

Hate speech or not?

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Aggressive messages and comments on the internet have increased drastically during the last few years (Pöyhtäri et al. 2013). Even though there isn't a definition for "hate speech" in Finnish legislation, the officials have acknowledged the need to define the circumstances in which a text can be interpreted as punishable hate speech in legal terms. Where goes the line between hate speech and the freedom of expression according Finnish criminal code, The Office of the Prosecutor General? How are these definitions applied in practice?

The presentation is based on my master's thesis "Vihapuhetta vai ei?" (2014), in which I have analyzed, what linguistic and contextual features can lead to interpret a text as punishable hate speech. The research data consists of 2 blog texts and 8 messages on a Facebook discussion groups wall that were all interpreted as hate speech. All of the writers were charged with ethnic agitation and all but two writers were also convicted of it. Along with these texts I have analyzed the judgments, the verbal explanations of the court procedures which indicate what the accused persons were charged with, what were the arguments for and against the accusations and what were the sections of law that were applied when resolving these cases.

The approach to the data is linguistic reception analysis, where the reader's responses to the text are the starting point for analyzing the text and the interpretations made of it (Rahtu 2012). In this case the judgments serve as these "readers' interpretations". By researching these judgments it can be found out what were the linguistic and contextual features that the judge or the court paid attention to when resolving these cases and deciding whether they were hate speech or not.

One requirement of punishable hate speech is the requirement of intent: that the writer has been aware that the text written and published by him/her is public, insulting and/or threatening. Whether this requirement is fulfilled or not is also a matter of interpretation and depends on the reader: different kind of backgrounds and circumstances can result to different kind of receptions (Rahtu 2006: 19; 2012: 234) – and this can be seen in different kind of judgements by different courts. In this presentation I give some examples how the judges have interpreted writer's intention in the texts accused of hate speech, based on f. ex. metatext, typography and repetition.

References:

- Pöyhtäri et al. 2013: *Vihapuhe sananvapautta kaventamassa*. Tampere: Yliopistopaino.
Rahtu 2006: *Sekä että – ironia koherenssina ja inkohereenssina*. Helsinki: SKS.
——— 2012: Lingvistinen reseptioanalyysi tekstilajitutkijan palveluksessa. In Heikkinen et al. (ed.): *Genreanalyysi – tekstilajitutkimuksen käsikirja* s. 433–440. Helsinki: Gaudeamus.
Vitikka 2014: *Vihapuhetta vai ei? Reseptioanalyysia vihapuheen kielestä ja kontekstista*. Pro gradu -työ. Helsingin yliopisto, suomen kieli.