

A culture-centered approach to hate speech regulation

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The Center for Culture-centered Approach to Research and Evaluation (CARE) at Massey University, Aotearoa New Zealand, is a global hub for communication research that uses participatory and culture-centered methodologies to develop community-driven communication solutions to health and wellbeing. Through experiments in methods of radical democracy anchored in community ownership and community voice, the Center collaborates with communities, community organizers, community researchers, advocates, and activists to imagine and develop sustainable practices for prevention, health care organizing, food and agriculture, worker organizing, migrant and refugee rights, indigenous rights, rights of the poor, and economic transformation.

Mohan J. Dutta is the Director of CARE and author of books such as *Neoliberal Health Organizing*, *Communicating Health*, and *Voices of Resistance*.

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We begin this response by noting that laws against incitement of hate are necessary in extreme situations. However, a culture-centered analysis suggests that laws against incitement are not effective in transforming cultures of intolerance and hate that are held up by powerful political and economic interests¹. Those in places of power deploy hate to serve their political and economic gains. Simultaneously, we note that powerful political and economic interests use hate speech laws to silence dissent and erase articulations from the margins. As anti-racist academics and activists, collaborating with social justice activists, we have experienced and witnessed the silencing processes through manipulation of legal frameworks around hate speech.

Our activist collaborators have been harassed and persecuted by authoritarian states under the guise of promoting racial and/or religious harmony². It is vital to critically interrogate the individualization of hate in laws against incitement. Instead, structural transformations are needed in the form of policies that are explicitly anti-discriminatory, guarantee and support equality of vulnerable communities, and protect the fundamental human rights of vulnerable groups³.

We propose a culture-centered policy framework to addressing hate speech that tackles the political economy of hate and builds communicative infrastructures for the voices of communities at the “margins of the margins.”⁴

¹Saylor, C. (2014). The US Islamophobia network: Its funding and impact. *Islamophobia Studies Journal*, 2(1), 99-118; Bukar, A. A. (2020). The Political Economy of Hate Industry: Islamophobia in the Western Public Sphere. *Islamophobia Studies Journal*, 5(2), 152-174; Campbell, K. G. (2004). *Freedom of speech, imagination, and political dissent: Culturally centering the free speech principle*. University of Denver.

²Thanapal, S., & Dutta, M. J., (2019). Dismantling racism in Singapore: Resisting authoritarian repression. Interview. Palmerston North: Center for Culture-centered Approach to Research and Evaluation (CARE); Thanapal, S. (2020). The neo-colonized entity: Examining the ongoing significance of colonialism on free speech in Singapore. *First Amendment Studies*, 54(2), 225-235.

³George, C. (2016). *Hate spin: The manufacture of religious offense and its threat to democracy*. MIT Press.

⁴Dutta, M. J., Elers, C., & Jayan, P. (2020). Culture-centered processes of community organizing in COVID19 response: Notes from Kerala and Aotearoa New Zealand. *Frontiers in Communication*, 5, 62.

Sites a journal of social anthropology and cultural studies, #/Sfi *' Z##".

) Pack, S., Tuffin, =., & Lyons A. /S" #fi Reducing racism against M ori in Aotearoa New Lealand. New Lealand Journal of Psychology, &/%fi %' Z& - Stanley, 7., & Mihaere, R. /S" #*fi 5hallenging M ori Imprisonment and Human Rights Ritualism In Human Rights and Incarceration/pp.) +Z#" Sfi Palgrave Macmillan, 5ham

* 4onillaZSilva, 7./#+) fi Rethinking racism: Toward a structural interpretation. American sociological review, &(' Z&".

+Leiman, M. /S" #fi The political economy of racism Haymarket 4ooks- 5armichael, S./#+(fi Power & racism /p. #fi National Nonviolent 5 Coordinating 5onmittee

Duggan, L. /S" #Sfi The twilight of equality? Neoliberalism, cultural politics, and the attack on democracy. 4eacon Press- Giroux, H. A. /S" #*fi Terror of neoliberalism: Authoritarianism and the eclipse of democracy. Routledge

4ell, J. /S" #+fi The resistance & The Stubborn 4ut Unsurprising Persistence of Hate and 7xtremism in the United States. Indiana Journal of Global Legal Studies S(/#fi %' Z##(.

#S 4asu, D. /S" S#fi Majoritarian politics and hate crimes against religious minorities: 7vidence from India, S" "+, S" #*. World Development, #&(' #' ' &'.

##% Silva, L. R. L., 8rancisco, R. 7. 4., & Sampaio, R. 5. /S" S#fi Hate speech in digital social networks: types and forms of intolerance on Jair 4olsonaros 8acebook page. Galáxia/Sço Paulofi

U. Miami Race & Soc. Just. L. Rev., ', S').

(4onds, A. /S" #+fi Race and ethnicity I: Property, race, and the carceral state Progress in Human Geography, &%%fi ') &Z *% Pack, S., Tuffin, =., & Lyons A. /S" #fi Accounts of blatant racism against M ori in Aotearoa New Lealand.



Mapping global networks of hate

The ideology of hate travels. White supremacists for instance connect through digital platforms, co-creating an overarching architecture of hate that is expressed digitally and in various forms of white supremacist violence¹⁴. Moreover, white supremacists intersect with and pick up strategies from other ideologies of hate, such as Islamophobia that drives Hindutva ideologues¹⁵ and Islamophobia supported by Zionists¹⁶. It is vital that a structurally based analysis of racist hate speech looks closely at the global flows of racist ideologies, the intersections between various forms of locally experienced racisms, and the connections between the various forms of racism expressed in local contexts.

