The role of hate speech and hate crime in the escalation of identity conflict

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The most extreme expression of hate crime is genocide and, as noted by Barbara Perry in the chapter 'Hate crime: contexts and consequences', in many cases hate crimes have been part of the process. The November 1938 Kristallnacht, a pogrom involving the destruction and looting of Jewish shops and synagogues, and the killing of at least 91 Jews in Germany and Austria, was a particularly striking example, being part of the process of steadily escalating violence that led to the Holocaust. As part of a dynamic of genocide, hate speech will often be a first stage in a process of identifying a community as the 'other'; in order to establish violence directed to a specific target as acceptable within a community, it is necessary to begin a process of identifying that target as not being protected by the usual social rules of behaviour.[1]

In situations of tension involving minorities or indigenous peoples, acts which have a heavy charge of cultural symbolism have the potential to trigger conflict if the underlying preconditions are already there, such as the revocation of language rights for a linguistic minority. Hate crimes can also include desecration of cultural, spiritual or historical heritage. In such cases, the intent may be the same as for attacks on civilians: to identify who are 'insiders' and 'outsiders', and reinforce a cycle of hatred and violence between them.

In some cases, it will be very clear that victims are being targeted on the basis of their ethnic or religious belonging. For example, during the recent explosion of violence in South Sudan, journalists reported that assailants from the Dinka ethnic group, Sudan's largest and historically dominant tribe, would ask '*incholdi?*' – literally, 'What is your name?' If the person could not reply due to ignorance of the language, they would be taken prisoner or killed.[2] However, it is also important to point out that within armed conflict, it will be extremely difficult to correctly assess the motivation behind individual acts of violence, even if they appear to be hate crimes. Acts of violence in conflict may have the sole intent of perpetuating the conflict, regardless of the identity of the victim. It then becomes difficult to assess whether participants are motivated by hate of the enemy, or by other factors, such as the desire to perpetuate a lucrative conflict economy. Incidents that appear to be motivated by hate also disguise the fact that individuals may take advantage of the fog of conflict to exact revenge as part of a personal vendetta with a neighbour or simply to seize property.[3]

From hate crime to mass violence – the conflict continuum

There is a distinction between hate crimes in the lead-up to conflict and war crimes committed against civilians on the basis of their ethnic or religious belonging within a conflict setting. There may be key differences between the two not only in terms of scale – pre-conflict hate crimes may target only one or a small number of people whereas war crimes can include massacres and even genocidal events – but also motivation. In the pre-conflict scenario, the intent may be to intimidate a section of the population, cowing them into seeing resistance as futile, provoking them into acts of retaliation, or wearing down moral and social inhibitions with regard to violence within the community. Acts committed in a conflict environment, on the other hand, may have a more immediate tactical goal.

However, in reality it is likely that these events will be part of a timeline in which it becomes difficult to discern exactly when peace-time ends and conflict begins, and vice versa. The power of language should not be underestimated in a conflict setting. Hate speech and hate crime can be used not just to exacerbate already existing tensions, but even to a certain extent to define how the battle lines are drawn. In the Central African Republic, for instance, there was no specific history of religious violence in that country; but after militia attacks and atrocities began, the respective communities were increasingly seen by the other side as complicit – hence reciprocated violence became increasingly widespread.

Hate-motivated acts of sexual violence committed in conflict – as documented in countries including Sudan, the Democratic Republic of the Congo, Colombia and Nepal – illustrate how blurred these lines can be. In some cases it may simply be about cementing in place the mechanics of hatred between both victims and perpetrators. Such acts are intended

to increase fear and submission within the targeted community or, alternatively, to provoke a response. They can also have the effect of dehumanizing perpetrators, increasing the cost of choosing not to participate or to withdraw. For child soldiers who are forced to commit atrocities against civilians, particularly in their own communities, it becomes more difficult for them to conceive of the possibility of defecting and attempting to reintegrate into society.

The continuum can also continue in the other direction, from conflict to peace-time, with continued incidents of hate crimes in the post-conflict environment – for example, in Northern Ireland or Bosnia and Herzegovina – reflecting insufficiently resolved tensions between communities. Because of the fragility of post-conflict settlements, there is a significant risk that hate crimes will tip the situation back into conflict – particularly given that the language of hate speech can remain in currency for years, even decades. In addition, peace agreements often fail to put in place adequate measures to tackle hate speech and crime, focusing rather on the make-up of political structures and division of material resources. Armed groups – the actors most capable of carrying out hate crimes – may be inadequately disarmed, partly because of the so-called 'security dilemma' – a lack of trust on both sides leads armed groups to do everything they can to retain weapons.[4] As a human rights activist noted of the Taif Accord in Lebanon:

