 4 Hate speech: Explicit and implicit performatives — 114
  - 5 Hate speech: Direct and indirect speech acts — 119
  - 6 Hate speech: A complex act — 123
  - 7 Hate speech: The illocutionary force-perlocutionary link — 124
  - 8 Conclusions — 128

**7 (Im)politeness theory — 130**

- 1 Introduction — 130
- 2 Politeness theory — 131
- 2.1 The conversational-maxim approach — 132
- 2.2 The face-saving approach — 137
- 3 Impoliteness theory — 146
- 4 Impoliteness: Offence and moral damage — 147
- 5 Conclusions — 150

**8 Cognitive pragmatics — 153**

- 1 Introduction — 153
- 2 Implicatures: The bridge from what is said to what is meant but not overtly said — 153
- 2.1 Types of implicatures — 154
- 3 The Principle of Relevance — 156
- 3.1 Ostensive-inferential communication — 158
- 3.2 Contextual effects — 160
- 3.3 Salience — 161
- 4 The Principle of Relevance applied to court cases associated with hate speech — 161
- 4.1 Ostension coded in language — 162
- 4.2 Multimodal ostension — 165
- 4.2.1 The relevance of hate symbols — 168
- 5 Conclusions — 174

**References — 175**

**Index — 189**