Monitoring and regulating money trails

Racist ideologies are held up and disseminated through communication infrastructures that fund the production and circulation of these ideologies¹⁷. The economic resources that underlie racist hate speech need to be closely monitored and regulated. Those communication platforms that carry and circulate racist hate speech need to be monitored and held accountable. Regulations may be multi-layered, all the way from placing penalties on racist hate speech to censoring racist hate speech. Beyond hate speech, multiple forms of racist discourses

need to be monitored and categorized.

Reporting mechanisms should be created that require organizations to disclose the funders of racist communication, with a publicly available repository that makes publicly available the money trails funding racist discourses. Funding should support the tracking of the financial flows of racism and hatred. Simultaneously, minority communities, and particularly those at the “margins of the margins” should be offered empowerment education on how to report racism, how to follow up with it, and how to have their voices heard.

Policies guaranteeing equality

To address hate speech and cultures of intolerance, it is vital that policies are explicitly anti-discriminatory, guarantee and support equality of vulnerable communities, and protect the fundamental human rights of vulnerable groups.

Building dialogic spaces

Dialogic spaces are both material and philosophical infrastructures for conversations, rooted in norms and logics that are invitational to diverse communities at the margins¹⁸. Allowing space for courageous conversations, empowering individuals and communities to authentically voice their experiences, and supporting these conversations are the building blocks for foregrounding narratives which are often not heard.

It is critical to note that the terms of dialogue, when dictated by the mainstream logics of whiteness, continue to perpetuate the erasure of minority communities. Therefore, the very rules and norms of communication and participation must be re-imagined through the participation of communities in community-led anti-racist solution development. This process of community participation in dialogue and the co-creation of dialogic norms is a cyclical and iterative process. Dialogic spaces alter the structures of the status quo, shifting the dynamics of power to the “margins of the margins” through the presence of diverse voices offering diverse accounts of lived experiences with racism. These diverse voices resist the erasures, communicative inversions and distortions that are often carried out by racist structures that are often carried out by racist structures that are embedded in the dominant cultural values of whiteness. It is vital that such dialogic spaces are built across a variety of contexts from public areas to schools to workplaces to non-governmental organisations and Crown structures. Through dialogue, registers are created for listening to the voices of diverse minority communities that are often the targets of hate.

¹⁴M. Beliso-De Jesús, A., & Pierre, J. (2020). Anthropology of white supremacy.

¹⁵Thobani, S. (2019). Alt-Right with the

Hindu-right: long-distance nationalism and the perfection of Hindutva. *Ethnic and Racial Studies*, 42(5), 745-762.

¹⁶Aked, H. (2015). The undeniable overlap: Right-wing Zionism and Islamophobia. *Open Democracy*.

¹⁷Skocpol, T., & Hertel-Fernandez, A. (2016). The Koch network and republican party extremism. *Perspectives on Politics*, 14(3), 681-699; Bennett, W. L., & Livingston, S. (2018). The disinformation order: Disruptive Communication and the decline of democratic institutions. *European journal of communication*, 33(2), 122-139; Page, B. I., Seawright, J., & Lacombe, M. J. (2018). Billionaires and Stealth Politics. University of Chicago Press.

¹⁸Dutta, M., & Pal, M. (2010). Dialog theory in marginalized settings: A subaltern studies approach. *Communication Theory*, 20(4), 363-386.

Conclusions

1. Define clearly the extreme situations where laws on incitement of hate would apply.
2. The scope of the current hate speech proposal is ambiguous. This ambiguity is a major problem in the current proposal, given the historic structural racism of the Crown and the deployment of punitive policies to target vulnerable communities. Note that the current biases in police practices further exacerbate our concerns about the implementation of policies that are ambiguous.
3. Recognise that hate speech laws are not effective in transforming cultures of intolerance and hate.
4. Recognise that the carceral system is racist and colonial, historically disproportionately impacting Māori and Pasifika communities.
5. Based on the existing inequities within structures, hate speech laws are likely to disproportionately impact Māori, Pasifika, and ethnic minority communities.
6. Hate speech laws can be deployed as tools for silencing rights-based critical conversations, such as legitimate and necessary decolonizing critiques of the apartheid and settler colonial practices of Israel. Communicative inversions are deployed by those in power to silence dissent.
7. Build a publicly funded database for tracking hate in political discourses across communication channels.
8. Monitor political campaign funding and its relationship to hate.
9. Map and regulate global networks and threads of hate.
10. Map connections among ideologies of hate.
11. Build explicitly anti-discriminatory policies and create protections for vulnerable communities including Māori, Pasifika, Muslims, transgender communities, and migrants.
12. Build dialogic spaces for difficult conversations.
13. Create infrastructures for the voices of vulnerable and marginalised communities. Safeguard these infrastructures. For instance, build infrastructures for listening to the narratives and voices of refugee communities that are often erased.
14. Build frameworks for participation of people and communities at the “margins of the margins” that are often the targets of hate. The participation of these voices are missing from the current proposal.
15. Address the ecosystem of hate. Any hate speech law needs to be situated alongside education programmes, community-led solutions for anti-racism, and support infrastructures for marginalised communities.