'The Accord was not fully executed, such as the Abolition of Political Sectarianism, which greatly affects unrepresented minority groups. If minority groups had been involved, they may have pushed for a clear procedure on how to eliminate it, rather than a paragraph on aspirations and task delegation, in addition to advocating for a fixed time frame.… The procedures for the President, government and parliament were described in detail in the Accord, however, other vital articles, such as dissolving the militias and their disarmament, were mentioned with no definitive process for doing so. Most of the militias that were involved in the armed conflict are still operating, and even running for seats and appointed as ministers.'[5]

Combating hate speech and crime as a conflict prevention tool

How can hate crimes be combated with a view to preventing conflict from escalating? Ashutosh Varshney has argued for the crucial role of strong civic networks that reach across identity boundaries. He studied Hindu–Muslim relations at different times and locations in India to understand why, in similar conditions, violence occurred in some cases while in others it did not. He contrasts the cities of Calicut and Aligarh, which have similar religious demographics, and their very different reactions to the increasing inter-communal tensions that engulfed India between 1989 and 1992, particularly in the wake of the destruction of the Baburi Mosque in Ayodhya.

The Ayodhya controversy arose when Hindu nationalists proposed the destruction of a sixteenth-century mosque at the site and the construction of a temple to the god Rama, arguing that the mosque had been built on the ruins of an earlier temple. The Liberhan Commission, an inquiry ordered by government in the aftermath of the riots, found that without the involvement of the leadership of the Hindu nationalist Bharatiya Janata Party (BJP), as well as organizations at the local level such as the Rashtriya Swayamsevak Sangh, the mobilization and incitement that led to the destruction of the disputed structure would not have occurred. In Aligarh, once the disturbances spread, many people were killed in response to the Ayodhya crisis. On the other hand, Calicut remained riot-free, with politicians playing a key role in violence reduction.

Communal tensions did emerge in Calicut, but all political parties, including the Muslim League and BJP, supported the local administration's efforts to maintain law and order. The city-level peace committees, formed with the participation of political leaders, were the key tension-management device; in addition, neighbourhood-level peace committees emerged between trusting neighbours and neighbourhood-level leaders. Unfounded rumours circulated in the town that pigs had been thrown into mosques and temples attacked. Similar stories had led to riots in other Indian cities, but in Calicut, the peace committees and the press helped the

Above: Internally displaced people, mostly from Luo and Luhya groups, are relocated from a refugee camp in Kenya, 2008. *Jon Hrusa/EPA.*

administration squash rumours before they escalated into violence.[6]

However, political action alone might not have been sufficient to prevent violence: the actions at elite level were able to build on civic networks that reached across faith boundaries in the city, taking many forms. In Aligarh, relations between Hindu and Muslim politicians were too poor to allow such collaboration. But equally importantly – given that we are interested in the link between hate speech, hate crime and conflict – Varshney highlights the role of rumour-mongering and the media in provoking tensions. During the Ayodhya fallout in in Aligarh, false stories spread that Muslim doctors and other staff at a city hospital were killing Hindu patients. The Hindu nationalist press took these up unquestioningly and published them, sparking a wave of retaliatory killings of Muslims – which,

by contrast, were not reported.

As Varshney indicates, a strong civic safety net will not exist in all situations: when this is lacking, other more immediate prevention mechanisms will be needed, including swift action when the first signs of escalating hate speech appear. In the case of the Ayodhya crisis, the Liberhan Commission found that the state's response was insufficient, even after widespread violence had broken out: 'The wanton violence against human life and property continued unabated and even at that late stage, the chief minister did not use the central forces which could have been swiftly deployed.'

It will also be essential at an early stage for respected community leaders to respond to hate speech with counter speech: messages of tolerance, information to counter rumours, or clear reminders of the consequences of hate crimes. The identity of those putting out the messages is crucial. On New Year's Day 2008, violence surrounding the disputed December 2007 elections in Kenya began to erupt between

Kalenjin, Kikuyu, Luo and some smaller communities. On 3 January, the government sent out the following text message to all Kenyans: 'The Government of Kenya advises that the sending of hate messages inciting violence is an offence that could result in prosecution.' However, as noted by the Chair of the Kenyan National Commission for Human Rights (KNCHR):

'the perceived leaders were critical and they can turn violence on and off like a switch especially at the early moments. It was instructive that in the 2008 violence neither side publicly and seriously went on a campaign against the violence – except condemning the other side's violence – leaving this task to civil society, religious leaders and the business community.'[7]

As a next step, to avoid a repeat of violence, victims will need to see some form of justice. In Kenya, the KNCHR Chairman denounced the fact that 'the authorities refused to prosecute or even investigate the authors of the statements despite clear legal provisions allowing them to do so'. In Kyrgyzstan, violence between Uzbek and Kyrgyz communities in May 2010 resulted in hundreds of deaths and an estimated 400,000 displaced: hate speech, particularly through print media, fanned the flames of the conflict. In the aftermath, the Kyrgyz justice system began a series of prosecutions. As revealed by Human Rights Watch research: 'While most victims of the June violence were ethnic Uzbek, most detainees – almost 85 per cent – were also ethnic Uzbek. Of 124 people detained on murder charges, 115 were Uzbek.' Investigations and trials were characterized by torture and intimidation of witnesses.

Such an approach can cause further harm to societies still healing. To allow victims and the relatives of victims to move on with their lives, justice must be seen to be impartial and fair. Legislation prohibiting discrimination and incitement to violence, incorporating effective and accessible enforcement mechanisms, may also be needed to help prevent a repeat flare-up of violence. Within such environments, too, where collective hurt exists on both sides and is deep-rooted, a sole focus on punitive justice may not be helpful; consideration should be

given to processes that allow for expressions of remorse and apology, making public the facts about specific killings and other crimes, such as the locations of loved ones' remains. Legal and moral debates about the respective value of punitive and restorative justice with regard to large-scale crimes against humanity have not been definitively resolved; what is certain, however, is that context is everything and neither approach should be ruled out a priori.

Purely legalistic approaches to hate speech and crime in any case have a number of limitations; organizations which are banned are likely to come back under a different name. Hate speech needs to reach a relatively high degree of severity before legal action can be taken; the Rabat Plan of Action states that 'to establish severity as the underlying consideration behind the thresholds, the incitement to hatred must refer to the most severe and deeply felt form of opprobrium'. By the time this point is reached, inter-community relations are already breaking down. Applying a conflict prevention lens gives policymakers and decision-makers a whole new set of tools. Identity-based conflicts can only be sustainably managed with approaches such as conflict transformation, a multilayered, long-term paradigm which targets the elite, mid-level and grassroots levels of society by altering attitudes, promoting structures that bring communities together, and dismantling mechanisms of structural discrimination.[8] Where hate speech or hate crime has played a role, it will be particularly important to introduce human rights education into school curricula, and to develop a syllabus on the history and cultures of minorities and indigenous peoples (a process which is notoriously difficult in post-conflict settings and must be handled with great sensitivity). This kind of work demands a qualitative change in the mindset of international supporters of peace processes, who expect to see quick results – an expectation which is also expressed in the short time-frames of donor funding available for conflict resolution efforts.

Along similar lines, the Rabat Plan of Action recommends 'a plurality of policies, practices and measures nurturing social consciousness, tolerance and understanding' through a range of platforms, including media, education, and

religious and community leaders. Although radio has been misused to promote hatred, there are many positive examples of using radio for peace-building: for example Studio Ijambo in Burundi is staffed by both Tutsi and Hutu radio professionals, and aims to promote reconciliation, dialogue and collaboration among listeners. The role of women peacemakers from ethnic communities is also important to underline; for example, in South Sudan, women played an important role in keeping open channels of communication between communities when the Sudan People's Liberation Army split along ethnic lines.[9] In many communities, women are seen as playing an important role in the transmission of culture from generation to generation; they are therefore in a position to challenge notions of identity which are predicated on hatred of the other.

In conclusion, identity-based civil conflicts are qualitatively different from international conflicts, for example, in that grievances will divide individuals and communities who are in many cases living in close proximity. Conflicts may be cyclical and grievances are carried over from one generation to another, becoming entrenched in the popular imagination. Hate speech and hate crime exist in a mutually reinforcing relationship to such grievances, both drawing power from them and reinforcing them. Their reach and impact on the collective imagination of communities continues even after physical violence has ended, increasing the likelihood of repeat flare-ups. Decision-makers – both the national government and external actors offering their support – should consider the full panoply of tools at their disposal, and not take an attitude of short-termism. Whichever path is chosen – and most likely it will be a combination of approaches – the process of healing will be one of societal transformation. ∎

Endnotes

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State of the World's Minorities and Indigenous Peoples 2014

Events of 2013

Across the world, minorities and indigenous peoples are disproportionately exposed to hatred. From intimidation and verbal abuse to targeted violence and mass killing, this hatred often reflects and reinforces existing patterns of exclusion. The impacts also extend beyond the immediate effects on individual victims to affect entire communities – in the process further marginalizing them from basic services, participation and other rights. This year's edition of *State of the World's Minorities and Indigenous Peoples* highlights how hate speech and hate crime, though frequently unreported or unacknowledged, continue to impact on every aspect of their lives. The volume also documents many of the initiatives being taken to promote positive change and the different ways that governments, civil society and communities can strengthen protections for minorities and indigenous peoples.